RECIPROCAL EASEMENT AGREEMENT

This Reciprocal Easement Agreement, made this 23 day of December, 1983, by and between RIVERCHASE GARDENS, LTD. ("No. II"), RIVERCHASE GARDENS II, LTD. ("No. II."), SOUTHWOOD PARK ESTATES, INC. and BHN CORPORATION, a Joint Venture ("Properties"), BHN CORPORATION, individually ("BHN") and CITY FEDERAL SAVINGS AND LOAN ASSOCIATION ("City Federal").

<u>WITNESSETH:</u>

WHEREAS, BHN is the owner of that certain Parcel of Real Property located in the County of Shelby, and State of Alabama, and which Parcel is described on Exhibit A attached hereto and made a part hereof ("Parcel One"); and

WHEREAS, BHN has leased Parcel One to No. I pursuant to a Ground Lease Agreement between the parties dated February 22, 1983, subject to a Mortgage of even date in favor of City Federal.

WHEREAS, BHN is the owner of that certain Parcel of Real Property in the County of Shelby and State of Alabama, which Parcel is described on Exhibit B attached hereto and made a part hereof ("Parcel Two"); and

RETURN TOT LAND TITLE COMPANY 317 N 26th ST. BIRMINSNIPH, TURRINN 35203

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WHEREAS, BHN has leased Parcel II to No. II pursuant to a Ground Lease Agreement between such parties dated December 14, 1983, subject to a Mortgage of even date in favor of City Federal.

WHEREAS, Properties is the owner of that certain Parcel of Real Property in the County of Shelby and State of Alabama, which Parcel is described on Exhibit C attached hereto and made a part hereof ("Parcel Three"); and

WHEREAS, No. I has constructed on Parcel No. One an Apartment Project which includes the following Community Facilities: guardhouse, clubhouse, pool, tennis courts, model furniture, garbage compactor and postal station ("Community Facilities"); and

WHEREAS, No. II intends to improve Parcel Two by constructing thereon an Apartment Project; and

WHEREAS, BHN, No. I and No. II desire to execute this Reciprocal Easement Agreement for the purpose of providing for the joint use of the Community Facilities as well as the walking, parking and driving areas, hereafter located on Parcel One and Parcel Two (said Parcels are hereinafter referred to collectively as the "Parcels") and for the joint right of access to an ingress and egress and surface water drainage over and across such areas, and for other purposes related to the use of the Parcels, all as more particularly provided herein, and

WHEREAS, No. I and No. II desire to set forth their agreement with Properties regarding the right of No. I and No. II of egress and ingress over Parcel Three.

NOW, THEREFORE, in consideration of the mutual benefits to be realized by such joint use and the covenants set forth herein, the parties hereto do hereby declare and agree that the properties described herein shall be held, owned and used in accordance with the following covenants:

1. Easements

a. Easements over Parcel One. BHN and No. I do hereby grant and convey to, and establish for the benefit of No. II, and No. II's tenants, customers, employees and invitees, lessees, mortgagees and occupants, an non-exclusive easement appurtenant to Parcel Two for the purpose of using the Community Facilities, for the passage and use for the purpose of walking upon and driving and parking vehicles upon, over and across all those sidewalks, entrances, drives, lanes and parking areas on Parcel One which are now or may hereafter from time to time be used for pedestrian and vehicular traffic and parking, and for the purpose of drainage of surface water over, across and under Parcel One, and for the purpose of using any water retention facilities now or hereafter located upon Parcel One, and for the purpose of utilization, use, maintenance and repair of underground utilities serving any portion of parcel to over, across and under such portions of Parcel One.

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b. Easements over Parcel Two. BHN and No. II do hereby grant and convey to and establish for the benefit of No. I and No. I's tenants, customers, employees, invitees, lessees, mortgagees and occupants a non-exclusive easement appurtenant to Parcel One for the purpose of using the Community Facilities, for the passage and use for the purpose of walking upon and driving and parking vehicles upon, over and across all those sidewalks, entrances, drives, lanes and parking areas on Parcel Two which are now or may hereafter from time to time be used for pedestrian and vehicular traffic and parking, and for the purpose of drainage of surface water over, across and under Parcel Two, and for the purpose of using any water retention facilities now or hereafter located upon Parcel Two, and for the purpose of installation, use, maintenance and repair of underground utilities serving any portion of Parcel One over, across and under such portions of Parcel Two.

- 2. The parking lots, sidewalks, driveways, landscaping, lighting and water retention facilities and common facilities now or hereafter located or constructed on each of the Parcels shall be maintained in good order and repair by the respective Owner of that Parcel at such Owner's cost at all times during the term of this Agreement, which maintenance shall include, without limitation, striping, snow, ice and trash removal.
- 3. Easements provided for herein shall be effective upon the date hereof, shall be perpetual and shall run with the land to constitute a use of reciprocal benefits to and burdens upon the Parcels subject,

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however, to termination upon termination of the said Ground Lease Agreement covering such Parcel. The easements provided for herein shall inure to the benefit of and be binding upon the respective successors, successors in title, assigns, heirs and tenants of each party hereto and the customers, employees, lessees, mortgagees and invitees of such parties and shall remain in full force and effect and shall be unaffected by any change in ownership of the Parcels, or any of them, or by any change of use, demolition, reconstruction, expansion or other circumstances, except as specified herein. Each of the rights created hereunder shall be specifically enforceable in a court of equity, it being agreed by all parties hereto that an action for damages would not be an adequate remedy for a breach of this declaration.

4. Properties does hereby grant, bargain, sell and convey unto to No. I and No. II an easement for ingress and egress to an from Properties' property over and across the Parcel Three.

5.1City Federal as the holder of the Mortgage on Parcel I and Parcel II does hereby consent to the terms of this Agreement.

IN WITNESS WHEREOF, the undersigned have hereunto set their respective hands and attached their seals as of the day and year first above written.

WITNESSES:

Sollie Silve

RIVERCHASE GARDENS, LTD.

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| Sollie Silver | By Simil Belavers A General Partner |
| | RIVERCHASE GARDENS II, LTD. |
| Sollie D'Ex | By Junh A. M. A. General Partner |
| Sallie Gibes | By A General Partner |
| Sallie Silves | By MBeauers A General Partner |
| | SOUTHWOOD PARK ESTATES, INC. |
| Mark H. M. Clen | By Ble Breusland |
| Sollie Silves | BHN CORPORATION By Its Page 2: 20-1 |
| Mark H. Malla | CITY FEDERAL SAVINGS AND LOAN ASSOCIATION By Alexander President Its In Kase Visi President |
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| STATE OF ALABAMA JEFFERSON COUNTY | ; |
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Public in and for said County in said State, hereby certify that of the conveyance, he, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation and as General Partner of Riverchase Properties, under Joint Venture Agreement dated March 16, 1981, 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 and as General Partner of Riverchase Properties, a Joint Venture.

Given under my hand and official seal, this the 3th day of Activities Melows Notary Public My Commission Expires: 9/8/85

STATE OF ALABAMA
JEFFERSON COUNTY

I, Steven E. Dickson, Notary Public in and for said County, in said State, hereby certify that William C. Hulsey, whose name as President of BHN CORPORATION, a corporation, and as General Partner of Riverchase Properties, under Joint Venture Agreement dated March 16, 1981, 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 and as General Partner of Riverchase Properties, a Joint Venture.

Given under my hand and official seal, this the $13 \, \text{th}$ day of Dec. , 1983.

Notary Public

My Commission Expires: 4/1/64

[Notarial Seal]

STATE OF ALABAMA)
JEFFERSON COUNTY)

I, the undersigned authority, in and for said County, in said State, hereby certify that William C. Hulsey, Sims R. Beavers and Frank A. Nix whose names as General Partners respectively of Riverchase Garden, Ltd., a Limited Partnership, are signed to the foregoing instrument, and who are known to me, acknowledged before me on this day that, being informed of the contents of said instrument, they, as such general partners, and with full authority, executed the same voluntarily for and as the act of said Limited Partnership.

Given under my hand and official seal this $\frac{13\text{th}}{1983}$ day of Dec. , 1983.

Notary Public

My Commission Expires: 4/1/64

[Notarial Seal]

STATE OF ALABAMA)
JEFFERSON COUNTY)

BOOK

I, the undersigned authority, in and for said county, in said state, hereby certify that William C. Hulsey, Sims R. Beavers and Frank A. Nix whose names as General Partners respectively of Riverchase Gardens II, Ltd., a Limited Partnership, are signed to the foregoing instrument, and who are known to me, acknowledged before me on this day that, being informed of the contents of said instrument, they, as such general partners, and with full authority, executed the same voluntarily for and as the act of said Limited Partnership.

Given under my hand and official seal this <u>13th</u>day of <u>Dec.</u>, 1983.

Notary Public

My Commission Expires: 4/1/84

[Notarial Seal]

STATE OF ALABAMA)
JEFFERSON COUNTY)

State, hereby certify that of City Federal Savings and Loan Association, 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 said instrument, he, as such officer and with full authority, executed the same voluntarily for and as the act of said banking association.

Given under my hand and official seal this the 3th day of December, 1983.

Notary Public

My Commission Expires:

9/8/85

[Notarial Seal]

PAGE 185

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STATE OF ALABAMA JEFFERSON COUNTY

I, the undersigned Notary Public in and for said County in said State, hereby certify that <u>William C. Hulsey</u>, whose name as <u>President</u> of BHN Corporation, 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 said instrument, he, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation.

Given under my hand and official seal this the $\frac{13 \, \text{th}}{1983}$ day of December, 1983.

Notary Public

My Commission Expires: 4/1/64

[Notarial Seal]

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EXHIBITA

RIVERCHASE APARTMENTS PHASE I

DESCRIPTION:

Commence at the Southeast corner of the Northwest One-Quarter of Section 30, Township 19 South, Range 2 West; run thence in a Westerly direction along the South line of said Quarter-Quarter Section for a distance of 2,300.55 feet; thence turn an angle to the right of 86 degrees, 00 minutes and run in a Northerly direction along the East line of U. S. Highway 31 for a distance of 1,096.84 feet; thence turn an angle to the right of 101 degrees, 03 minutes, 10 seconds and run in a Southeasterly direction for a distance of 346.16 feet; thence turn an angle to the left of 71 degrees, 19 minutes, 50 seconds and run in a Northeasterly direction for a distance of 580 feet; thence turn an angle to the right of 18 degrees, 59 minutes, 22 seconds and run in a Northeasterly direction for a distance of 535.19 feet; thence turn an angle to the right of 7 degrees, 10 minutes, 43 seconds and run in a Northeasterly direction for a distance of 450.31 feet; thence turn an angle to the right of 54 degrees, 38 minutes, 40 seconds and run in a Southeasterly direction for a distance of 589.98 feet; thence turn an angle to the left of 47 degrees, 25 minutes, 30 seconds and run in a Northeasterly direction for a distance of 295 feet; thence turn an angle to the right of 19 degrees, 30 minutes and run in a Northeasterly direction for a distance of 394.05 feet; thence turn an angle to the right of 25 degrees, 31 minutes and run in a Southeasterly direction for a distance of 420 feet to the point of beginning. From the point of beginning thus obtained, thence continue along last described course for ← a distance of 62.29 feet; thence turn an angle to the left of 20 degrees, 43 minutes and run in a Northeasterly direction for a distance 454.41 feet; thence turn an angle to the right of 27 degrees, 54 minutes and run in a Southeasterly direction for a wy distance of 127.85 feet to a point on the Westerly right-of-way line of Riverchase Parkway East; thence turn an angle to the right of 56 degrees, 24 minutes, 52 seconds to the tangent of the following described course; said course being situated on a curve to the right having a central angle of 69 degrees, 28 minutes, 08 seconds and a radius to the right having a central angle of by degrees, 20 minutes, 00 seconds and a resolution of conference of 267.71 feet; thence run along the arc of said curve to the right and along the Northwesterly right-of-way line of Riverchase Parkway East for a distance of 324.59 feet to the end of said curve; thence run along the tangent, if extended to said curve, continuing in a Southwesterly direction along the Northwesterly right-of-way line of Riverchase Parkway East for a distance of 56 feet to the point of beginning of a curve to the left; said curve having a central angle of 38 degrees, 52 minutes, and a radius of 360.31 feet; thence run along the arc of said curve to the left in a Southwesterly direction along the Northwesterly right-of-way line of Riverchase Parkway East for a distance of 244.42 feet to the end of said curve; thence run along the tangent, if extended to said curve, in a Southwesterly direction along the Northwesterly right-of-way line of Riverchase Parkway East for a distance of 192.08 feet to the point of beginning of a curve to the right; said curve having a central angle of 12 degrees, 12 minutes and a radius of 776.49 feet; thence run along the arc of said curve to the right in a Southwesterly direction along the Northwesterly rightof-way line of Riverchase Parkway East for a distance of 165.34 feet to the end of said curve; thence run along the tangent, if extended to said curve, in a Southwesterly direction along the Northwesterly right-of-way line of Riverchase Parkway East for a distance of 165 feet; thence turn an angle to the right of 86 degrees, 0 minutes and run in a Northwesterly direction for a distance of 159 feet to the point of beginning of a curve to the right; said curve having a central angle of 56 degrees, 45 minutes and a radius of 323.99 feet; thence run along the arc of said curve to the right in a Northwesterly direction for a distance of 320.91 feet to the end of said curve and the point of beginning of a curve to the left; said curve to the left having a central angle of 36 degrees, 44 minutes and a radius of 294.19 feet; thence run along the arc of said curve to the left in a Northwesterly direction for a distance of 188.61 feet; thence turn an angle to the right from the tangent of the last described course of 73 degrees, 48 minutes, 12 seconds and run in a Northeasterly direction for a distance of 573.80 feet. Said parcel containing 526,753 square feet or 12.0926 acres.

Page 1

EASEMENT FOR INCRESS AND EGRESS ACROSS RIVERCHASE GARDEN APARTMENTS

DESCRIPTION: Commence at the Southeast corner of the Northwest Quarter of Section 30, Township 19 South, Range 2 West; run thence in a Westerly direction along the South line of said Quarter-Quarter section for a distance of 2,300.55 feet; thence turn an angle to the right of 66 degrees, 00 minutes and run in a Northerly direction along the East line of U.S. Highway 31 for a distance of 1,096.84 feet; thence turn an angle to the right of 101 degrees, 03 minutes, 10 seconds and run in a Southeasterly direction for a distance of 346.16 feet; thence turn an angle to the left of 71 degrees, 19 minutes, 50 seconds and run in a Northeasterly direction for a distance of 580 feet; thence turn an engle to the right of 18 legrees, 59 minutes, 22 seconds and run in a Kortheasterly direction for a distance of 535.19 feet; thence turn an angle to the right of 7 degrees, 10 minutes, 43 seconds and run in a Northeasterly direction for a distance of 450.31 feet; thence turn an angle to the right of 54 degrees, 36 minutes, 40 seconds and run in a Southeasterly direction for a distance of 589.98 feet; thence turn an angle to the left of 47 degrees, 25 minutes, 30 seconds and run in a Northeasterly direction for a distance of 295 feet; thence turn an angle to the right of 19 degrees, 30 minutes and run in a Northeasterly direction for a distance of 494.05 feet; thence turn an angle to the right of 25 degrees, 31 minutes and run in a Southeasterly direction for a distance 蓋 of 420 feet; thence turn an angle to the right of 106 degrees, 13 minutes, 12 seconds and run in a Southwesterly direction for a distance of 318.56 feet to the point of beginning. From the point of beginning thus obtained, thence continue along last described course for a distance of 32.22 feet; thence turn an angle to the left of 83 degrees, 15 minutes and run in a Southeasterly direction for a distance of 94.50 feet to a point of beginning of a curve to the right, said curve having a central angle of 44 degrees, 20 minutes and a radius of 122.73 feet; thence run along the arc of said curve to the right in a Southeasterly direction for a distance of 94.96 feet to the end of said curve; thence run along the tangent, if extended to said curve, in a Southeasterly direction for a distance of 17.0 feet to the point of beginning of a curve to the right, said curve having a central angle of 35 degrees and a radius of 317.16 feet; thence run along the erc of said curve to the right in a Southeasterly. Southerly and Southwesterly direction for a distance of 193.74. feet to the end of said curve; thence run along the tangent, if extended to said curve, in a Southwesterly direction for a distance of 27.50 feet to the point of beginning of a curve to the right, said curve having a central angle of 35 degrees and a radius of 126.86 feet; thence run along the arc of said curve to the right in a Southwesterly direction for a distance of 77.50 feet to the end of said curve; thence run along the tangent, if extended to said curve, in a Southwesterly direction for a distance of 48.70 feet; thence turn an angle to the left of 83 degrees, 36 minutes, 19 seconds to the temment of the following described course, said course being situated on a curve to the left having a central angle of 10 degrees, 10 minutes, 47 seconds and a radius of 323.99 feet; thence run along the arc of said curve to the left in a Southeasterly direction for a distance; of 57.56 feet; thence turn an angle to the left from the tangent of last described course. of 66 degrees, 12 minutes, 54 seconds and run in a Northeasterly direction for a distance cr 28.72 feet to the point of beginning of a curve to the left, said curve having a central angle of 35 degrees, and a redius of 111.01 fect; thence run along the arc of said curve to the left in a Northeasterly direction for a distance of 67-81 feet to the end of said curve; thence run along the tangent, if extended to said curve, in a Mortheasterly direction for a distance of 87 feet to the point of beginning of a curve to the left, said curve having a central angle of 35 degrees and a radius of 349.16 feet; thence run along the arc of said curve to the left in a Northeasterly, Northerly and Northwesterly direction for a distance of 213.29 feet to the end of said curve; thence run along the tengent, if extended to said curve, in a Northwesterly direction for a distance of 17 feet to the point of beginning of a curve to the left, said curve having a central angle of 44 degrees, 20 minutes and a radius of 154.73 feet; thence run along the arc of said curve to the left in a Northwesterly direction for a distance of 119.72 feet to the end of said curve; thence run along the tangent, if extended to said curve, in a Northwesterly direction for a distance of 98.29 feet to the point of beginning. Page 2

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Commence at the Southeast porner of the Morthwest Quarter of Section 30, Township 19 South, Range 2 West; run thence in a Westerly direction along the South libe of said Quarter Section for a distance of 2,300.55 feet; thence turn an angle to the right of 86 degrees. 00 minutes and run in a Bortherly direction along the East line of U. S. Highway 31 for a distance of 1,096.84 feet; thence turn an angle to the right of 101 degrees. 03 pinutes. 10 seconds and run in a Southeasterly direction for a distance of 346.16 feet; thence turn an engle to the left of 71 degrees, 19 minutes, 50 seconds and run in a Mortheasterly direction for a distance of 580 feet; thence turn an angle to the right of 18 degrees, 59 minutes, 22 seconds and run in a Bortheasterly direction for a distance of 535.19 feet; thence turn an angle to the right of 7 degrees, 10 minutes. 43 seconds and run in a Northeasterly direction for a distance of 450.31 feet; thence turn an angle to the right of 54 degrees, 38 minutes, 40 seconds and run in a Southeasterly direction for a distance of 589.98 feet; thence turn an angle to the left of 47 degrees, 25 minutes, 30 seconds and run in a Mortheasterly direction for a distance of 295 feet; thence turn an angle to the right of 19 degrees, 30 minutes and run in a Mortheasterly direction for a distance of 110.05 Seet to the point of beginning. From the point of beginning thus obtained, thence continue along last described course for a distance of 384 feet; thence turn an angle to the right of 25 degrees. Il minutes and run in a Southeasterly direction for a distance of 420 feet; thence turn an angle to the right of 106 degrees, 13 minutes, 12 seconds and run in a Southwesterly direction for a distance of 573.80 feet; thence turn an angle to the right of 106 degrees, 11 minutes, 48 seconds to the tangent of the following described course; said course being situated on a curve to the left having a central engle of 45 degrees, 46 minutes and a radius of 294.19 feet; thence run along the are of said curve to the left in a Morthwesterly direction for a distance of 234.99 fret to the and of said curve; thence run along the tangent, if extended to said curve. in a Morthwesterly direction for a distance of 25 feet to the point of beginning of a curve to the left; said curve having a central angle of 19 degrees, 15 minutes and a radius of 442.25 fest; thence run along the are of said curve to the left in a Morthwesterly direction for a distance of 148.59 feet; thence turn an angle to the right from the tangent of the last described nourse of 79 degrees, 26 minutes and run in a Morthwesterly direction for a distance of 190 feet; thence turn an angle to the right of 24 degrees, 51 minutes, 44 seconds and run in a Northeasterly. direction for a distance of 287.10 feet to the point of beginning.

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DENOMINATION: Pasement for Ingress & Reress ' Commence at the Southeast corner of the Northwest One-Quarter of Section 30, Thypship 19 South, Sange 2 West; run thence in a Westerly direction along the South line of said Quarter-Quarter Section for a distance of 2,300.55 feet; thence turn an angle to the right of 86 degrees, 00 minutes and run in a Northerly direction along the East line of U.S. Highway 31 for a distance of 1,096.84 feet; thence turn an angle to the right of 101 degrees, 03 minutes, 10 seconds and run in a Southeesterly direction for a distance of 346.16 feet; thence turn an angle to the left of 71 degrees, 19 minutes, 50 seconds and run in a Northeasterly direction for a distance of 580 feet; thence turn an angle to the right of 18 degrees, 59 minutes, 22 seconds and run in a Northeasterly direction for a distance of 535.19 feet; thence turn an angle to the right of 7 degrees, 10 minutes, 43 seconds and run in a Kortheesterly direction for a distance of 450.31 feet; thence turn an angle to the right of 54 degrees, 38 micutes, 40 seconds and run in a Southeasterly direction for a distance of 589.98 feet; thence turn an angle to the left of 47 degrees, 25 minutes, 30 seconds and run in a Forthessterly direction for a distance of 295 feet; thence turn an angle to the right of 19 degrees, 30 minutes and run in a Northeasterly direction for a distance of 394.05 feet; thence turn an angle to the right of 25 degrees, 31 minutes and run in a Southeasterly direction for a distance of 420 feet; thence turn an angle to the right of 100 degrees, 13 minutes, 12 seconds and run in a Southwesterly direction for a distance of 573.60 feet to the point of beginning; from the point of beginning thus obtained, thence continue along last described course for a distance of 63.17 feet; thence turn an angle to the left of 69 degrees, 29 minutes, 17 seconds to the tangent of the following described course, said course being situated on a curve to the right having a central angle of 32 degrees. 25 minutes, 05 seconds and a radius of 234.19 feet; thence run along the arc of said curve to the right in a Southeesterly direction for a distance of 132.51 feet to the end of said curve; thence run along the tengent, if extended to said curve, in a Southeasterly direction for a distance of 37.02 feet to the point of beginning of a curve to the left; said curve having a central angle of 56 degrees, 45 minutes and a radius of 359.73 feet; thence run along the arc of said curve to the left in a Southeasterly direction for a distance of 356.30 feet to the end of said curve, thence run along the tangent, if extended to said curve, in a Southeesterly direction for a distance of 157.40 feet to a point on the Northvesterly right-of-way line of Riverchase Parkway East; thence turn an angle to the left of 92 degrees, 12 minutes, 56 seconds to the tangent of the following described course, said course being situated on a curve to the right having a central angle of o degrees, 12 minutes 56 seconds and a radius of 678.63 feet; thence run along the Morthuse the arc of said curve to the right in a Northeasterly direction along the Northwesterly right-of-way line of Riverchase Parkway East for a distance of 73.62 feet to the end of said curve; thence run along the tangent, if extended to said curve, in a Northeasterly direction along the Northwesterly right-of-way line of Riverchase Parkway East for a distance of 6.1,4 feet; thence turn an angle to the left of 94 degrees, 00 minutes and run in a Northwesterly direction for a distance of 159 feet to the point of beginning of a curve to the right; said curve having a central angle of 56 degrees, 45 minutes and a radius of 323.99 feet; thence run along the arc of said curve to the right in a Northwesterly direction for a distance of 320.91 feet to the end of said curve and the point of beginning of a curve to the left; said curve to the left having a central angle of 36 degrees, 44 minutes and a radius of 294.19 feet; thence run along the arc of said curve to the left in a Northwesterly

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direction for a distance of 188.61 feet to the point of beginning.

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