

THIS DOCUMENT PREPARED BY:  
Robert C. Walthall  
1400 Park Place Tower  
Birmingham, Alabama 35203

STATE OF ALABAMA )  
COUNTY OF SHELBY )

WARRANTY DEED

771,709<sup>00</sup>

KNOW ALL MEN BY THESE PRESENTS, that in consideration of the sum of ONE HUNDRED Dollars (\$100) in hand paid by HARBERT PROPERTIES CORPORATION, a corporation (hereinafter referred to as "Grantee"), to the undersigned, SOUTHWOOD PARK ESTATES, INC., a corporation, and BHN CORPORATION, a corporation, as tenants in common and Joint Venturers under Joint Venture Agreement dated March 16, 1981 (hereinafter together 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 Grantee the following described real estate situated in Shelby County, Alabama:

Part of the N1/2 of Section 30, Township 19 South, Range 2 West, Shelby County, Alabama, being more particularly described on Exhibit A attached hereto and made a part hereof.

Such Land is conveyed subject to the following:

1. Ad valorem taxes due and payable October 1, 1988.
2. Title to minerals underlying said real estate together with mining rights and privileges belonging thereto as conveyed in Volume 127, page 140, Volume 64, page 50, Deed Book 4, page 464 (as to E1/2 of NW1/4); and oil, gas, petroleum and sulphur as reserved in Deed Book 127, page 140, (as to W1/2 of NW1/4), all as recorded in the Probate Office of Shelby County, Alabama.
3. Easements as shown on survey of Jimmy A. Gay, Reg. C.E.L.S. No. 8759 dated May 20, 1988.
4. Any applicable zoning ordinances.
5. Easements, rights-of-way, reservations, agreements, restrictions and setback lines of record.
6. 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 Misc.

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HARBERT PROPERTIES CORPORATION

*S. Perry Given*  
S. Perry Given, Jr.  
Corporate Counsel

-1-

SPGjr:dc

One Riverchase Parkway South  
Birmingham, Alabama 35244

Book 15, beginning at page 189, as further amended by Amendment No. 2 recorded in Misc. Book 19, beginning at page 633, 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 an office development or a mixed-use development of commercial and office uses, with a maximum building density of 15,000 square feet per acre as provided in that certain Change-of-Use Agreement by and between the Harbert Equitable Joint Venture, the Riverchase Architectural Committee and Riverchase Properties dated September 1, 1988 and as otherwise permitted in the Riverchase Architectural Committee Development Criteria for Planned Office (PO) District of Riverchase, dated April 11, 1980 unless a change in use is authorized pursuant to the Riverchase Business Covenants, as described in paragraph 6 above, said restriction to be effective for the same period of time as the Riverchase Business Covenants.

8. Said property conveyed by this instrument is hereby subject 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.

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TO HAND AND TO HOLD UNTO Grantee, its successors and assigns forever.

AND SAID GRANTOR does for itself, its successors and assigns, covenant with said Grantee, its successors and assigns, that it is lawfully seized in fee simple of said premises, that they are free from all encumbrances unless otherwise noted above, that it has a good right to sell and convey the same as aforesaid, and that it will, and its successors and assigns shall warrant and defend the same to said Grantee, its successors and assigns forever, against the lawful claims of all persons.

IN WITNESS WHEREOF, each of the Grantors have caused this conveyance to be executed by their respective duly authorized officers on this 30<sup>th</sup> day of September, 1988.

ATTEST:

SOUTHWOOD PARK ESTATES, INC.

By

*J. D. Gardner*  
Its Secretary

By

*Thomas W. Morris Jr.*  
Its President and  
Chief Executive Officer

ATTEST:

BHN CORPORATION

By

John A. Nif  
Its Secretary

By

W. C. Nif  
Its President

STATE OF ALABAMA )  
COUNTY OF JEFFERSON )

I, Jean C. Birchfield, a Notary Public in and for said County, in said State, hereby certify that Thomas W. Harris, Jr., whose name as President and Chief Executive Officer of Southwood Park Estates, Inc., 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 30th day of September, 1988.

Jean C. Birchfield  
Notary Public

My Commission Expires: 8/22/89

[SEAL]

STATE OF ALABAMA )  
COUNTY OF JEFFERSON )

I, Jean C. Birchfield, a Notary Public in and for said County, in said State, hereby certify that William C. Halsey, 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 30th day of September, 1988.

Jean C. Birchfield  
Notary Public

My Commission Expires: 8/22/89

[SEAL]

# EXHIBIT A

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Commence at the southeast corner of the northwest one-quarter of Section 30, Township 19 South, Range 2 West; thence run west along the south line of said northwest one-quarter for a distance of 663.89 feet; thence turn an angle to the right of 87 degrees, 34 minutes, 15 seconds and run in a northerly direction for a distance of 200.00 feet to the point of beginning; from the point of beginning thus obtained continue north along last described course for a distance of 287.38 feet; thence turn an angle to the right of 79 degrees, 03 minutes, 19 seconds to the tangent of the following described course, said course being situated on a curve to the right and having a central angle of 20 degrees, 57 minutes, 54 seconds and a radius of 870.32 feet; thence run in an easterly direction along the arc of said curve for a distance of 318.46 feet to the end of said curve; thence run along the tangent extended to said curve in an easterly direction for a distance of 625.65 to the point of commencement of a curve to the left, said curve having a central angle of 30 degrees, 37 minutes, 25 seconds and a radius of 223.97 feet; thence run along the arc of said curve in a northeasterly direction for a distance of 119.71 feet to the end of said curve; thence run along the tangent extended in a northeasterly direction for a distance of 97.98 feet to the point of commencement of a curve to the right, said curve having a central angle of 42 degrees, 18 minutes, 52 seconds and a radius of 221.11 feet; thence run in a northeasterly, easterly, and southeasterly direction along the arc of said curve for a distance of 163.30 feet; thence turn an angle to the right of 90 degrees, 41 minutes, 40 seconds from the tangent of last described course and run in a southwesterly direction along the northwesterly right of way line of Riverchase Parkway East for a distance of 42.16 feet to the point of commencement of a curve to the left, said curve having a central angle of 33 degrees, 56 minutes, 44 seconds, and a radius of 500.37 feet; thence run along the arc of said curve and the westerly right of way line of Riverchase Parkway East for a distance of 296.45 feet; thence turn an angle to the right of 94 degrees, 59 minutes, 06 seconds from the tangent of last described course and run in a southwesterly direction for a distance of 77.00 feet; thence turn an angle to the right of 13 degrees, 17 minutes, 33 seconds and run in a northwesterly direction for a distance of 120.15 feet; thence turn an angle to the right of 7 degrees, 44 minutes, 36 seconds and run in a northwesterly direction for a distance of 149.17 feet; thence turn an angle to the right of 21 degrees, 54 minutes, 19 seconds and run in a northwesterly direction for a distance of 92.34 feet; thence turn an angle to the left of 13 degrees, 09 minutes, 35 seconds and run in a northwesterly direction for a distance of 136.87 feet; thence turn an angle to the left of 65 degrees, 27 minutes, 20 seconds and run in a southwesterly direction for a distance of 62.99 feet; thence turn an angle to the right of 42 degrees, 11 minutes, 40 seconds and run in a westerly direction for a distance of 104.47 feet; thence turn an angle to the left of 35 degrees, 27 minutes, 55 seconds and run in a southwesterly direction for a distance of 225.03 feet; thence turn an angle to the right of 54 degrees, and run in a northwesterly direction for a distance of 396.00 feet to the point of beginning. Situated in Shelby County, Alabama.

FORM 2848-08

STATE OF ALA. SHELBY CO.  
I CERTIFY THIS  
INSTRUMENT WAS FILED  
88 OCT -6 AM 11:07

*Thomas A. Shumaker, Jr.*  
JUDGE OF PROBATE

1. Deed Tax	\$ 772.00
2. Mtg. Tax	
3. Recording Fee	10.00
4. Indexing Fee	1.00
TOTAL	783.00