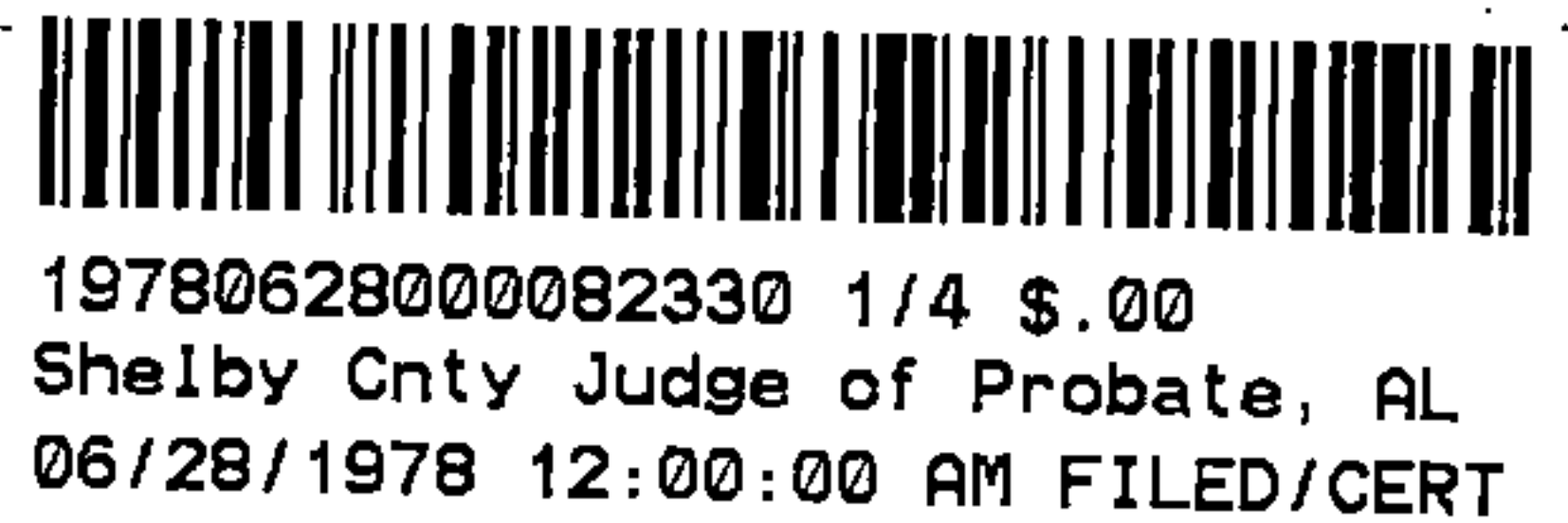


STATE OF ALABAMA     )  
                               :  
 SHELBY COUNTY        )

GRANT OF EASEMENT  
AND RESTRICTIVE COVENANT

THIS GRANT OF EASEMENT AND RESTRICTIVE COVENANT,  
 dated as of the 27<sup>2</sup> day of June, 1978, from THE MEDICAL  
 CLINIC BOARD OF THE TOWN OF ALABASTER, ALABAMA, a public  
 corporation under the laws of Alabama (herein called "the  
 Board") as the grantor hereunder, to FRANK ABERNATHY (herein  
 referred to as "Abernathy"), as the grantee hereunder,

W I T N E S S E T H



The Board is the owner of the following described  
 real property (which is herein referred to as "the Board's  
 Property") which is situated within the corporate limits of  
 the City of Alabaster in Shelby County, Alabama, upon which  
 the Board proposes to construct a medical office building  
 and patient care facility (herein called "the Board's Build-  
 ing") for lease to Shelby Medical, Ltd., a limited partner-  
 ship under the laws of Alabama:

Lots 19, 20, 21 and 22 in Block 4 according  
 to the Nickerson - Scott Survey, which is record-  
 ed in Map Book 3 at Page 34 in the Probate Office  
 of Shelby County, Alabama, being a subdivision of  
 a part of the E-1/2 of the SE-1/4 of Section 35  
 and part of the NW-1/4 of the SW-1/4 of Section  
 36, all in Township 20 South, Range 3 West, and  
 situated in Shelby County, Alabama.

Abernathy is the owner of the following described  
 real property (which is herein referred to as "Abernathy's  
 Property") which is also situated within the corporate

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BOOK

limits of the City of Alabaster in Shelby County, Alabama and which is adjacent to the Board's Property:

Lots 23 and 24 in Block 4 according to the Nickerson - Scott Survey, which is recorded in Map Book 3 at Page 34 in the Probate Office of Shelby County, Alabama, being a subdivision of a part of the E-1/2 of the SE-1/4 of Section 35 and part of the NW-1/4 of the SW-1/4 of Section 36, all in Township 20 South, Range 3 West, and situated in Shelby County, Alabama.

There is situated upon Abernathy's Property a medical office building and patient care facility (which is herein called "Abernathy's Building") in which Abernathy is presently engaged in the general practice of medicine. Abernathy wishes to make use of the parking facilities situated upon the Board's Property in connection with the practice of medicine in Abernathy's Building, and the Board is willing to grant to Abernathy an easement over and across the Board's Property and to permit Abernathy to make reasonable use of the parking facilities upon the Board's Property in connection with the practice of medicine in Abernathy's Building, but subject to the covenants and agreements herein set forth.



19780628000082330 2/4 \$.00  
Shelby Cnty Judge of Probate, AL  
06/28/1978 12:00:00 AM FILED/CERT

NOW THEREFORE, the premises considered, the Board does hereby grant and convey unto Abernathy an easement and right of way over, across and upon the Board's Property, and does further grant unto Abernathy the right to make reasonable use of all parking spaces and parking facilities upon the Board's Property, as said parking spaces and parking facilities shall be designated by the Board or by said Shelby Medical, Ltd. from time to time, for use by Abernathy, his successors and assigns in the general or specialized practice of medicine in Abernathy's Building. The



said right and easement shall be deemed to be a covenant running with the land as respects the Board's Property, and shall accrue to and benefit not only Abernathy, but also those of his successors and assigns who shall, from and after the date hereof, engage only in the general or specialized practice of medicine in Abernathy's Building, as it shall at any time exist.



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Shelby Cnty Judge of Probate, AL  
06/28/1978 12:00:00 AM FILED/CERT

In consideration of the grant of the foregoing right and easement by the Board, Abernathy does, for himself and his successors and assigns, agree and covenant with the Board, its successors and assigns, that Abernathy will not cause Abernathy's Building to be expanded or enlarged to such extent that at any time there shall be fewer than four (4) designated parking spaces (suitable for use by a standard sized automobile) upon both the Board's Property and Abernathy's Property for each twelve hundred (1200) square feet of aggregate enclosed floor space within both the Board's Building and Abernathy's Building.

IN WITNESS WHEREOF, the Board has caused this instrument to be executed in its name and behalf, has caused its corporate seal to be hereunto affixed, and has caused this instrument to be attested, all by its duly authorized officers, and has caused this instrument to be dated as of June 27<sup>th</sup>, 1978.

THE MEDICAL CLINIC BOARD OF THE  
TOWN OF ALABASTER, ALABAMA

By *J. J. Henry*  
Chairman of its Board of Directors

Attest:

*Abernathy Henry*  
Its Secretary

STATE OF ALABAMA )  
COUNTY OF )



19780628000082330 4/4 \$.00  
Shelby Cnty Judge of Probate, AL  
06/28/1978 12:00:00 AM FILED/CERT

I, Mary Niven, a Notary Public in  
and for said county in said state, hereby certify that  
Phil E. Gamble, whose name as Chairman of the Board of  
Directors of THE MEDICAL CLINIC BOARD OF THE TOWN OF ALA-  
BASTER, ALABAMA, a public corporation and instrumentality  
under the laws of the State of Alabama, 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 the within instrument, he, as such officer and with full  
authority, executed the same voluntarily for and as the act  
of said public corporation.

GIVEN under my hand and official seal of office,  
this 27<sup>th</sup> day of June, 1978.

[NOTARIAL SEAL]

Mary Niven  
Notary Public

STATE OF ALA. SHELBY CO.  
I CERTIFY THIS  
INSTRUMENT WAS FILED  
1978 JUN 28 AM 10:54

Thomas A. Hamilton  
JUDGE OF PROBATE

Rec. 6.00  
Jud. 1.00  
7.00