

THIS INSTRUMENT WAS PREPARED BY:

Randolph Lanier
Balch, Bingham, Baker, Hawthorne,
Williams & Ward
Post Office Box 306
Birmingham, Alabama 35201

19811001000105180 Pg 1/12 .00
Shelby Cnty Judge of Probate, AL
10/01/1981 00:00:00 FILED/CERTIFIED

STATE OF ALABAMA)

COUNTY OF SHELBY)

KNOW ALL MEN BY THESE PRESENTS, That in consideration of the sum of ONE MILLION FOUR HUNDRED NINETY-NINE THOUSAND SIX HUNDRED FORTY-FIVE AND 25/100ths DOLLARS (\$1,499,645.25) in hand paid by PERCY W. BROWER, JR., an individual (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 said GRANTEE the following described real estate situated in Shelby County, Alabama:

Part of the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 25 and the SE $\frac{1}{4}$ of NE $\frac{1}{4}$ and the NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 26, all in Township 19 South, Range 3 West, Shelby County, Alabama, being more particularly described as follows:

Beginning at the Northwest corner of the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 25, Township 19 South, Range 3 West run in an easterly direction along the north line of said $\frac{1}{4}$ - $\frac{1}{4}$ section for a distance of 630.04 feet; thence turn an angle to the right of 90 degrees and run in a southerly direction for a distance of 283.43 feet; thence turn an angle to the left of 90 degrees and run in an easterly direction for a distance of 228.61 feet; thence turn an angle to the right of 51 degrees 10'41" and run in a southeasterly direction for a distance of 124.77 feet; thence turn an angle to the left of 90 degrees and run in a northeasterly direction for a distance of 70.82 feet; thence turn an angle to the right of 90 degrees and run in a southeasterly direction for a distance of 70.00 feet; thence turn an angle to the left of 90 degrees and run in a northeasterly direction for a distance of 45.20 feet to a point of curve, said curve being concave in a northwesterly direction and having the following characteristics: a central angle of 31 degrees 15'49", a radius of 385.00 feet; thence turn an angle to the left and run along the arc of said curve for a distance of 210.08 feet to the end of said curve; thence tangent to the end of said curve, run in a northeasterly direction for a distance of 5.22 feet to a point of a second curve, said second curve being concave in a southeasterly direction and having the following characteristics: a central angle of 13 degrees 16'47" and a radius of 365.00 feet; thence turn an angle to the

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right and run along the arc of said curve for a distance of 84.60 feet to the end of said curve; thence tangent to the end of said curve, run in a northeasterly direction for a distance of 9.90 feet to a point on the southwesterly right-of-way line of Old Montgomery Highway; thence turn an angle to the right of 160 degrees 16'18" and leaving said right-of-way line run in a southwesterly direction for a distance of 396.13 feet; thence turn an angle to the right of 38 degrees 21' and run in a southwesterly direction for a distance of 280.0 feet; thence turn an angle to the right of 28 degrees 55' and run in a southwesterly direction for a distance of 78.20 feet; thence turn an angle to the right of 10 degrees 34'28" and run in a westerly direction for a distance of 434.93 feet; thence turn an angle to the right of 18 degrees 02'05" and run in a northwesterly direction for a distance of 211.94 feet; thence turn an angle to the left of 34 degrees 45'03" and run in a southwesterly direction for a distance of 248.34 feet; thence turn an angle to the left of 21 degrees 20'03" and run in a southwesterly direction for a distance of 242.02 feet; thence turn an angle to the left of 12 degrees 42'23" and run in a southwesterly direction for a distance of 200.0 feet; thence turn an angle to the left of 14 degrees 00'22" and run in a southwesterly direction for a distance of 203.91 feet; thence turn an angle to the right of 2 degrees 19'10" and run in a southwesterly direction for a distance of 267.68 feet; thence turn an angle to the right of 47 degrees 00'18" and run in a southwesterly direction for a distance of 76.84 feet; thence turn an angle to the right of 103 degrees 31'28" and run in a northerly direction for a distance of 1,328.74 feet; thence turn an angle to the right of 49 degrees 07'35" and run in a northeasterly direction for a distance of 101.97 feet to a point on the north line of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 26, Township 19 South, Range 3 West; thence turn an angle to the right of 41 degrees 41'22" and run in an easterly direction along the north line of said $\frac{1}{4}$ - $\frac{1}{4}$ section for a distance of 499.53 feet; thence turn an angle to the right of 90 degrees and leaving said $\frac{1}{4}$ - $\frac{1}{4}$ section line run in a southerly direction for a distance of 50.0 feet; thence turn an angle to the left of 90 degrees and run in an easterly direction for a distance of 50.0 feet; thence turn an angle to the left of 90 degrees and run in a northerly direction for a distance of 50.0 feet to a point on the north line of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 26, Township 19 South, Range 3 West; thence turn an angle to the right of 90 degrees and run in an easterly direction along said north line of $\frac{1}{4}$ - $\frac{1}{4}$ section for a distance of 34.0 feet, more or less, to the point of beginning and containing 1,217,180 sq.ft. or 27.94 acres, more or less.

Such land is conveyed subject to the following:

1. Ad valorem taxes due and payable October 1, 1981.
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 (Residential), recorded in Miscellaneous Book 14, beginning at page 536, in the Office of the Judge of Probate of Shelby County, as amended in Miscellaneous Book 17, beginning at page 550, in the Office of the Judge of Probate of Shelby County, Alabama.

6. Said property conveyed by this instrument is hereby restricted to use for residential townhouses (with a density not to exceed eight units per acre) unless a change in use is authorized pursuant to 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. Said property conveyed by this instrument shall be limited to the development of residential townhouses with a minimum of 1250 square feet per unit and a maximum of 1700 square feet per unit of finished floor space, unless otherwise authorized pursuant to Riverchase Residential Covenants, as described in paragraph 5 above.
8. GRANTOR reserves those easements shown on survey attached hereto as Exhibit A and made a part hereof for use for utility lines and appurtenances, including but not limited to gas, water, sewer, drainage, electricity, telephone, and private cable TV systems, together with all rights and privileges necessary or convenient for the full use and enjoyment thereof.

The restrictions set forth in paragraphs 5, 6, & 7 above shall terminate in the event that said property is ever reacquired by GRANTOR.

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 25 day of SEPTEMBER, 1981.

Witnesses:

Joseph P. Ferguson
Ervin Hagin

Witnesses:

Joseph E. May
Cindy Aldridge

THE HARBERT-EQUITABLE JOINT VENTURE

By: THE EQUITABLE LIFE ASSURANCE
 SOCIETY OF THE UNITED STATES

By W. B. Moulton
 Its Ass't Vice President

By: HARBERT INTERNATIONAL, INC.

By W. H. Forster
 Its Vice President

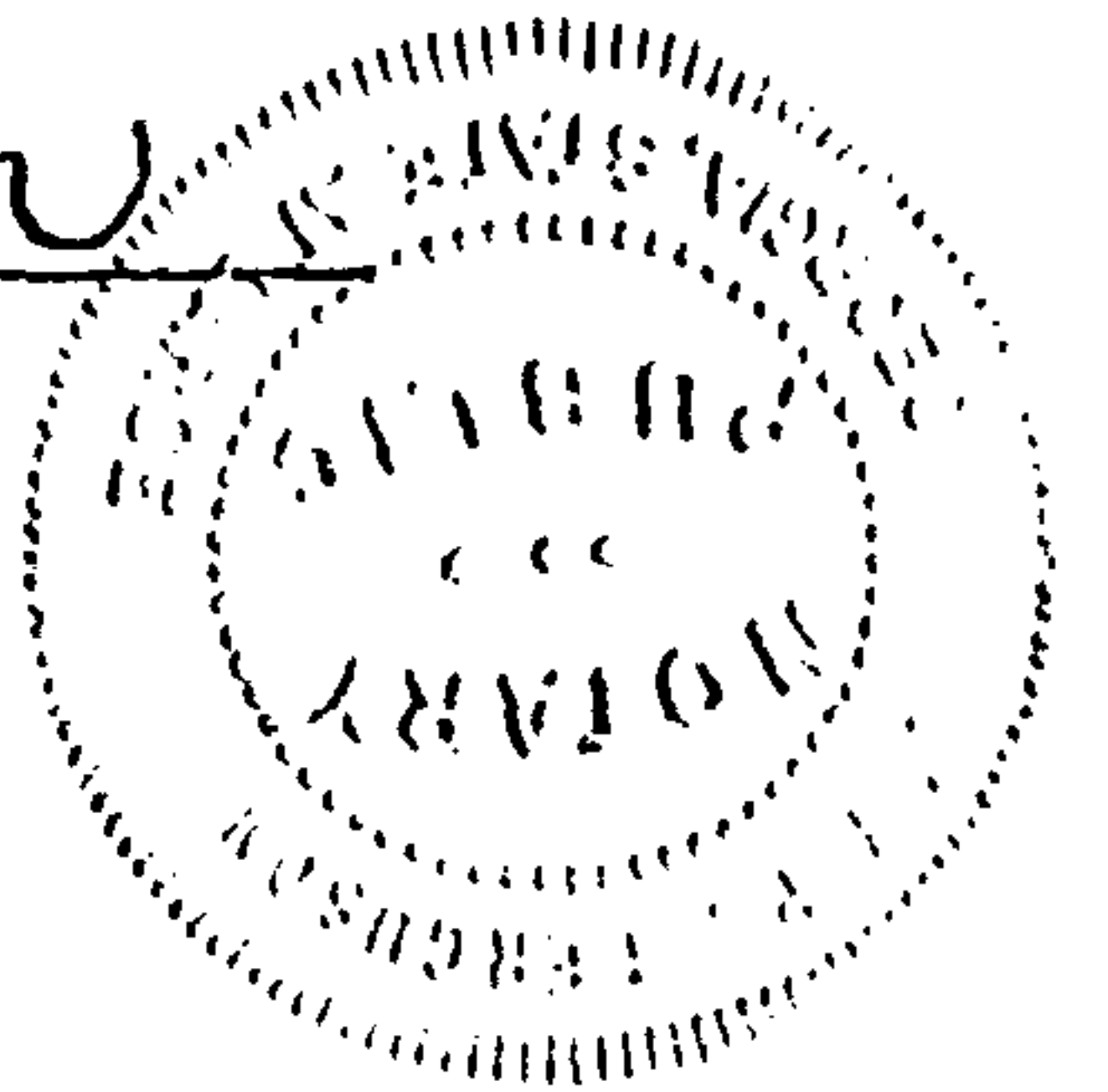
STATE OF Georgia)

COUNTY OF)

I, Joy Ferguson, a Notary Public in and for said County, in said State, hereby certify that Bruce Newthrop, whose name as Past Vice President 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 September, 1981.

Joy Ferguson
Notary Public



My commission expires:
Notary Public, Georgia, State at Large
My Commission Expires Mar. 15, 1985

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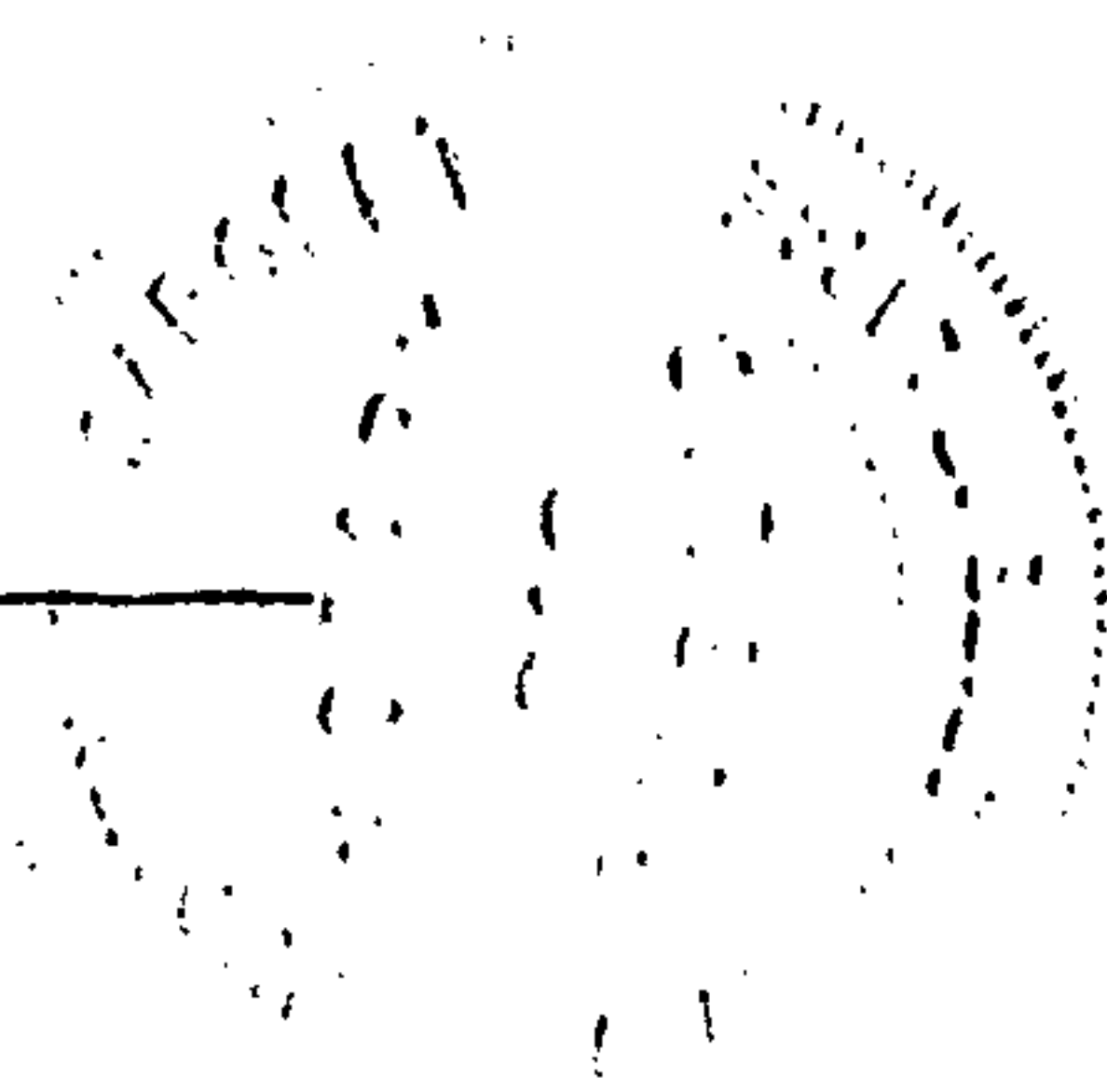
STATE OF ALABAMA)

COUNTY OF Shelby)

I, Judith R. Sargent, a Notary Public in and for said County, in said State, hereby certify that W. H. Rossman, whose name as Vice 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 25th day of September, 1981.

Judith R. Sargent
Notary Public

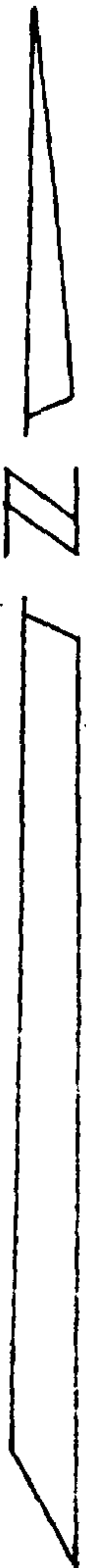


My commission expires:

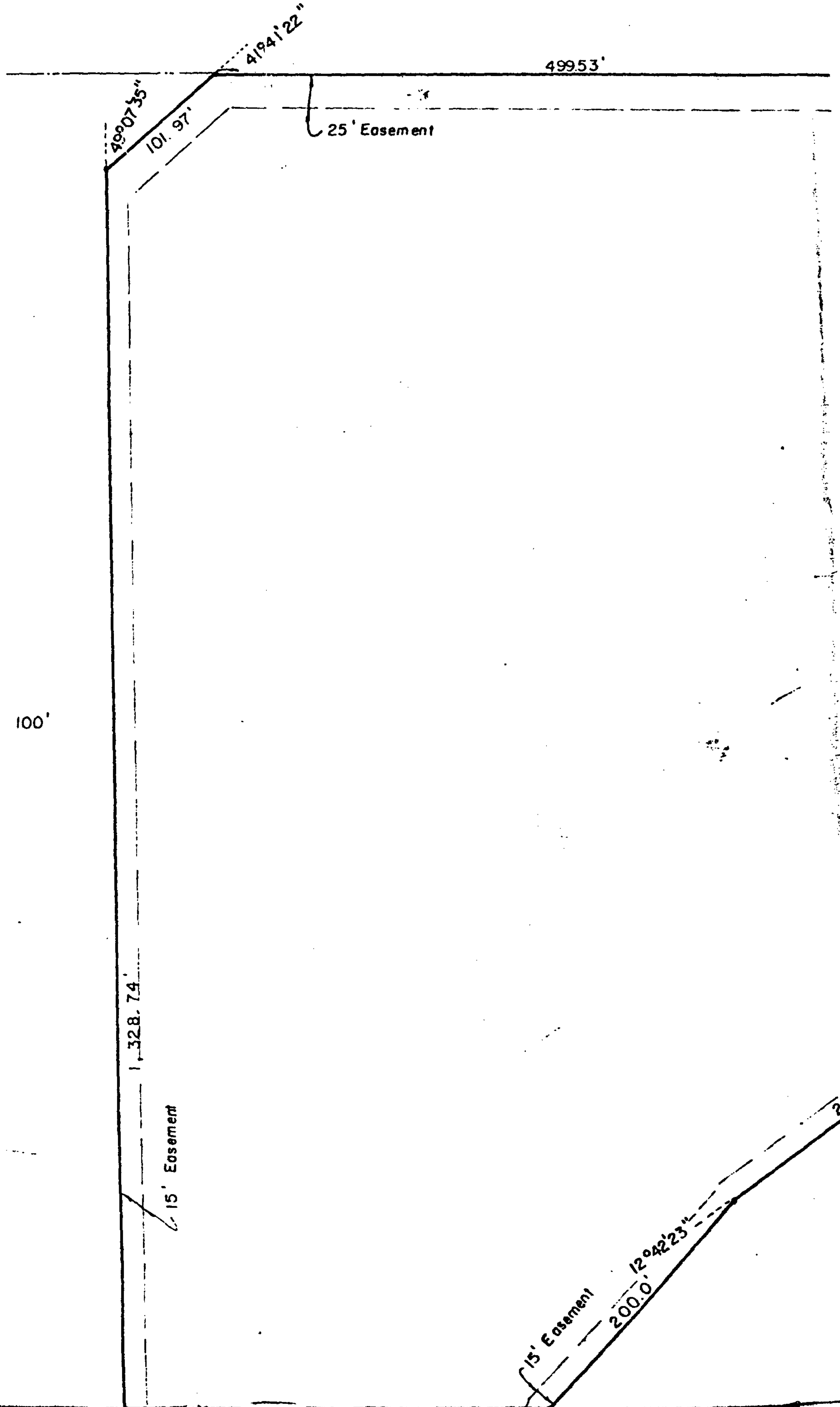
My Commission Expires November 12, 1984

EXHIBIT "A"

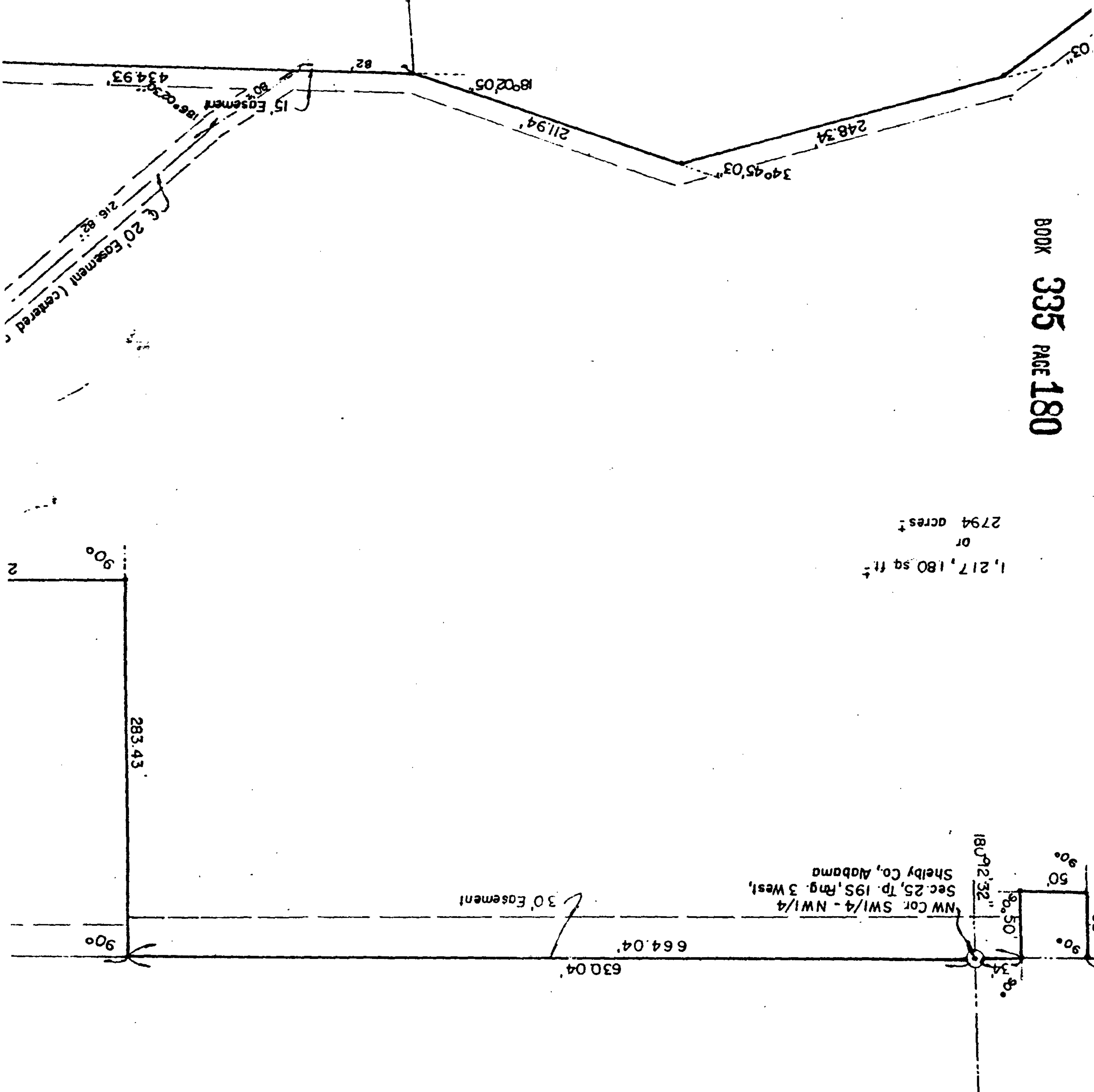
BOOK 335 PAGE 179

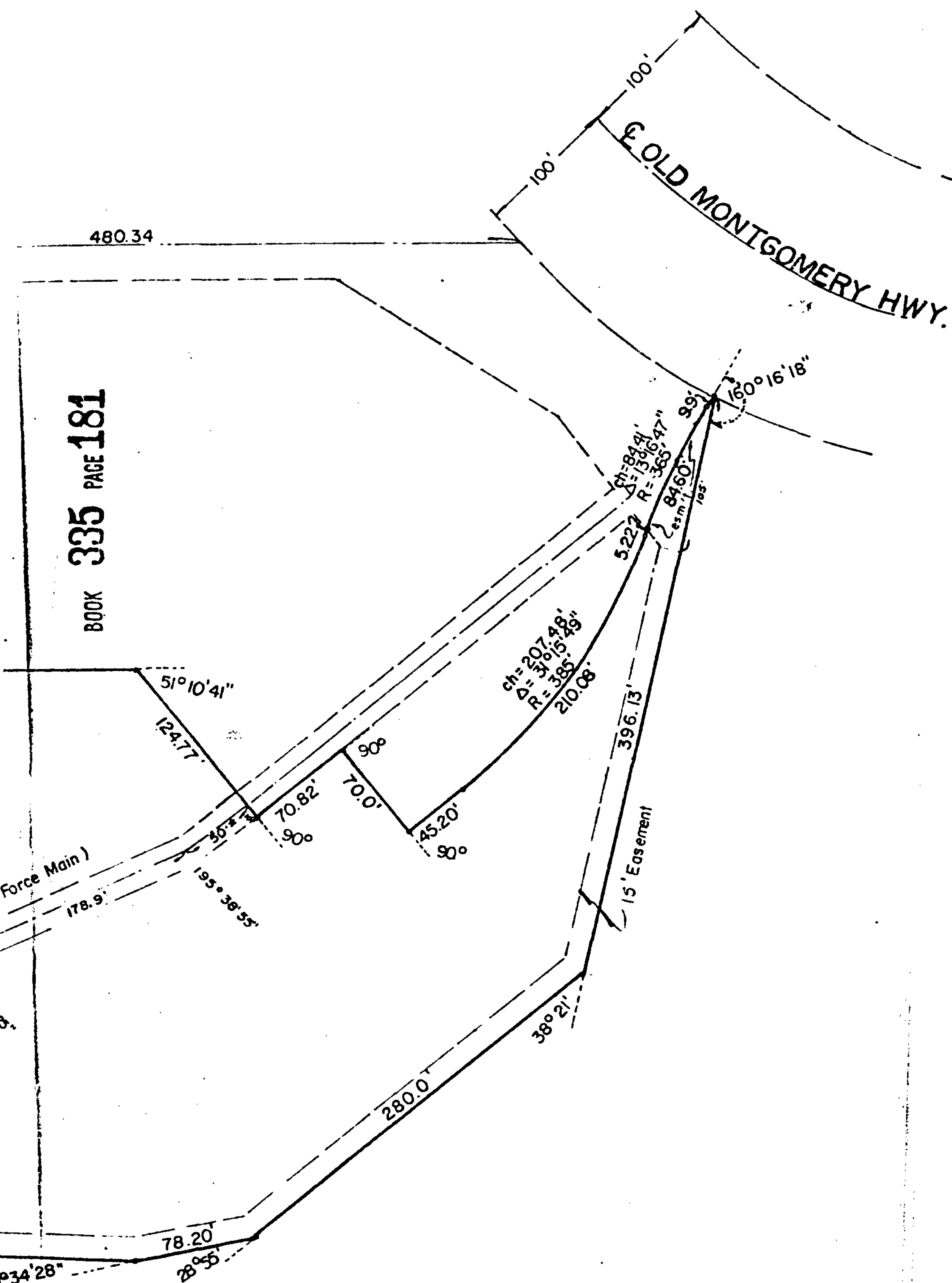


SCALE: 1" = 100'



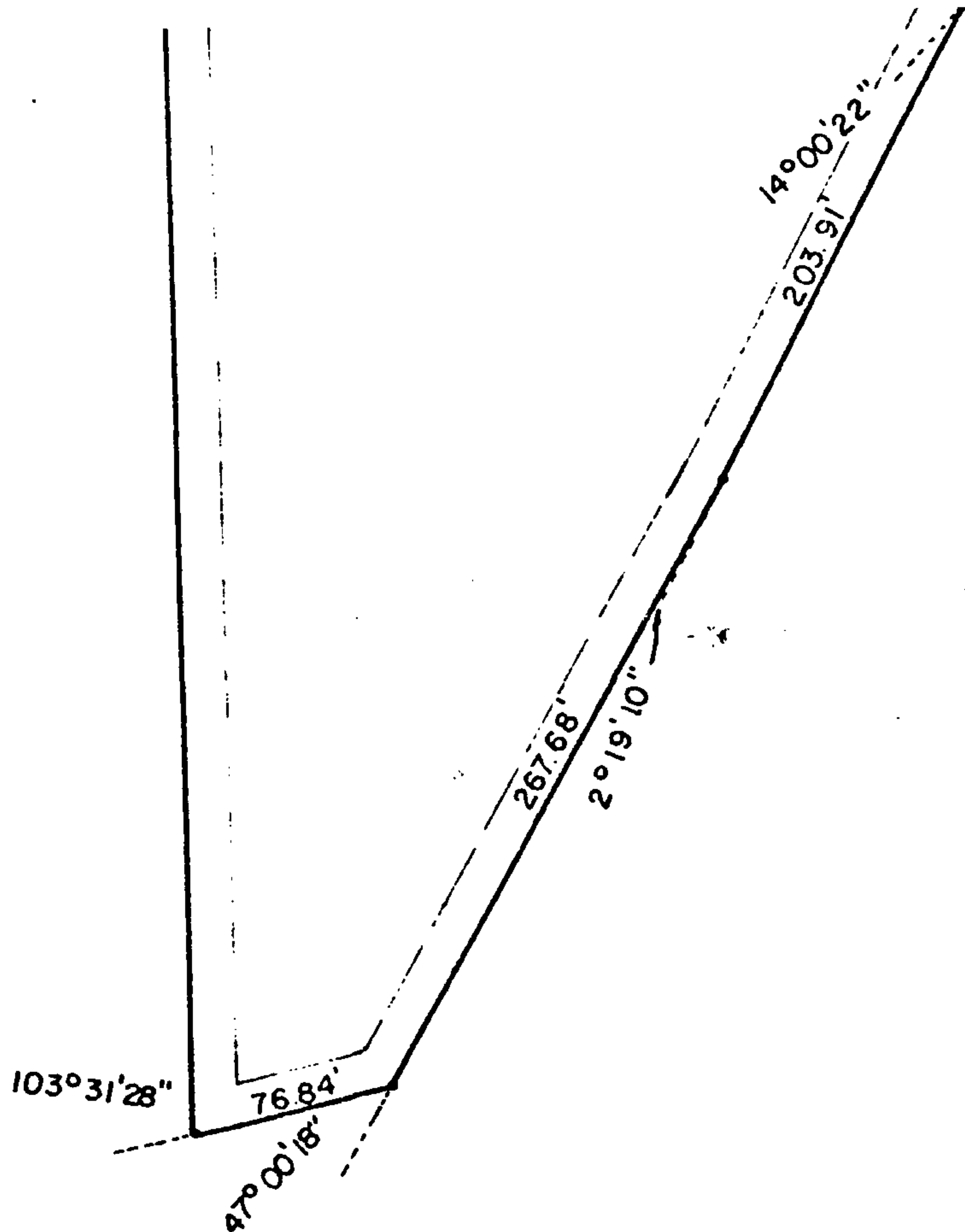
FAIRWAY # 5
RIVERCHASE COUNTRY CLUB





NOTE:

ALL EASEMENTS SHOWN ON THIS MAP ARE FOR PUBLIC UTILITIES,
SANITARY SEWERS, STORM SEWERS AND STORM DITCHES, AND PRIVATE
TELEVISION CABLE SYSTEMS AND MAY BE USED FOR SUCH PURPOSES
TO SERVE PROPERTY BOTH WITHIN AND WITHOUT THIS SUBDIVISION.



STATE OF ALABAMA)
JEFFERSON COUNTY)
I, Laurence D. Meyers
found that this proper

Part of the SW¼ of NW¼
Beginning at the
feet; thence turn an a
of 228.61 feet; thence
direction for a distan
northeasterly directio
a radius of 385.00 fee
northeasterly directio
angle of 13° 16' 47" and
of said curve, run in
and leaving said right
280.0 feet; thence tur
for a distance of 434.
in a southwesterly dir
the left of 12° 42' 23"
feet; thence turn an a
for a distance of 76.8
in a northeasterly dir
41° 41' 22" and run in a
southerly direction fo
in a northerly directi
and run in an easterly
more or less, to the p

According to my survey

Engineer & Land Surveyor certify that I have surveyed the land shown above; That I have consulted the maps and located in a special flood hazard area as per quadrangle sheet 1161-A of Helena, Alabama; and that

Section 25 and the SE $\frac{1}{4}$ of NE $\frac{1}{4}$ and the NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 26, all in Township 19 South, Range 3 West corner of the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 25, Township 19 South, Range 3 West run in an easterly direction to the right of 90° and run in a southerly direction for a distance of 283.43 feet; thence turn an angle to the right of 51°10'41" and run in a southeasterly direction for a distance of 124.77 feet; thence turn an angle to the right of 90° and run in a southeasterly direction for a distance of 45.20 feet to a point of curve, said curve being concave in a northwesterly direction; thence turn an angle to the left and run along the arc of said curve for a distance of 210.08 feet to a point of a second curve, said second curve being concave in a southeasterly direction; thence turn an angle to the right and run along the arc of said curve for a distance of 9.90 feet to a point on the southwesterly right-of-way line; thence run in a southwesterly direction for a distance of 396.13 feet; thence turn an angle to the right of 28°55' and run in a southwesterly direction for a distance of 78.20 feet; thence turn an angle to the right of 18°02'05" and run in a northwesterly direction for a distance of 248.34 feet; thence turn an angle to the left of 21°20'03" and run in a southwesterly direction for a distance of 200.0 feet; thence turn an angle to the left of 2°19'10" and run in a southwesterly direction for a distance of 267.68 feet; thence turn an angle to the right of 103°31'28" and run in a northerly direction for a distance of 101.97 feet to a point on the north line of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 26; thence run in an easterly direction along the north line of said $\frac{1}{4}$ - $\frac{1}{4}$ section for a distance of 499.53 feet; thence turn an angle to the left of 90° and run in an easterly direction for a distance of 50.0 feet to a point on the north line of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 26, Township 19 South, Range 3 West; thence run along said north line of $\frac{1}{4}$ - $\frac{1}{4}$ section for a distance of 34.0 feet, beginning and containing 1,217,180 sq. ft. or 27.94 acres, more or less.

September 18 1981

The Federal Insurance Administration Flood Hazard Boundary Map and said property is more particularly described as follows:

Shelby County, Alabama, being more particularly described as follows:
 tion along the north line of said $\frac{1}{4}$ - $\frac{1}{4}$ section for a distance of 630.04
 gle to the left of 90° and run in an easterly direction for a distance
 ; then turn an angle to the left of 90° and run in a northeasterly
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 ght of $38^{\circ}21'$ and run in a southwesterly direction for a distance of
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 of 211.94 feet; then turn an angle to the left of $34^{\circ}45'03''$ and run
 rly direction for a distance of 212.02 feet; then turn an angle to
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 rn an angle to the right of $47^{\circ}00'18''$ and run in a southwesterly direction
 1,328.74 feet; then turn an angle to the right of $49^{\circ}07'35''$ and run
 ship 19th South, Range 3 West; then turn an angle to the right of
 angle to the right of 90° and leaving said $\frac{1}{4}$ - $\frac{1}{4}$ section line run in a
 stance of 50.0 feet; then turn an angle to the left of 90° and run
) South, Range 3 West; then turn an angle to the right of 90°

Laurence D. Weygand
 Laurence D. Weygand, Reg. C.E.-L.S. #10373, Ph: 939-0900

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

1981 OCT -1 AM 8:42

Thomas G. Snowden, Jr.
JUDGE OF PROBATE

Rec. 18.00
Ind. 1.00
19.00

Acmtg. 415-781

EXHIBIT "A"

| HARBAR PROPERTY | | |
|--|--------------|------------------------------|
| SCALE: 1" = 100' | APPROVED BY: | DRAWN BY |
| DATE: 9-18-81 | | REVISED <i>Esmt's</i> 9-2 |
| PREPARED BY: WEYGAND SURVEYORS 2130 HIGHLAND AVE. BIRMINGHAM, AL 35205 PH: 939-0900 | | |
| | | DRAWING NUMBER |