

THIS DOCUMENT WAS PREPARED BY:

908

William H. Satterfield
Attorney at Law
Post Office Box 1297
Birmingham, Alabama 35201

19780519000061430 1/8 \$.00
Shelby Cnty Judge of Probate, AL
05/19/1978 12:00:00AM FILED/CERT

STATE OF ALABAMA)
COUNTY OF SHELBY)

KNOW ALL MEN BY THESE PRESENTS, That in consideration of the sum of SIXTY TWO THOUSAND TWO HUNDRED AND NO/100 DOLLARS (\$62,200.00) and other good and valuable consideration in hand paid by JOHN M. HARBERT, III (hereinafter referred to as "GRANTEE"), to the undersigned, THE HARBERT-EQUITABLE JOINT VENTURE, under Joint Venture Agreement dated January 30, 1974, composed of Harbert Construction Corporation, 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 said GRANTEE the following described real estate situated in Shelby County, Alabama:

A tract of land situated in the E $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 35, Township 19 South, Range 3 West, Shelby County, Alabama, being more particularly described as follows:

Commence at the SW corner of Section 35; thence East along the South line of said section 1,580.50 feet; thence 90°00'00" left, 750.14 feet to the point of beginning; thence 11°44'30" left, 369.49 feet; thence 86°43'02" right, 141.89 feet; thence 25°33'00" left, 74.50 feet; thence 23°19'00" right, 70.41 feet; thence 35°10'00" left, 190.67 feet; thence 57°11'43" right, 193.55 feet; thence 23°08'28" right, 495.93 feet; thence 145°03'58" right, 105.94 feet; thence 11°52'39" left, 436.44 feet; thence 01°55'07" right, 212.96 feet; thence 12°35'45" left, 123.87 feet; thence 12°22'03" left, 139.29 feet to the point of beginning and containing 6.31 acres, more or less.

Such land is conveyed subject to the following:

1. Ad valorem taxes due and payable October 1, 1978.
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. Subject to the modification specifically provided in subparagraph (a), said property conveyed by this instrument is hereby subjected to the Declaration of Protective Covenants, Agreements, Easements, Charges and Liens for Riverchase (Residential), recorded in

Mr. William H. Satterfield
Harbert-Equitable Joint Venture
P. O. Box 1297
Birmingham 35201

Miscellaneous Book 14, beginning at page 536, as amended by Amendment No. 1 recorded in Miscellaneous Book 17, beginning at page 550, in the office of the Judge of Probate of Shelby County, Alabama, except as follows:

(a) Sections 12.20 and 12.21 of said Declaration shall not apply to GRANTEE herein.

6. Said property conveyed by this instrument is hereby restricted to use for the construction and operation of a maximum of eight (8) single family residences, or for the construction and operation of condominiums or other multi-family use with a density not to exceed five (5) units per acre, together with all usual appurtenances, unless a change in use is authorized pursuant to the Riverchase Residential Covenants, as described in paragraph 5 above, said restriction to be effective for the same period of time as the Riverchase Residential Covenants.
7. GRANTOR reserves easements for drainage and utility lines and appurtenances, including but not limited to gas, water, sewer, electricity, and telephone, with all rights and privileges necessary or convenient for the full use and enjoyment thereof, such easements shown on the survey attached as Exhibit A hereto, as being the easements along the southern, northern and eastern boundaries of the property. GRANTOR also reserves fifteen foot (15') temporary sanitary sewer construction easements, together with all rights and privileges necessary or convenient for the full use and enjoyment thereof, such easements shown on the survey attached as Exhibit A hereto, as being the easements which run along the northern, eastern and southern portions of the property.

GRANTEE covenants and agrees to join and execute any covenants and easements required by Alabama Power Company for the purpose of providing underground distribution of electric service to that portion of the Riverchase subdivision which encompasses this parcel.

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 10th day of MAY, 1978.

THE HARBERT-EQUITABLE JOINT VENTURE

By: THE EQUITABLE LIFE ASSURANCE
SOCIETY OF THE UNITED STATES

Witnesses:

William H. Butterfield
Margaret E. Russo

By: David D. Long
Its Division Manager

By: HARBERT CONSTRUCTION CORPORATION

By: W. H. Roman
Its Vice President

Witnesses:

William H. Butterfield
Margaret E. Russo



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STATE OF GEORGIA)
COUNTY OF Fulton)

I, Carolyn L. Alexander, a Notary Public in and for said County, in said State, hereby certify that Donald D. Fipps, whose name as Division Manager 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 24 day of

May, 1978.

Carolyn L. Alexander
Notary Public

My commission expires: 8-16-80

STATE OF ALABAMA)
COUNTY OF SHELBY)

I, EVANGELINE H. HOOVER, a Notary Public in and for said County, in said State, hereby certify that W.H. ROSSMAN, whose name as VICE PRESIDENT of Harbert Construction Corporation, 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 9TH day of MAY, 1978.

Evangeline H. Hoover
Notary Public

My commission expires: April 29, 1982

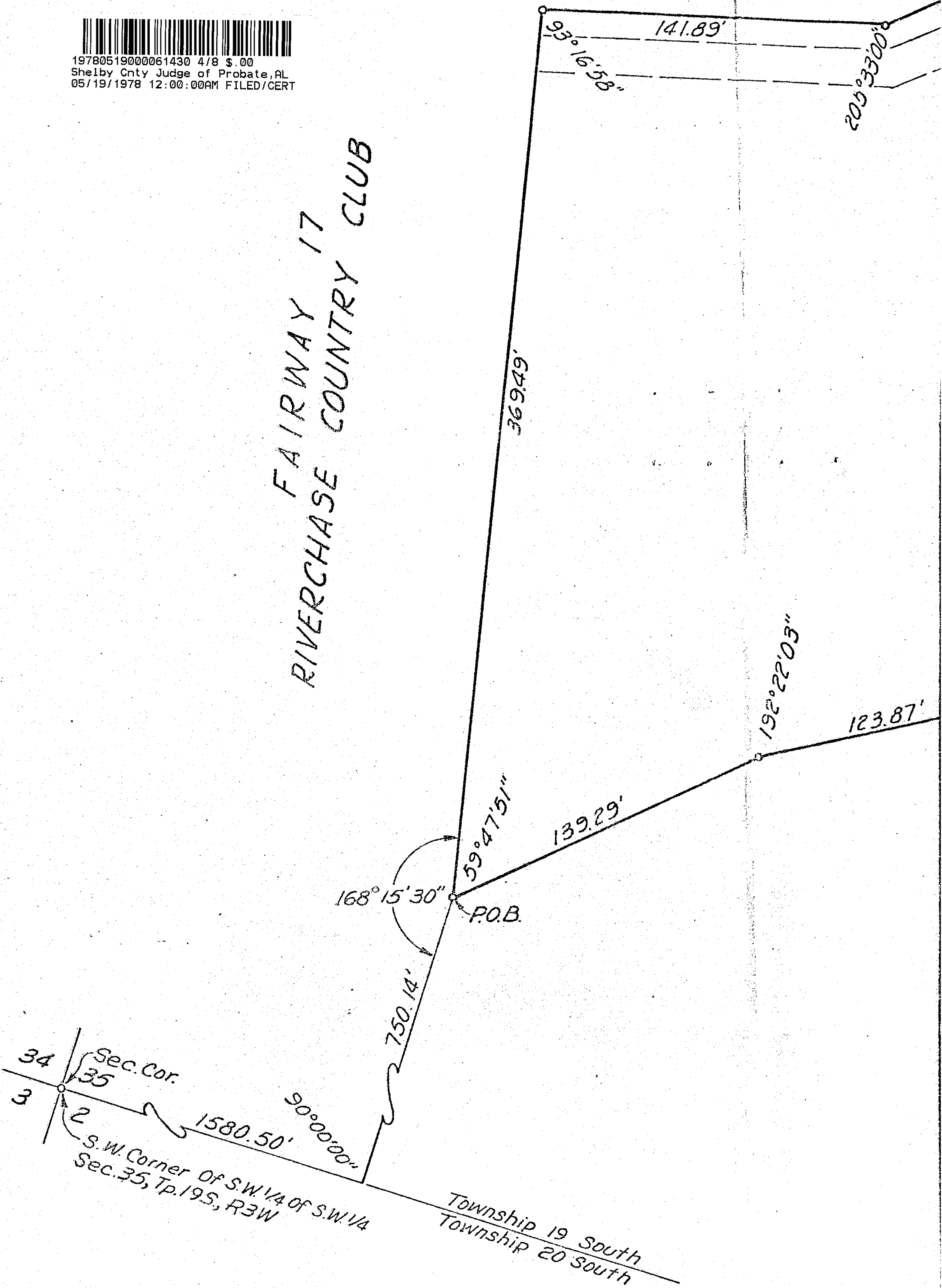
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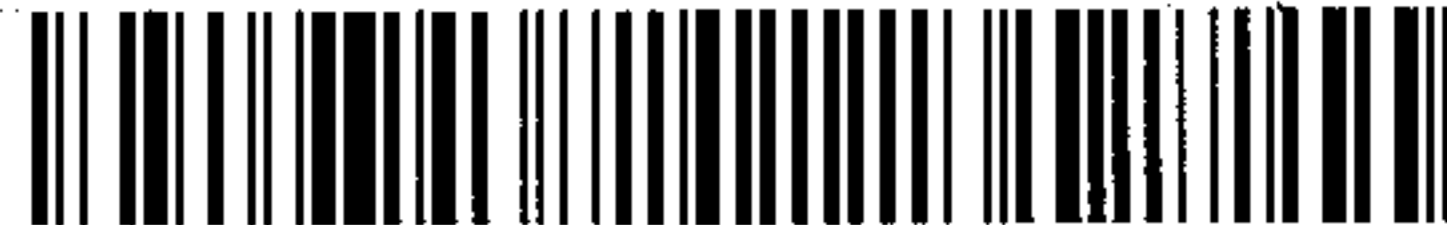


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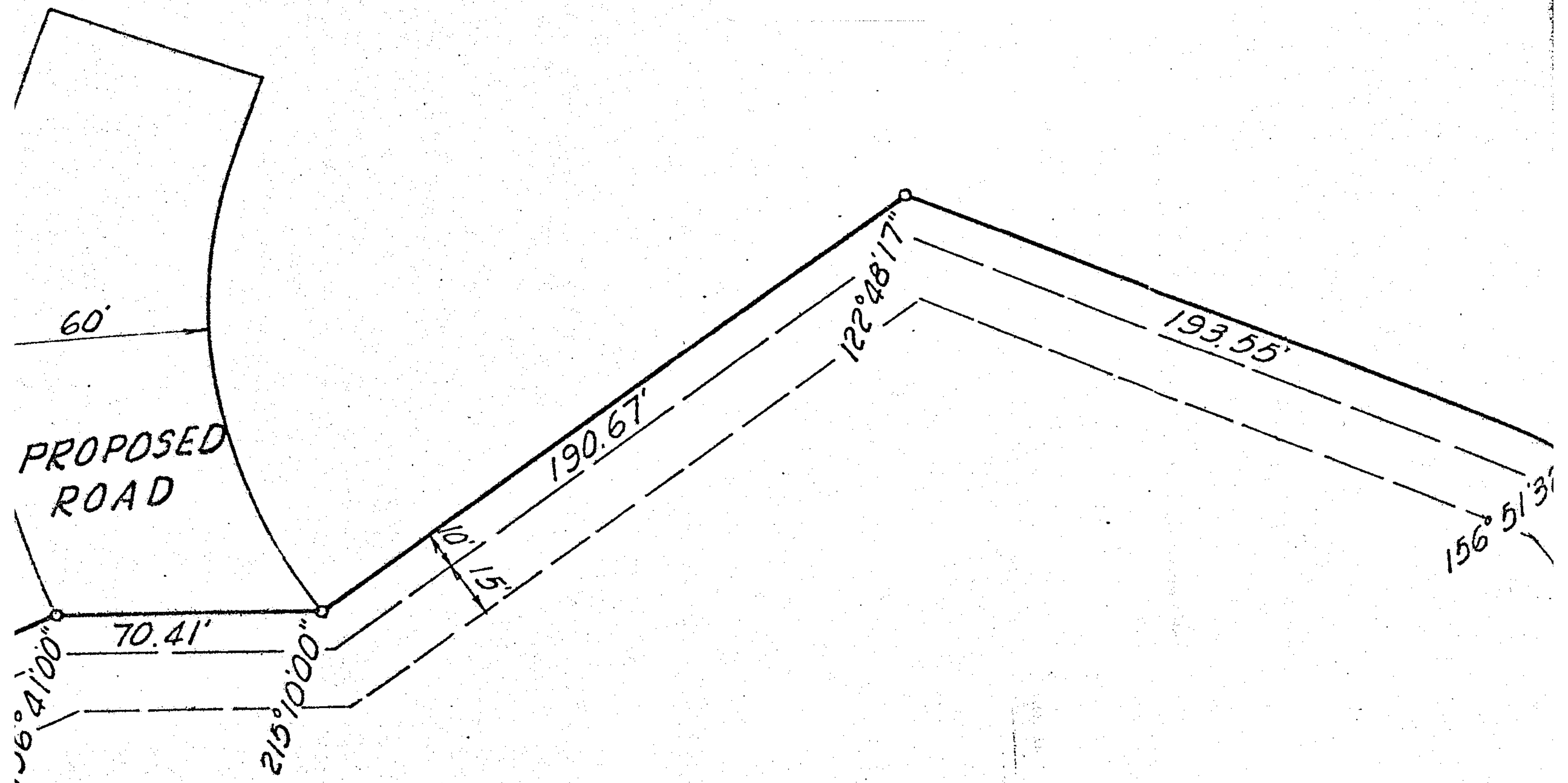
BOOK 312 PAGE 242

FAIRWAY 17
RIVERCHASE COUNTRY CLUB





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274,802 Sq. Ft.
6.31 ± Acres

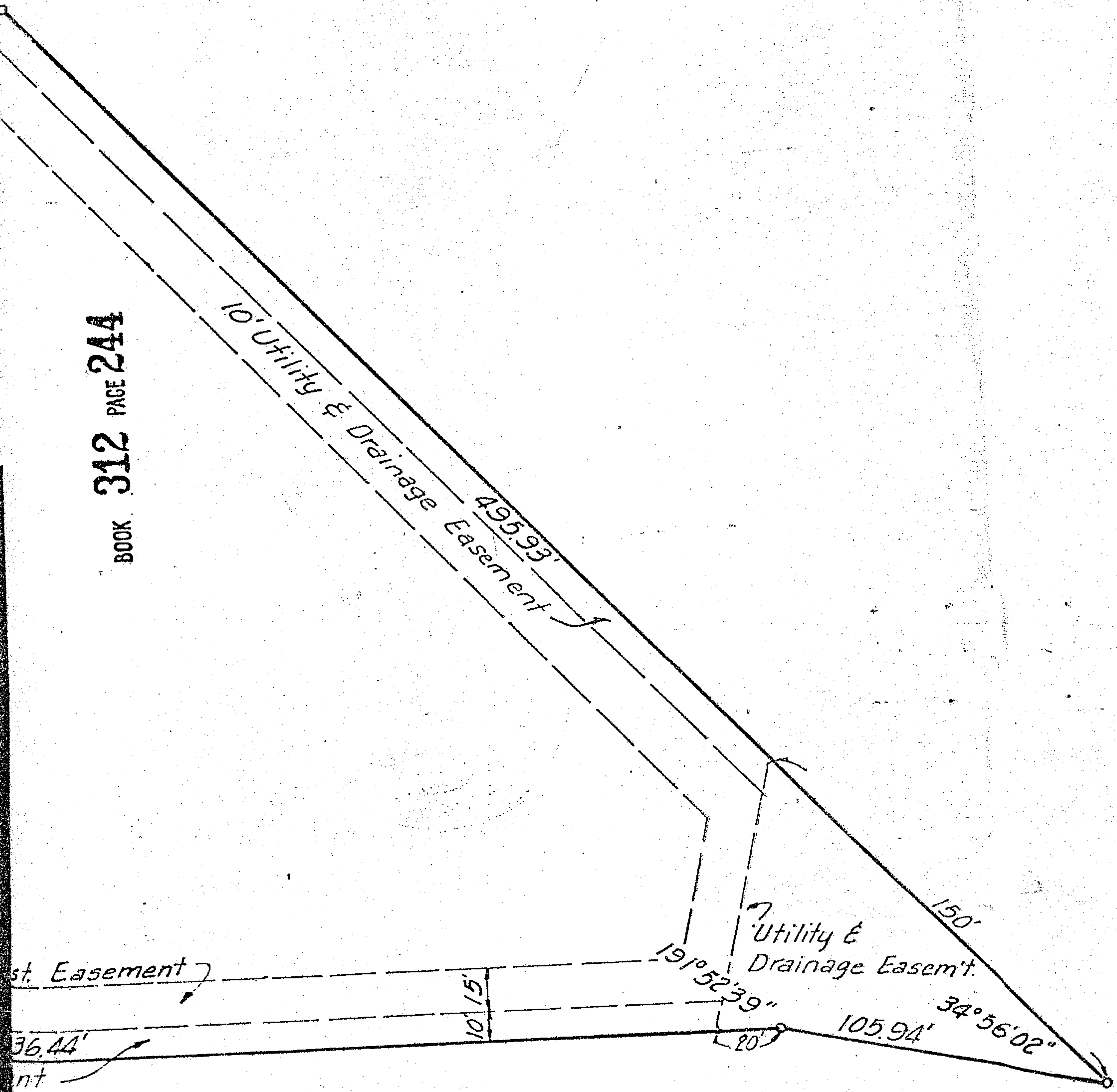
BOOK 312 PAGE 243

15' Temporary San. Sewer Co

10' Utility & Drainage Easement

FAIRWAY 16

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INDEX 1
(J. HARBER)



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BOOK 312 PAGE 245

The following is a description of a tract of land situated in the E $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 35, Township 19 South, Range 3 West, Shelby County, Alabama and being more particularly described as follows:

Commence at the SW corner of Section 35 - thence East along the South line of said section 1,580.50 feet; thence $90^{\circ}00'00''$ left, 750.14 feet to the point of beginning; thence $11^{\circ}44'30''$ left, 369.49 feet; thence $86^{\circ}43'02''$ right, 141.89 feet; thence $25^{\circ}33'00''$ left, 74.50 feet; thence $23^{\circ}19'00''$ right, 70.41 feet; thence $35^{\circ}10'00''$ left, 190.67 feet; thence $57^{\circ}11'43''$ right, 193.55 feet; thence $23^{\circ}08'28''$ right, 495.93 feet; thence $145^{\circ}03'58''$ right, 105.94 feet; thence $11^{\circ}52'39''$ left, 436.44 feet; thence $01^{\circ}55'07''$ right, 212.96 feet; thence $12^{\circ}35'45''$ left, 123.87 feet; thence $12^{\circ}22'03''$ left, 139.29 feet to the point of beginning and containing 6.31 acres, more or less.

I hereby certify that this plat is a true and correct representation of the land surveyed and has been prepared in conformity with the minimum standards and requirements by law.

John E. Norton

John E. Norton
Registered Engineer and Surveyor
State of Alabama Reg. No. 10287



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

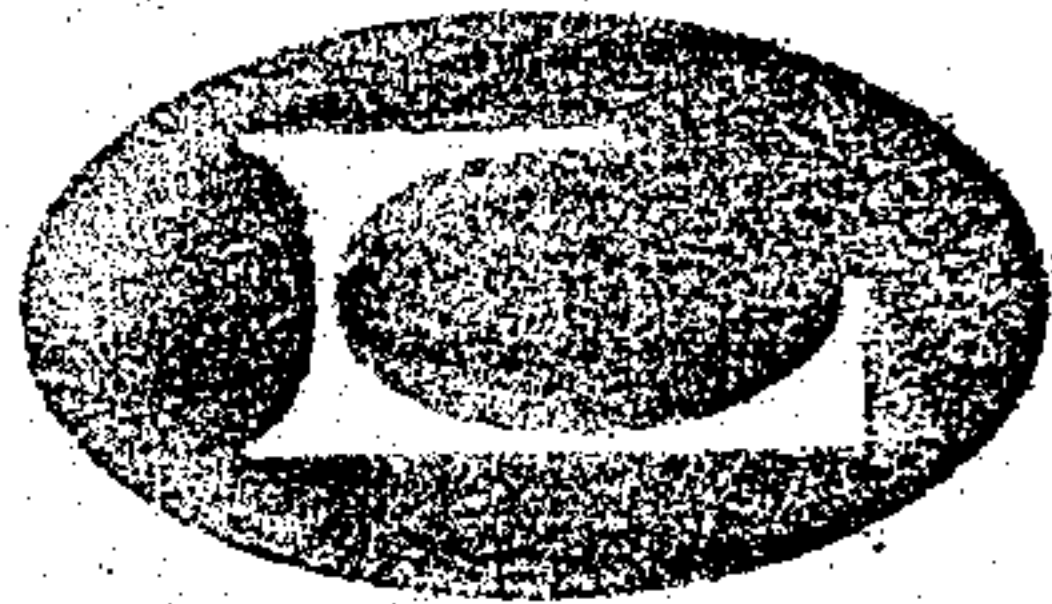
1978 MAY 19 AM 11:50 *deed tax - 62.50*
Rec. 12.00
1.00

Thomas A. Snowdon, Jr.
JUDGE OF PROBATE

75.50

1	Added the word feet to description	5-4-78
NO.	REVISIONS	DATE

BOUNDARY SURVEY
FOR
THE HARBERT-EQUITABLE JOINT VENTURE
Situating in the E 1/2 of SW 1/4 of
Section 35, Township 19 South, Range 3
West, Shelby County, Alabama.



Lowe
Engineers, Inc.
Birmingham, Alabama

Scale: 1"=50'
Date: 11 APR 78
Drawing
Number:

PARCEL-5



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