

THIS DOCUMENT PREPARED BY:

Marilynn H. Young  
THE HARBERT-EQUITABLE JOINT VENTURE  
Post Office Box 1297  
Birmingham, Alabama 35201  
(205) 988-4730

STATE OF ALABAMA)

COUNTY OF SHELBY)

KNOW ALL MEN BY THESE PRESENTS, That in consideration of the sum of SIX HUNDRED SIXTY FIVE THOUSAND SEVEN DOLLARS AND 75/100 (\$665,007.75) in hand paid by ROSC Associates Joint Venture, an Alabama general partnership, (hereinafter referred to as "GRANTEE"), to the undersigned, THE HARBERT-EQUITABLE JOINT VENTURE, under Joint Venture Agreement dated January 30, 1974, composed of Harbert International, Inc., a corporation, and The Equitable Life Assurance Society of the United States, a corporation (hereinafter referred to as "GRANTOR"), the receipt of which is hereby acknowledged, the said GRANTOR does by these presents grant, bargain, sell and convey unto aid GRANTEE the following described real estate situated in Shelby County, Alabama:

Part of the SE $\frac{1}{4}$  of Section 19, Township 19 South, Range 2 West, Shelby County, Alabama, being more particularly described as follows:

From the southeast corner of the NE $\frac{1}{4}$  of the SE $\frac{1}{4}$  of said Section 19, run in a northerly direction along the east line of said  $\frac{1}{4}$ - $\frac{1}{4}$  section for a distance of 283.46 feet; thence turn an angle to the left of 90° and run in a westerly direction for a distance of 729.70 feet, thence turn an angle to the left of 40°23'12" and run in a southwesterly direction for a distance of 262.29 feet; thence turn an angle to the right of 30°38'09" and run in a westerly direction for a distance of 303.59 feet, more or less, to an existing iron pin; thence turn an angle to the right of 92°43'07" and run in a northerly direction along the west line of the Gaskill property for a distance of 15.25 feet to an existing iron pin being the point of beginning; thence turn an angle to the left of 100°21'37" and run in a southwesterly direction for a distance of 358.16 feet to an existing iron pin; thence turn an angle to the right of 88°35' and run in a northerly direction for a distance of 337.78 feet, to an existing iron pin being on the curved south right-of-way line of Riverchase Office Road as shown on a recorded map of Riverchase East Riverchase Office Road as recorded in the Office of the Judge of Probate, Shelby County, Alabama in map book 7, page 124, thence turn an angle to the right and run in a northeasterly, northerly, and northwesterly directions along the arc of said curved right-of-way line (said curve being concave in a westerly direction and having a radius of 65.00 feet with the radius being right 21°00' from last mentioned 337.78 foot line) for a distance of 187.75 feet to a point of reverse curve; said second curve being concave in a northeasterly direction and having a central angle of 45°44'39" and a radius of 25.00 feet; thence turn an angle to the right and run in a northwesterly direction along the arc of said curve for a distance of 19.96 feet to a point of another reverse curve; said third curve being concave in a southwesterly direction and having a radius of 300.00 feet and a central angle of 56°12'29"; thence turn an angle to the left and run in a northwesterly and westerly directions along said curved right-of-way line of Riverchase Office Road for a distance of

All of the above consideration was paid from a mortgage loan recorded

BOOK 038 PAGE 384

324.30 feet to an existing iron pin being the southeast corner of the Riverchase Center Associates land; thence turn an angle to the right ( $109^{\circ}30'22''$  from tangent of curved right-of-way line) and run in a northeasterly direction along the east line of said Riverchase Center Associates land for a distance of 604.89 feet to an existing iron pin being on the curved south right-of-way line of Parkway Office Circle as shown on a recorded map of Riverchase East Parkway Office Circle, as recorded in the Office of the Judge of Probate, Shelby County, Alabama, in map book 7, page 125; thence turn an angle to the right ( $86^{\circ}55'19''$  to tangent of said curved right-of-way line) and run in a southeasterly direction along said curved right-of-way line (curve being concave in a southerly direction and having a central angle of  $9^{\circ}46'46''$  and a radius of 570.00 feet) for a distance of 97.29 feet to the end of said curve; thence run in a southeasterly direction along the south right-of-way line of Parkway Office Circle for a distance of 216.75 feet to a point of a curve; said curve being concave in a northerly direction and having a central angle of  $3^{\circ}31'12''$  and a radius of 780.00 feet; thence turn an angle to the left and run along the arc of said curve in an easterly direction for a distance of 47.92 feet to an existing iron pin; thence turn an angle to the right and run in a southerly direction along a line radial to said curve for a distance of 293.71 feet to an existing iron pin; thence turn an angle to the left of  $63^{\circ}26'10''$  and run in a southeasterly direction for a distance of 368.30 feet to an existing iron pin being the northwest corner of the Gaskill Property; thence turn an angle to the right of  $27^{\circ}29'22''$  and run in a southeasterly direction along the west line of said Gaskill Property for a distance of 312.76 feet; more or less, to the point of beginning, containing 403,035 square feet, or 9.252 acres.

Such land is conveyed subject to the following:

1. Ad valorem taxes due and payable October 1, 1985.
2. Mineral and mining rights not owned by GRANTOR.
3. Any applicable zoning ordinances.
4. Easements, rights-of-way, reservations, agreements, restrictions and setback lines of record.
5. Said property conveyed by this instrument is hereby subjected to the Declaration of Protective Covenants, Agreements, Easements, Charges and Liens for Riverchase (Business), recorded in Miscellaneous Book 13, beginning at page 50, as amended by Amendment No. 1 recorded in Miscellaneous Book 15, beginning at page 189, as further amended by Amendment No. 2 recorded in Miscellaneous Book 19, beginning at page 633, in the Office of the Judge of Probate of Shelby County, Alabama.
6. Said property conveyed by this instrument is hereby restricted to use as office and warehouse with a density not to exceed 60% as defined in the Riverchase Architectural Committee Development Criteria for Planned Industrial District of Riverchase, dated April 11, 1980 unless a change in use is authorized pursuant to the Riverchase Business Covenants, as described in paragraph 5 above, said restriction to be effective for the same period of time as the Riverchase Business Covenants.
7. Said property conveyed by this instrument is hereby subjected to that certain land use agreement between The Harbert-Equitable Joint Venture and Blue Cross and Blue Shield of Alabama, recorded in Miscellaneous Book 19, beginning at page 690, in the Office of the Judge of Probate of Shelby County, Alabama, as amended per agreement dated September 13, 1983, as recorded in Real Book 16, beginning at page 64, in the Office of the Judge of Probate of Shelby County, Alabama.

8. Utility easements and power line easements shown on the survey prepared by Weygard Surveyors, dated August 20, 1985 per attached Exhibit "A" and existing sanitary sewer easements.

TO HAVE AND TO HOLD unto GRANTEE, its successors and assigns, forever.

IN WITNESS WHEREOF, the GRANTOR has caused this conveyance to be executed by each Venturer by their respective duly authorized officers effective on this the 20 day of August, 1985.

THE HARBERT-EQUITABLE JOINT VENTURE

Witness:

Marilyn Young

BY: THE EQUITABLE LIFE ASSURANCE  
SOCIETY OF THE UNITED STATES

BY:

James L. Batten  
Its Assistant Secretary

Witness

Jada Hilges

BY: HARBERT INTERNATIONAL, INC.

BY:

Eric Harbert  
Its President

STATE OF Alabama  
COUNTY OF Shelby

I, Marilyn H. Young, a Notary Public in and for said County, in said State, hereby certify that Donald L. Bateson, whose name as Assistant Secretary of The Equitable Life Assurance Society of the United States, a corporation, as General Partner of The Harbert-Equitable Joint Venture, under Joint Venture Agreement dated January 30, 1974, is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, he, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation as General Partner of The Harbert-Equitable Joint Venture.

Given under my hand and official seal, this the 13th day of August, 1985.

Marilyn H. Young  
Notary Public

My commission expires:

November 30, 1986

BOOK 038 PAGE 387

STATE OF ALABAMA )  
COUNTY OF Shelby )

I, Jada Linn Hilger, a Notary Public in and for said County, in said State, hereby certify that Bill L. Harbert, whose name as President of Harbert International, Inc., a corporation, as General Partner of The Harbert-Equitable Joint Venture, under Joint Venture Agreement dated January 30, 1974, is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, he, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation as General Partner of The Harbert-Equitable Joint Venture.

Given under my hand and official seal, this the 16th day of August, 1985.

Jada Linn Hilger  
Notary Public

My commission expires:

October 5, 1985

BOOK 038 PAGE 388

PROPERTY

195000

604.89'

15.525 ACRES

ANCHOR

ANCHOR

ANCHOR  
ANCHOR  
ANCHOR

403,035 Sq.

9.252 ACRES

PARKWAY ON

DEDICATED TO HIGHWAY

12' WIDE

97.29'

216.7'

BOOK 038 PAGE 389

Laurence D. Wey

BOOK PAGE 390

BOOK PAGE 389 038

Y OFFICE CIRCLE

216.75'

47.92'

293.71'


368.30

## Exhibit "A"

I hereby certify to First Southern Federal Savings and Loan Association, Lawyers Title Insurance Corporation and Riverchase Office Park, Ltd. that the survey prepared and entitled Boundary Survey for Harbert-Equitable Joint Venture was actually made on the ground and that it and the information, courses and distances shown thereon are correct; that the title lines and lines of actual possession are the same; that there are no easements, encroachments or uses affecting this property appearing from a careful physical inspection of the same, along the boundary lines, other than those shown and depicted thereon; This survey is made in accordance with the "Minimum Standard Detail Requirements for Land Title Surveys" jointly established and adopted by ALTA and ACSM in 1962.

I further certify that there is an 8" water main and 8" sanitary sewer as shown on my survey which are operational today.

I further certify that the property included in this survey contains 9.252 acres.

  
Lawrence D. Weygand Reg. P.E.A.L.S. #10373  
PH: 871-7620

BOOK 038 PAGE 390

8.30



1. Laurence D. Maynard, Registered Engineer-Land Surveyor, certify that I have surveyed and that I have consulted the Federal Insurance Administration Flood Hazard Boundary Map located in a special flood hazard area and that the correct description is as follows:

SHELBY COUNTY)

I, Laurence D. Mayland, Registered Engineer-Land Surveyor, certify that I have surveyed and that I have consulted the Federal Insurance Administration Flood Hazard Boundary located in a special flood hazard area and that the correct description is as follows:

Part of the SE $\frac{1}{4}$  of Section 19, Township 19 South, Range 2 West, Shelby County, Alabama, from the southeast corner of the NE $\frac{1}{4}$  of the SE $\frac{1}{4}$  of said Section 19, run in a northerly direction for a distance of 237.46 feet; thence turn an angle to the left of 90° and run section for a distance of 729.70 feet; thence turn an angle to the left of 40°23'12" and run in a southwesterly direction for a distance of 15.23 feet to an existing iron pin being the point of beginning; thence turn an angle to the right of 92°43'07" and run in a northerly direction for a distance of 358.16 to an existing iron pin; thence turn an angle to the right of 83°35' and run in a northerly direction for a distance of 357.70 feet to an existing iron pin.

The office of the Bridge of Probate, Shelby County, Alabama in map book 7, page 121 to the northeast, northerly, and northwesterly directions along the arc of said curved right-of-way line in a westerly direction and having a radius of 55.00 feet with the radius being right of way line for a distance of 137.75 feet to a point of reverse curve; said second curve being concave in a westerly direction and having a radius of 25.00 feet; thence turn an angle to the right of 15°44'39" and a radius of 19.96 feet to a point of another reverse curve; thence run in a northerly direction and having a radius of 300.00 feet and a central angle of 56°12'29"; thence run in a northerly and westerly directions along said curved right-of-way line of Riverchase Center Associates land for a distance of 694.39 feet to an existing iron pin being on the east side of Parkway Office Circle as shown on a recorded map of Riverchase East Parkway Office Circle, Shelby County, Alabama, in map book 7, page 125; thence turn an angle to the right of 90°46'46" and a radius of 570.00 feet) for a distance of 97.71 feet to an existing iron pin; thence turn an angle to the left of 63°26'10" and run in a southeasterly direction along the south right-of-way line of Parkway Office Circle for a distance of 368.30 feet to an existing iron pin being the northwest corner of the Gaskill Property; thence turn an angle to the right and run in a southerly direction along the west line of said Gaskill Property for a distance of 27°29'22" and run in a southeasterly direction along the west line of said Gaskill Property to the point of beginning containing 403,035 square feet, or 9.252 acres.

According to my survey of Aug. 13, 1985

REVISED AUG. 20, 1985

Lauren  
Reg. 1  
TH. 31

NOTE: ALL EASEMENTS SHOWN ON THIS MAP ARE FOR PRIVATE TELEVISION CABLE SYSTEMS, STORM DITCHES, AND SANITARY SEWERS, AND MAY BE USED FOR PURPOSES TO SERVE PROPERTY BOTH WITHIN AND OUTSIDE THE PROPERTY. NO TREES SHALL BE DISTURBED WITHOUT THE CONSENT OF OWNER.



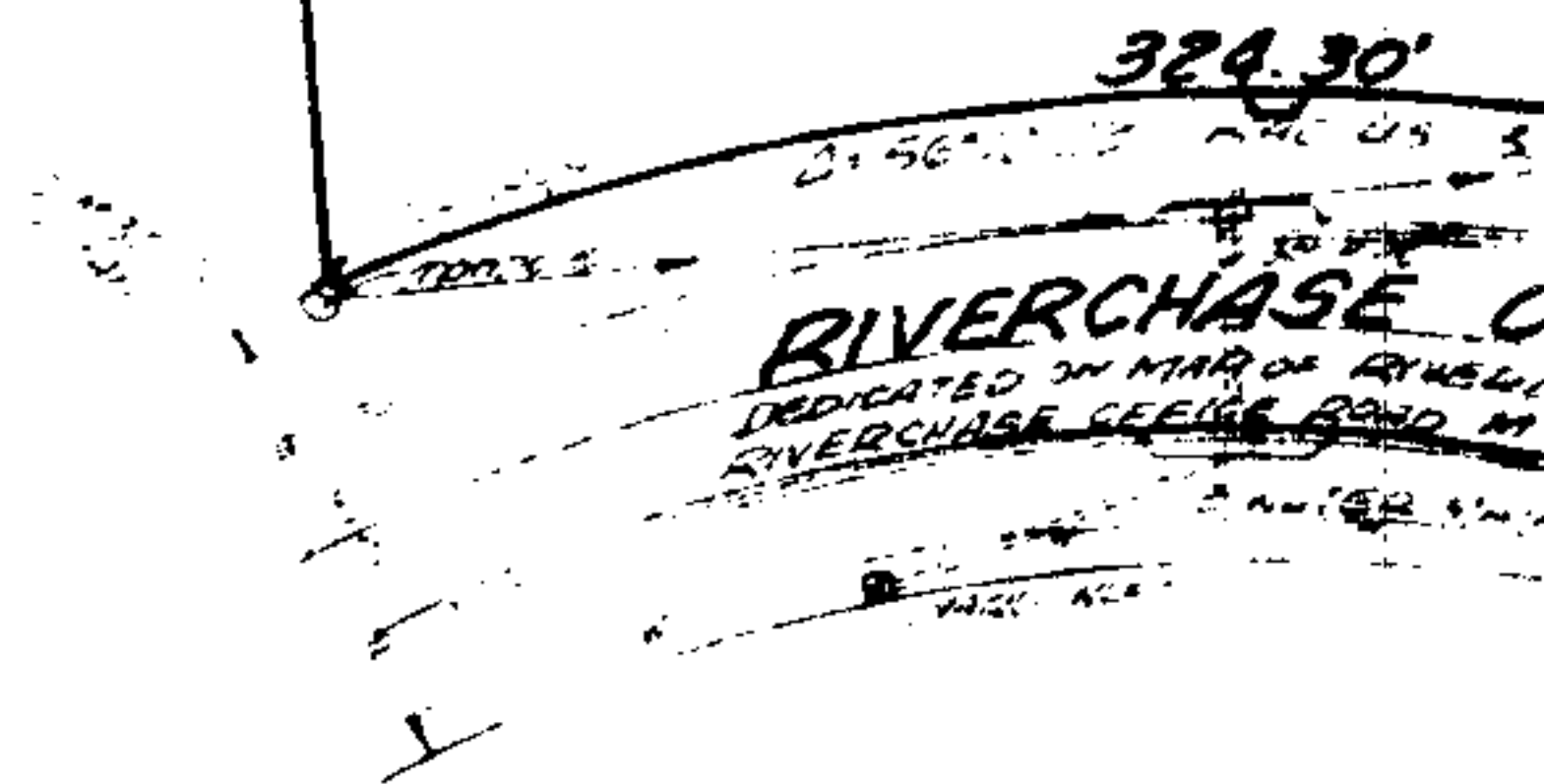
Surveyor, certify that I have surveyed the land shown hereon and described below Administration Flood Hazard Boundary Map and found that this property is not a correct description is as follows:

Range 2 West, Shelby County, Alabama, being more particularly described as follows: of said Section 19, run in a northerly direction along the east line of said Section 19 an angle to the left of  $90^{\circ}$  and run in a westerly direction for a distance of  $223'12''$  and run in a southwesterly direction for a distance of 262.29 feet thence in a westerly direction for a distance of 303.59 feet, more or less, to an existing iron pin and run in a northerly direction along the west line of the Gaskill Property iron pin being the point of beginning; thence turn an angle to the left of  $107^{\circ}$  a distance of 358.16 to an existing iron pin; thence turn an angle to the left of  $107^{\circ}$  a distance of 337.76 feet to an existing iron pin being on the curved south right-of-way line of Riverchase East Parkway Office Road as recorded in Alabama in map book 17 page 22; thence turn an angle to the right and run in a southerly direction along the arc of said curved right-of-way line (said curve being concave to the right with the radius being right  $21^{\circ}00'$  from last mentioned 337.76 foot line) curve; said second curve being concave in a northeasterly direction and having a central angle of  $56^{\circ}12'29''$ ; thence turn an angle to the right and run in a northwesterly direction along the arc of said curve to a point of another reverse curve; said third curve being concave in a southwesterly direction and having a central angle of  $56^{\circ}12'29''$ ; thence turn an angle to the left and run in a southerly direction along the arc of said curve for a distance of 324.30 feet to the Riverchase Center Associates land; thence turn an angle to the right and run in a northeasterly direction along the east line of said Riverchase Center Associates land to an existing iron pin being on the curved south right-of-way line of Parkway Office Circle, as recorded in the Office of the Judge of Probate; thence turn an angle to the right ( $86^{\circ}55'19''$ ) to tangent of said curved right-of-way line (curve being concave in a southerly direction and having a radius of 780.00 feet) for a distance of 97.29 feet to the end of said curve; thence run in a southerly direction along the arc of said curve for a distance of 216.75 feet to a point of another reverse curve and having a central angle of  $3^{\circ}31'12''$  and a radius of 780.00 feet; thence run in a southerly direction along a line radial to said curve for a distance of 47.92 feet to an existing iron pin; thence turn an angle to the left of  $63^{\circ}26'10''$  and run in a southeasterly direction for a distance of 112.26 feet to the southwest corner of the Gaskill Property; thence turn an angle to the right of  $107^{\circ}$  and run in a northerly direction for a distance of 223.12 feet to the west line of said Gaskill Property for a distance of 9.252 feet, more or less, or 9.252 acres.

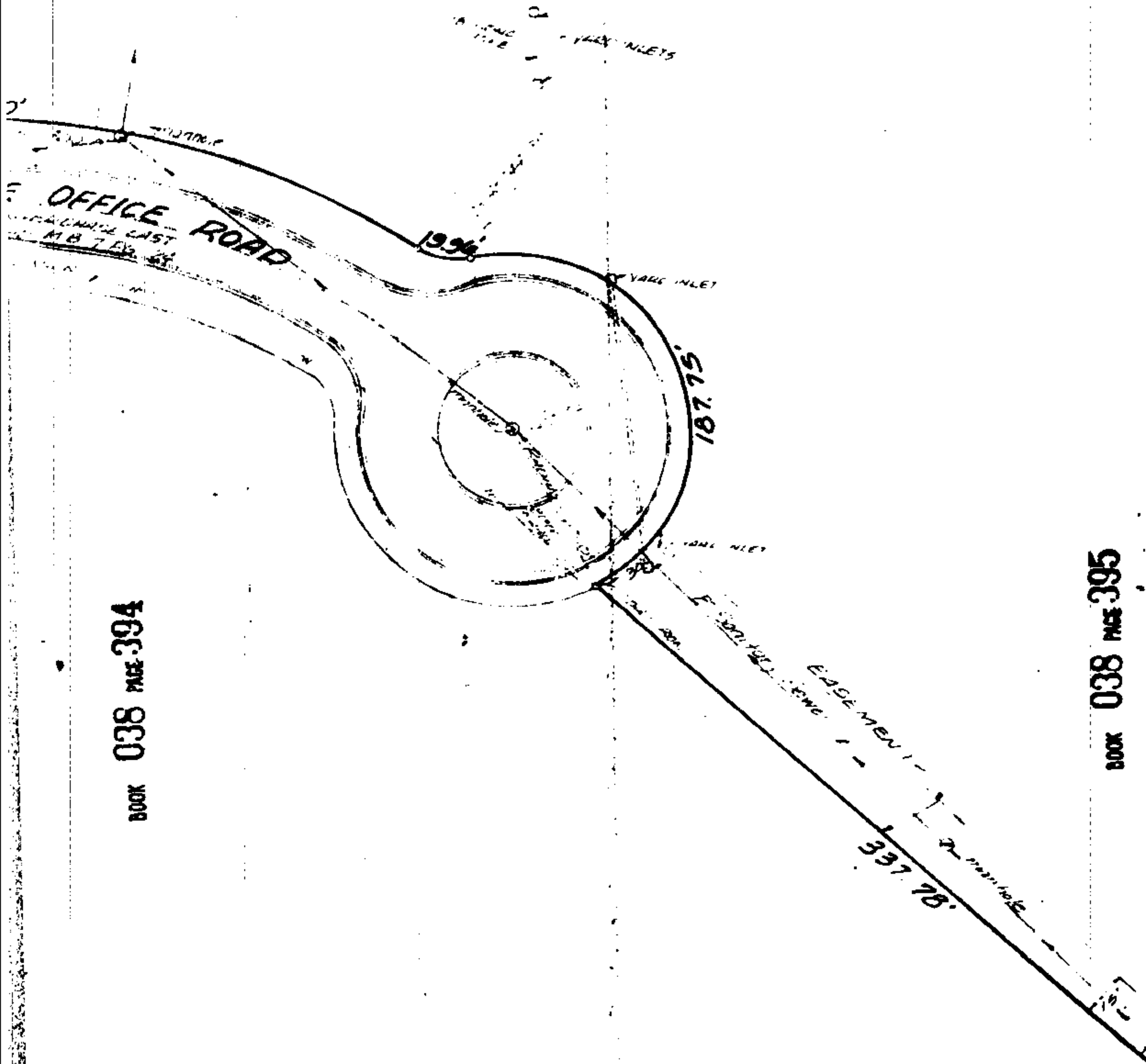
20, 1985

*Laurence D. Weigand*  
Laurence D. Weigand  
Reg. P.E. & L.S. 10077  
PH 371-7620

BOOK 038 PAGE 393



BOOK 038 PAGE 394



BOOK 038 PAGE 395

BOOK 038 PAGE 395

GASKILL PROPERTY

312.70'

100° 21'

92° 43' 00"

358.16'

BOOK 038 PAGE 396

NOTE: ALL EASEMENTS SHOWN ON THIS MAP ARE FOR PRIVATE TELEVISION CABLE SYSTEMS, STORM DITCHES, AND SANITARY SEWERS, AND MAY BE PURPOSES TO SERVE PROPERTY BOTH WITHIN AND WITHOUT THE PROPERTY. NO TREES TO BE DISTURBED WITHOUT THE CONSENT OF OWNER. SIZE AND LOCATION OF WATER MAIN AS PER RECORDS. (251-3261)

ALABAMA GAS CORPORATION REPORTS NO GAS AT THIS TIME. (326-8337)

SANITARY SEWER SIZE AND LOCATIONS AS PER "SANITARY SEWER FOR THE HARBERT-BOUITA AN "AS CONSTRUCTED" SANITARY SEWER INC. DATED DECEMBER 1977.

RIGHTS OF WAY GRANTED TO ALABAMA GAS CO. 6274, PAGE 102, JEFFERSON COUNTY, ALABAMA, PAGE 521 AND DEED BOOK 205, PAGE 524, DO NOT APPLY TO THIS PARCEL OF LAND.

RIGHTS OF WAY TO ALABAMA POWER COMPANY, PAGE 996 AND DEED BOOK 225, PAGE 998, BLANKET EASEMENTS AND CANNOT BE PLOTTED IN DEED BOOK 310 PAGE 595, IS SHOWN ON

PURCHASER NEEDS TO BE AWARE OF AN AGREEMENT JOINT VENTURE AND BLUE CROSS LIMITING THE USE OF THIS PROPERTY. ( DEED BOOK 1437 PAGE 627 JEFFERSON COUNTY, ALABAMA, SHELBY COUNTY, ALABAMA)

BOOK U38 PAGE 396

BOOK 038 PAGE 397

RECORDING FEE  
Index Fee  
TOTAL

HARBERT	
SCALE:	1" = 50'
DATE	8-13-88
PREPARED BY	

ALL EASEMENTS SHOWN ON THIS MAP ARE FOR PUBLIC UTILITIES, PRIVATE TELEVISION CABLE SYSTEMS, STORM SEWERS, STORM DITCHES, AND SANITARY SEWERS, AND MAY BE USED FOR SUCH PURPOSES TO SERVE PROPERTY BOTH WITHIN AND WITHOUT THIS PROPERTY. NO TREES TO BE DISTURBED IN THESE EASEMENTS WITHOUT THE CONSENT OF OWNER. SIZE AND LOCATION OF WATER MAIN AS PER BIRMINGHAM WATER WORKS. (251-3261)

ALABAMA GAS CORPORATION REPORTS NO GAS MAINS IN THIS AREA AT THIS TIME. (326-8337)

SANITARY SEWER SIZE AND LOCATIONS AS PER MAP OF "SANITARY SEWER FOR THE HARBERT-EQUITABLE JOINT VENTURE", AN "AS CONSTRUCTED" SANITARY SEWER MAP BY LOVE ENGINEER, INC. DATED DECEMBER 1977.

RIGHTS OF WAY GRANTED TO ALABAMA GAS CORP. RECORDED IN VOLUME 6274, PAGE 102, JEFFERSON COUNTY, ALABAMA, AND DEED BOOK 205, PAGE 521 AND DEED BOOK 205, PAGE 524, SHELBY COUNTY, ALABAMA, DO NOT APPLY TO THIS PARCEL OF LAND.

RIGHTS OF WAY TO ALABAMA POWER COMPANY RECORDED IN DEED BOOK 225, PAGE 996 AND DEED BOOK 225, PAGE 998, SHELBY COUNTY, ALABAMA, ARE BLANKET EASEMENTS AND CANNOT BE PLOTTED. THE EASEMENT RECORDED IN DEED BOOK 310 PAGE 595, IS SHOWN ON MAP.

PURCHASER NEEDS TO BE AWARE OF AN AGREEMENT BETWEEN THE HARBERT-EQUITABLE JOINT VENTURE AND BLUE CROSS AND BLUE SHIELD OF ALABAMA LIMITING THE USE OF THIS PROPERTY. (DOCUMENT RECORDED IN VOLUME 1437 PAGE 627 JEFFERSON COUNTY, ALABAMA AND BOOK 19, PAGE 690 SHELBY COUNTY, ALABAMA)

BOOK 038 PAGE 397

STATE OF ALA. SHELBY CO.  
I CERTIFY THIS  
INSTRUMENT WAS FILED  
1985 AUG 20 PH 2:48

*Thomas A. Lawrence*  
JUDGE OF THE COURT

#### RECORDING FEES

Recording Fee \$ 35.00  
Index Fee 1.00  
TOTAL \$ 36.00

BOUNDARY SURVEY FOR: HARBERT-EQUITABLE JOINT VENTURE		
SCALE <u>1" = 50'</u>	APPROVED BY	DRAWN BY
DATE <u>8-13-85</u>		REVISED <u>8-19-85</u>
PREPARED BY: WEYGAND SURVEYORS 1700 So. 29TH COURT B'HAM, AL 35209 PH: 871-7620		RE <u>J. F. 12-85</u>
		DRAWING NUMBER