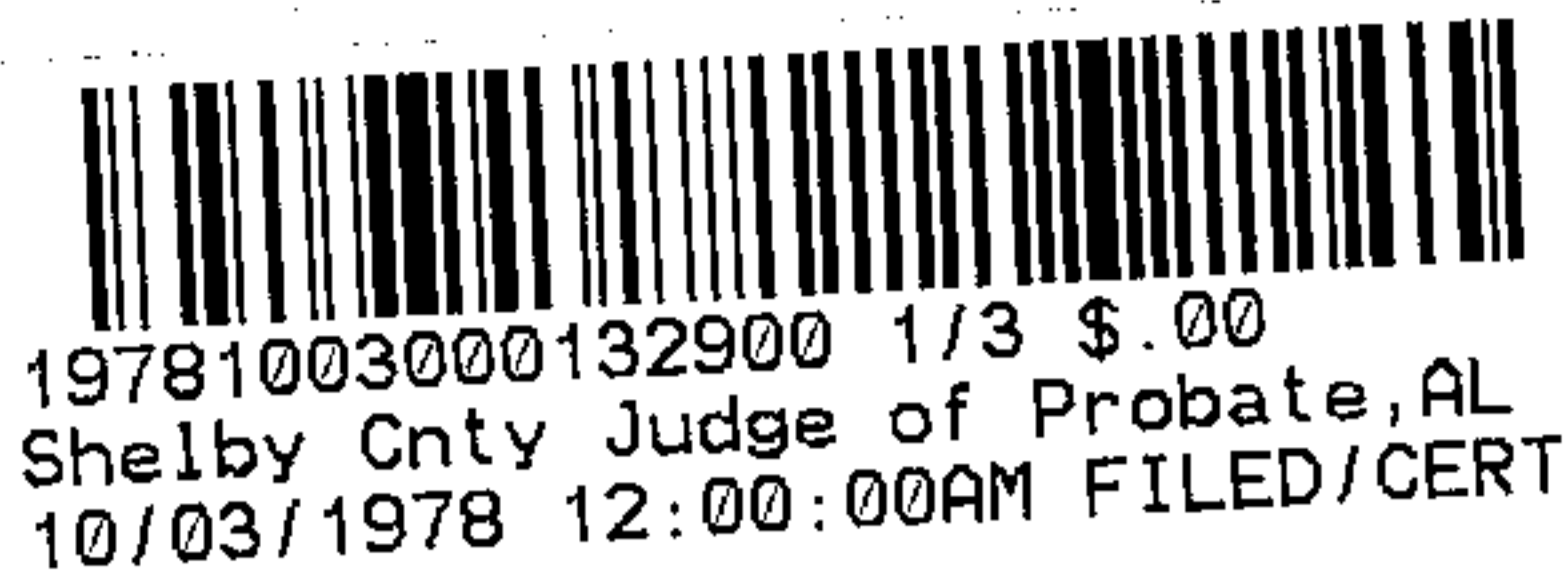


THIS INSTRUMENT WAS PREPARED BY:

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



STATE OF ALABAMA)

COUNTY OF SHELBY)

KNOW ALL MEN BY THESE PRESENTS, That in consideration of the sum of TWENTY THREE THOUSAND AND NO/100 DOLLARS (\$23,000.00) in hand paid by MARTENS HOMES, INC. (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 the said GRANTEE the following described real estate situated in Shelby County, Alabama:

Lots 9 and 18, Riverchase Country Club Residential Subdivision, Sixth Addition, a subdivision of Riverchase, according to Plat recorded in Map Book 7, page 93, in the office of the Judge of Probate of Shelby County, Alabama.

Such land is conveyed subject to the following:

1. Ad valorem taxes due and payable October 1, 1978, and October 1, 1979.
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. Requirements of the Shelby County Health Department for permits, construction, and approval of septic tanks.
6. 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 Miscellaneous Book 14, beginning at page 536, in the office of the Judge of Probate of Shelby County, Alabama, 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.
7. Said property conveyed by this instrument is hereby restricted to use as a single family residential dwelling, unless a change in use is authorized in accordance with the Declaration of Protective Covenants, Agreements, Easements, Charges and Liens for

M. E. Padgett, Const. Co. Inc.

Riverchase (Residential), as amended, as described in paragraph 6 above, said restriction to be effective for the same period of time as the Riverchase Residential Covenants.

GRANTEE, his heirs and assigns, agree and covenant to terminate the use of any septic tank and field lines now or hereafter located on or serving said Lots 9 and 18, Riverchase Country Club Residential Subdivision, Sixth Addition, at such time, if any, as an operating Sewage Treatment System may be made available to said Lots, and covenant to connect to such Sewage Treatment System at such time as it is available, at GRANTEE's sole expense.

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 thereunto effective on this the 7th day of SEPTEMBER, 1978.

Witnesses:

Mildred Maxwell
Saul H. Hanger

Witnesses:

Leo A. G. G. G.
William H. Hatterfield

THE HARBERT-EQUITABLE JOINT VENTURE

By: THE EQUITABLE LIFE ASSURANCE
SOCIETY OF THE UNITED STATES

By Donald P. Evans
Its Division Manager

By: HARBERT CONSTRUCTION CORPORATION

By Stef Hunter, Jr.
Its MANAGER-REAL ESTATE

19781003000132900 2/3 \$.00
Shelby Cnty Judge of Probate, AL
10/03/1978 12:00:00AM FILED/CERT

STATE OF GEORGIA
COUNTY OF FULTON

I, CAROLYN K. ALEXANDER, a Notary Public in and for said County, in said State, hereby certify that DONALD D. EVANS, 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 7th day of SEPTEMBER, 1978.

Carolyn K. Alexander
Notary Public

My commission expires: 8-16-80

19781003000132900 3/3 \$.00
Shelby Cnty Judge of Probate, AL
10/03/1978 12:00:00AM FILED/CERT

STATE OF ALABAMA
COUNTY OF SHELBY

I, Elaine H. Connell, a Notary Public in and for said County, in said State, hereby certify that Still Hunter, Jr, whose name as Manager-Real Estate 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 3rd day of October, 1978.

Elaine H. Connell
Notary Public

My commission expires: January 2, 1979

ALABAMA, SHELBY CO.
NOTARY PUBLIC
THIS

OCT-3 2:02

Doc. 23.00
Rec. 4.50
Ind. 1.00
28.50