

THIS DOCUMENT WAS PREPARED BY:

Jada Rene Hilyer  
The Harbert-Equitable Joint Venture  
P. O. Box 1297  
Birmingham, Alabama 35201

Purchaser's Address:

NCR Corporation, A Maryland Corporation  
1700 South Patterson Boulevard  
Dayton, Ohio 45479

STATE OF ALABAMA )

COUNTY OF SHELBY )

KNOW ALL MEN BY THESE PRESENTS, That in consideration of the sum of THREE HUNDRED EIGHTY TWO THOUSAND, TWO HUNDRED THIRTY-SIX and 75/100 (\$382,236.75) in hand paid by NCR CORPORATION, A Maryland Corporation (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:

Part of the SE $\frac{1}{4}$  of Section 19, Township 19 South, Range 2 West, Shelby County, Alabama, being more particularly described as follows:

From the Southeast corner of the NE  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of said Section 19, run in a northerly direction along the East line of said  $\frac{1}{4}$ - $\frac{1}{4}$  section for a distance of 283.46 feet; thence turn an angle to the left of 90° and run in an Westerly direction for a distnace of 729.70 feet; thence turn an angle to the left of 40°23'12" and run in a southwesterly direction for a distance of 262.29 feet; thence turn an angle to the right of 30°38'09" and run in a westerly direction for a distance of 303.59 feet, more or less, to an existing iron pin; thence turn an angle to the right 92°43'07" and run in a Northerly direction along the west line of the Gaskill Property for a distance of 15.25 feet to an existing iron pin; thence turn an angle to the left of 100°21'37" and run in a Southwesterly direction for a distance of 358.16 feet to an existing iron pin; thence turn an angle to the left of 4°20' and run in a Westerly direction for a distance of 130.27 feet to an existing iron pin; thence turn an angle to the right of 3°00' and run in a westerly direction for a distance of 260.17 feet to an existing iron pin being the point of beginning; thence continue along last mentioned course for a distance of 428.07 feet to an existing iron pin being on the curved east right-of-way line of Riverchase Parkway East as shown on the recorded plat in the Office of the Judge of Probate Shelby County, Alabama, in Map Book 7, Page 28; thence turn an angle to the left and run in a southerly direction along the arc of said curve (curve being concave in an easterly direction, having a radius of 503.67 feet, a central angle

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of 52°20'36" and a left deflection angle to tangent from last 428.07 foot line of 70°09'23") and also being said east right-of-way line for a distance of 460.13 feet to a point of compound curve; said second curve being concave in a northerly direction and having a radius of 25.00 feet and a central angle of 91°55'54"; thence turn an angle to the left and run along the arc of said curve for a distance of 40.11 feet to the end of said curve; thence run in a northeasterly direction along a line tangent to the end of said curve and also being the north right-of-way line of Parkway Office Circle as recorded in the Office of the Judge of Probate, Shelby County, Alabama, in Map Book 9, Page 175, for a distance of 62.26 feet to a point of curve; said curve being concave in a southerly direction and having a central angle of 48°30' and a radius of 350.00 feet; thence turn an angle to the right and run along the arc of said curve for a distance of 296.27 feet to the end of said curve; thence turn an angle to the left and run in a northerly direction for a distance of 362.88 feet, more or less, to the point of beginning, containing 169,883 square feet, more or less, or 3.9 acres, more or less.

Such land is conveyed subject to the following:

1. Ad valorem taxes due and payable October 1, 1987, which Grantor covenants and agrees to pay prior to such taxes becoming delinquent.
2. Title to oil, gas, petroleum, and sulfur, together with mining rights pertaining thereto, as reserved in Deed Book 127, Page 140, in Probate Office of Shelby County, Alabama.
3. Said property conveyed by this instrument is hereby subjected to the Declaration of Protective Covenants, Agreements, Easements, Charges and Liens for Riverchase (Business), as amended by Amendment No. 2 recorded in Miscellaneous Book 19, beginning at page 633, in the office of the Judge of Probate of Shelby County, Alabama.
6. Said property conveyed by this instrument is hereby restricted to use as office and related uses including, but not limited to, sale and service of business machines, equipment and supplies (with a density not to exceed 10,000 square feet per acre) as defined in the Riverchase Architectural Committee Development Criteria for Planned Office District of Riverchase, dated April 11, 1980 unless a change in use is authorized pursuant to the Riverchase Business Covenants, as described in paragraph 5 above, said restriction to be effective for the same period of time as the Riverchase Business Covenants.
7. Said property conveyed by this instrument is hereby subjected to that certain land use agreement between The Harbert-Equitable Joint Venture and Blue Cross and Blue Shield of Alabama, recorded in Miscellaneous Book 19, beginning at page 690, in the office of the Judge of Probate of Shelby County, Alabama.
8. Utility easements and sanitary sewer easements as shown on survey of Laurence D. Weygand, dated March 6, 1987, a copy of said survey beign attached hereto as exhibit "A".

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 22 day of JULY, 1987.

THE HARBERT-EQUITABLE JOINT VENTURE

By: THE EQUITABLE LIFE ASSURANCE SOCIETY OF THE UNITED STATES

Witness:

[Signature]

By: Donald L. Batsa  
Its Assistant Secretary

By: HARBERT INTERNATIONAL, INC.

Witness:

[Signature]

By: [Signature]  
Its Treasurer

STATE OF

Georgia

COUNTY OF

Fulton

I, Jessie R. Medley, a Notary Public in and for said County, in said State, hereby certify that Donald L. Batsa, whose name as Assistant Secretary 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 13<sup>th</sup> day of July, 1987.

Jessie R. Medley  
Notary Public

My commission expires:

Notary Public, Dekalb County, Georgia  
My Commission Expires July 21, 1991

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STATE OF ALABAMA

COUNTY OF

Shelby

I, Brenda M. Cooke, a Notary Public in and for said County, in said State, hereby certify that Jerry M. Johnson, whose name as Treasurer 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 16<sup>th</sup> day of July, 1987.

Brenda M. Cooke  
Notary Public

My commission expires:

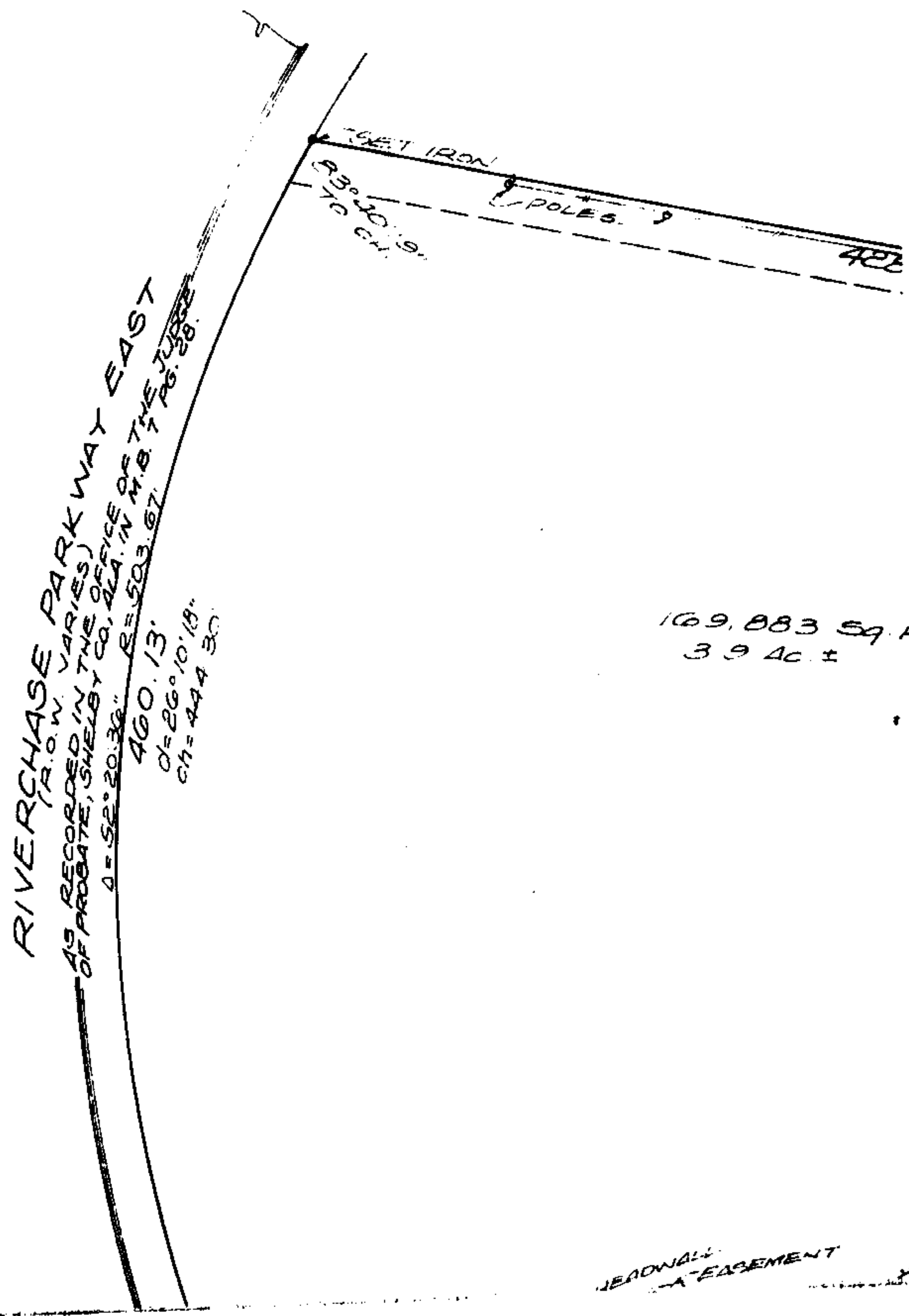
6-17-89

Exhibit "A"

POINT OF BEGINNING  
260.71  
3.00  
130

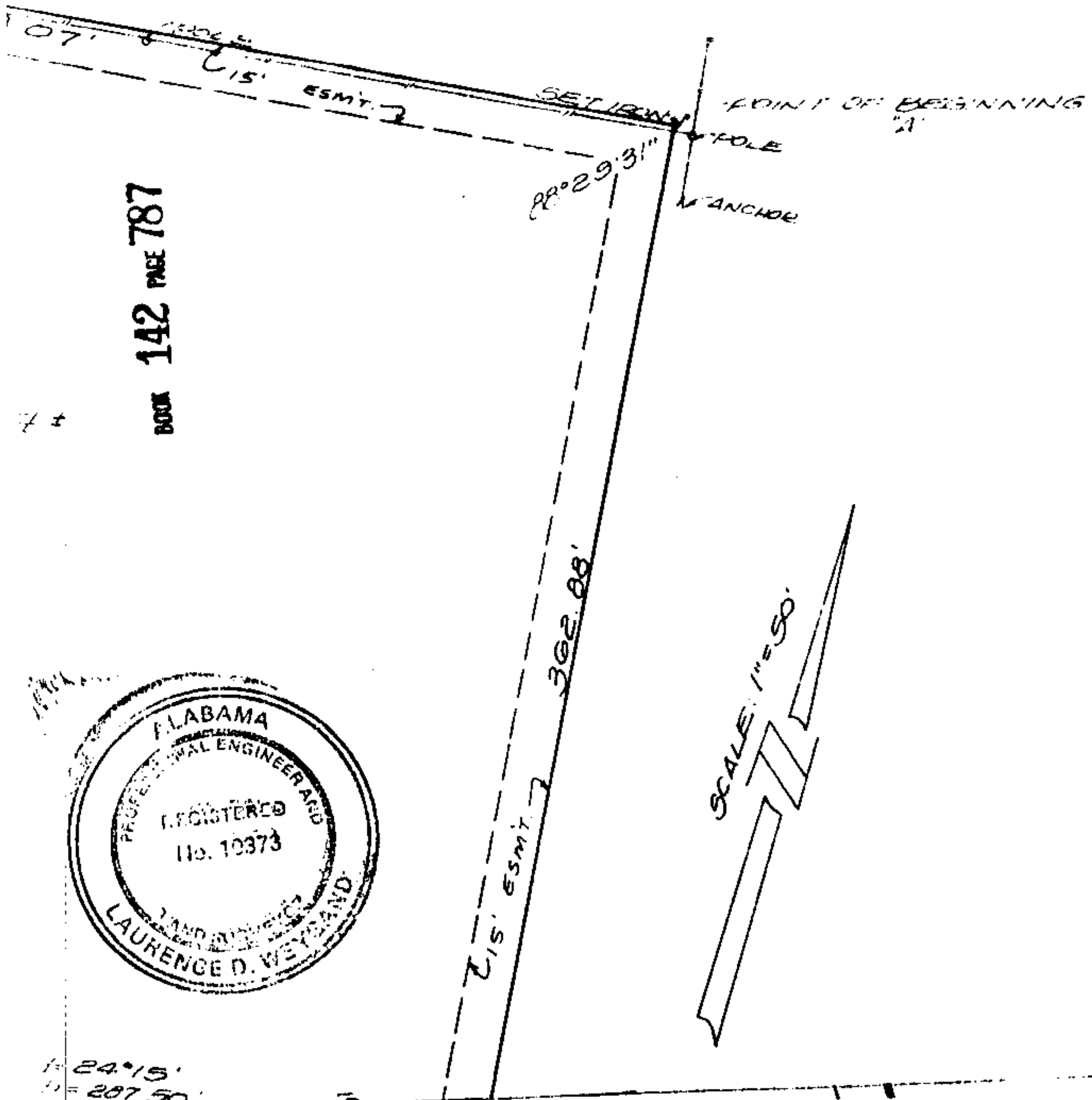
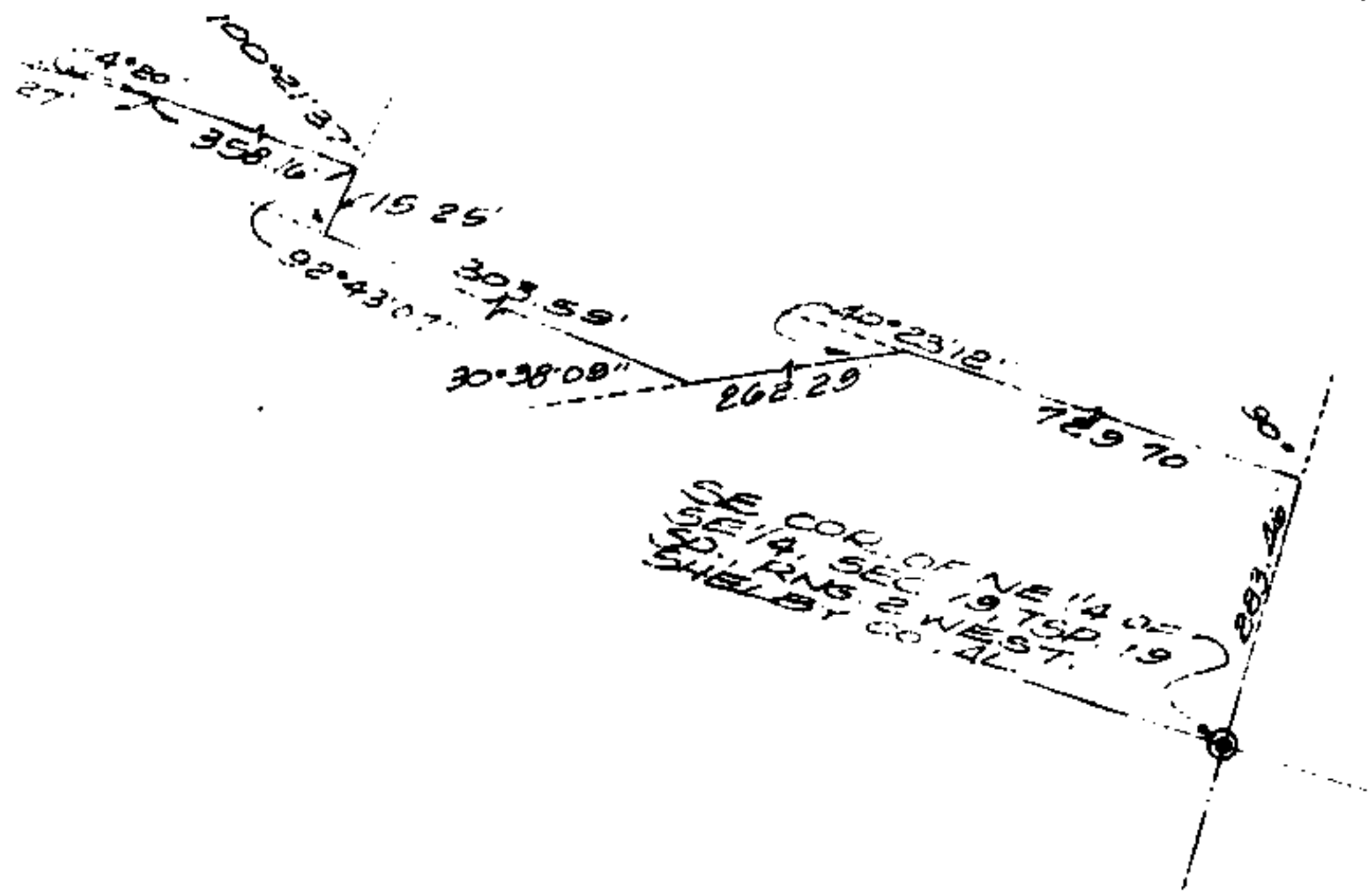
NOTE: ALL EASEMENTS SHOWN ARE FOR PUBLIC UTILITIES, PRIVATE TELEVISION CABLE SYSTEMS, SANITARY SEWERS, STORM SEWERS, STORM DITCHES, AND MAY BE USED FOR SUCH PURPOSES TO SERVE PROPERTY BOTH WITHIN AND WITHOUT THIS SUBDIVISION.

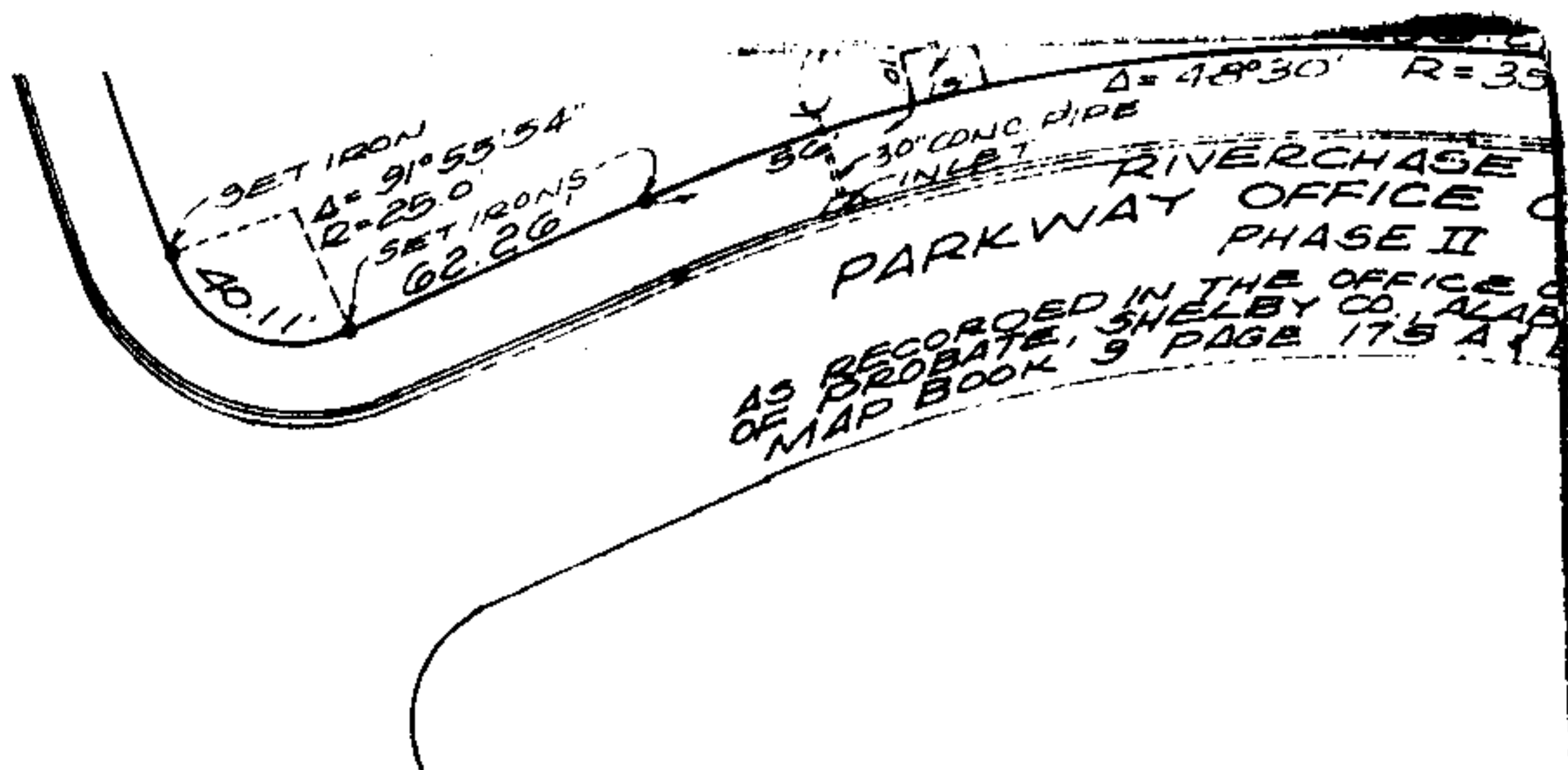
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Received By  
HEJV

MAR 10 1987





STATE OF ALABAMA)  
SHELBY COUNTY)

I, Laurence D. Weygand, Registered Engineer-Land Surveyor, certify that I have surveyed no rights-of-way, easements, or joint driveways over or across said land visible on wires (excluding wires which serve the premises only) or structures or supports thereon, except as shown; that there are no encroachments on said land except as shown on Flood Hazard Boundary Map and found that this property is not located in a special flood hazard area and that the correct description is as follows:

Part of the SE 1/4 of Section 19, Township 19 South, Range 2 West, Shelby County,

From the Southeast corner of the NE 1/4 of the SE 1/4 of said Section 19, run north for a distance of 283.46 feet; thence turn an angle to the left of 90° to the right of 30°38'09" and run in a westerly direction for a distance of 303.59 feet to the right of 92°43'07" and run in a northerly direction along the west line of iron pin; thence turn an angle to the left of 100°21'37" and run in a southwest direction to the left of 4°20' and run in a westerly direction to the left of 3°00' and run in a westerly direction for a distance of 426.07 feet beginning; thence continue along last mentioned course for a distance of 426.07 feet to the line of Riverchase Parkway East as shown on the recorded plat in the Office of the Surveyor; thence turn an angle to the left and run in a southerly direction along the arc of a circle having a radius of 505.67 feet, a central angle of 52°20'36" and a left deflection angle of 37°39'24" to a point on the east right-of-way line for a distance of 460.13 feet to a point on the east right-of-way line and having a radius of 25.00 feet and a central angle of 91°55'54"; thence run in a curve for a distance of 40.11 feet to the end of said curve; thence run in a curve and also being the north right-of-way line of Parkway Office Circle as recorded in Map Book 9, Page 175, for a distance of 62.26 feet to a point on the curve; said angle of 48°30' and a radius of 350.00 feet; thence turn an angle to the right of 131°30' to the end of said curve; thence turn an angle to the left and run in a northerly direction to the point of beginning, containing 169,383 square feet, more or less, or 3.9 acres.

According to my survey of: MARCH 9, 1967  
Address: —  
Order No: —  
Purch: —

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