

STATE OF ALABAMA)
COUNTIES OF JEFFERSON)
AND SHELBY)

AGREEMENT

This Agreement made this 2nd day of OCTOBER, 1984, by and between CHACE LAKE COUNTRY CLUB, INC., a corporation ("Chace Lake") and THE HARBERT-EQUITABLE JOINT VENTURE, an Alabama general partnership ("HEJV").

WHEREAS, Chace Lake and HEJV executed that certain agreement dated April 18, 1983, as recorded in Real Volume 2430, Page 493, Probate Office of Jefferson County, Alabama, and rerecorded in Real Volume 512, Page 628, Probate Office of Jefferson County, Bessemer Division, and in Book 54, Page 658, Probate Office of Shelby County, Alabama (the "April 1983 Agreement"); and

WHEREAS, Chace Lake and HEJV desire to make the representations and agreements contained herein with regard to the April 1983 Agreement.

NOW, THEREFORE, for and in consideration of \$10.00 and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Chace Lake and HEJV agree as follows:

1. Chace Lake and HEJV hereby acknowledge and confirm that the provisions of Sections I (Chace Lake Entrance Drive) and III (Conveyance Of Land) of the April 1983 Agreement have been completed and satisfied.

2. With respect to Section V (Country Club Deed) of the April 1983 Agreement, Chace Lake and HEJV hereby confirm the intent of the April 1983 Agreement and agree that the Country Club Deed, recorded in Real 714, beginning at Page 535, be modified so as to provide that the North Parcel shown on the map attached to the April 1983 Agreement as Exhibit E may be rezoned and used for the uses in the Planned Commercial (PC) District of Riverchase as approved under the City of Hoover Zoning Ordinance, and that the South Parcel shown on the map attached to the April 1983 Agreement as Exhibit E may be rezoned and used for the uses in the Planned Office (PO) District of Riverchase as approved under the City of Hoover Zoning Ordinance. The uses of the North Parcel and South Parcel, as aforesaid, shall not constitute a breach of any covenants under the Country Club Deed.

IN WITNESS WHEREOF, Chace Lake and HEJV have caused this Agreement to be duly executed effective on the date first set forth above.

CHACE LAKE COUNTRY CLUB, INC.

ATTEST:

By: J.R. Sellers

vs. General Mgr.

By: W. Cross West

Its: President

THE HARBERT-EQUITABLE JOINT VENTURE

ATTEST:

By: HARBERT INTERNATIONAL, INC.
Its Managing Venturer

By: Roger Hinko
Its Manager H.E.V.

By: W.H. Foreman
Its Vice President

STATE OF Alabama)
COUNTY OF Jefferson)

I, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that W. Closs West, whose name as President of Chace Lake Country Club, Inc., a corporation, is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of this instrument, he, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation.

Given under my hand and official seal of office this 2 day of Oct., 1984.

Donna Martin
Notary Public

My Commission expires: MY COMMISSION EXPIRES AUGUST 25, 1985

STATE OF ALA. SHELBY CO.
I CERTIFY THIS INSTRUMENT WAS FILED

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STATE OF Alabama
COUNTY OF Shelby)

I, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that Dr. A. Rossman, whose name as Vice President of Harbert International, Inc., as Managing Venturer of The Harbert-Equitable Joint Venture, an Alabama general partnership, is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of this instrument, he, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation, as Managing Venturer of The Harbert-Equitable Joint Venture.

Given under my hand this the 27th day of April, 1984.

Cynthia A. Aldridge
Notary Public

My Commission Expires: MY COMMISSION EXPIRES FEBRUARY 3, 1985

THIS INSTRUMENT PREPARED BY:
Randolph H. Lanier
Balch Bingham Baker Ward Smith
Bowman & Thagard
P. O. Box 306
Birmingham, Alabama 35201

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STATE OF ALA. JEFFERSON CO.
I CERTIFY THIS INSTRUMENT WAS FILED
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RECORDED & PAID LITG. TAX
& S. CEE TAX HAS BEEN
PD. ON THIS INSTRUMENT.
O.H. Foreman
JUDGE OF PROBATE

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