

THIS INSTRUMENT PREPARED BY:

Jada R. Hilyer  
THE HARBERT-EQUITABLE JOINT VENTURE  
P. O. Box 1297  
Birmingham, Alabama 35201

Purchaser's Address: Harbert Properties Corporation  
P. O. Box 1297  
Birmingham, Alabama 35021

STATE OF ALABAMA )  
COUNTY OF SHELBY )

KNOW ALL MEN BY THESE PRESENTS, That in consideration of the sum of TWO HUNDRED THIRTY THOUSAND TWO HUNDRED SEVENTY-FIVE AND 50/100 DOLLARS (\$230,275.50) in hand paid by HARBERT PROPERTIES 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 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 the said GRANTEE the following described real estate situated in Shelby County, Alabama:

Lot 6C, according to the plat of Riverchase East, First Sector, as Second Amendment, Third Revision, as recorded in Map Book 6 page 139 in the Probate Office of Shelby County, Alabama.

Such land is conveyed subject to the following:

1. Ad valorem taxes due and payable October 1, 1988.
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 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, as amended per agreement dated September 13, 1983, as recorded in Real Book 16, beginning at page 64, 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 a commercial or office development with a density not to exceed 75% as defined in the Riverchase Architectural Committee

Harbert Properties Corp.  
P.O. Box - 1297  
Bham Ala 35201

Development Criteria for Planned Commercial (PC) District of Riverchase, dated April 11, 1980 unless a change in use is authorized pursuant to the Riverchase Business Covenants, as described in paragraph 7 below, 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 the Declaration of Protective Covenants, Agreements, Easements, Charges, and Liens for Riverchase (Business) recorded in Miscellaneous Book 13, beginning at page 50, as amended by Amendment No. 1 recorded in Miscellaneous Book 15, beginning at page 189, as further 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.

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 28<sup>th</sup> day of September, 1988.

THE HARBERT-EQUITABLE JOINT VENTURE

Witness:

Jean Richardson

BY: THE EQUITABLE LIFE ASSURANCE  
SOCIETY OF THE UNITED STATES

BY: Donald L. Batson  
Its Donald L. Batson  
Assistant Secretary

BY: HARBERT INTERNATIONAL, INC.

Witness:

Jada B. Shipe

BY: John  
Its John  
S.W. U.P.

STATE OF Georgia  
COUNTY OF Fulton

I, Jessie L. Medley, a Notary Public in and for said County, in said State, hereby certify that Donald R. Babson, 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 on 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 23rd day of September, 1988.

Jessie L. Medley  
Notary Public

My commission expires:

Notary Public, DeKalb County, Georgia  
My Commission Expires July 21, 1990

STATE OF ALABAMA)

COUNTY OF Shelby

I, Jada R. Delip, a Notary Public in and for said County, in said State, hereby certify that Jada R. Delip, whose name as Senior 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 27th day of September, 1988.

Jada R. Delip  
Notary Public

My commission expires:

Oct. 5, 1989

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

88 SEP 29 AM 8:43

Thomas A. Snowden, Jr.  
JUDGE OF PROBATE

1. Dead Tax \$ 230.50  
2. Mtg. Tax         
3. Recording Fee 7.50  
4. Indexing Fee 1.00  
TOTAL 239.00