

THIS DOCUMENT PREPARED BY:

Brenda Cooke
THE HARBERT-EQUITABLE JOINT VENTURE
Post Office Box 1297
Birmingham, Alabama 35201
(205) 988-4730

STATE OF ALABAMA) HARBAR HOMES, INC.
COUNTY OF SHELBY) 5502 CALDWELL MILL ROAD
BIRMINGHAM, ALABAMA 35242

KNOW ALL MEN BY THESE PRESENTS, That in consideration of the sum of THREE HUNDRED SEVENTY-FIVE AND NO/100TH DOLLARS (\$375,000.00) in hand paid by FAIRWAYS PARTNERSHIP, an Alabama General Partnership (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 N 1/2 of SE 1/4 of Section 26, Township 19 South, Range 3 West, Shelby County, Alabama, being more particularly described as follows: Begin at the most southerly corner of Lot 2220, Riverchase Country Club 22nd Addition, as recorded in the Office of the Judge of Probate, Shelby County, Alabama, in Map Book 9, Page 124; thence run in a northwesterly direction along the westerly line of said Lot 2220, a distance of 90.32 feet to the point of beginning; thence turn an angle to the left of 24 deg. 46' 23" and run in a northwesterly direction along the westerly line of Lots 2220 and 2214 in said subdivision for a distance of 293.47 feet; thence turn an angle to the right of 31 deg. 11' 52" and run in a northwesterly direction along the westerly line of said Lot 2214 for a distance of 206.85 feet; thence turn an angle to the left of 95 deg. 09' 41" and run in a southwesterly direction for a distance of 478.23 feet; thence turn an angle to the left of 17 deg. 42' 26" and run in a southwesterly direction for a distance of 614.60 feet; thence turn an angle to the left of 42 deg. 07' 30" and run in a southwesterly direction for a distance of 91.21 feet; thence turn an angle to the right of 72 deg. 48' and run in a westerly direction for a distance of 75.50 feet to a point on the northeast corner of Lot 253 Riverchase Country Club 9th Addition, as recorded in the Office of the Judge of Probate, Shelby County, Alabama, in Map Book 8, Page 46 A&B; thence turn an angle to the left of 79 deg. 20' 33" and run in a southwesterly direction along the easterly line of said Lot 253 for a distance of 127.44 feet; thence turn an angle to the right of 44 deg. 53' and run in a southwesterly direction for a distance of 103.09 feet to an existing iron pin; thence turn an angle to the right of 53 deg. 53' 43" and run in a northwesterly direction for a distance of 91.61 feet to an existing iron pin; thence turn an angle to the left of 140 deg. 20' 15" and run in a southeasterly direction for a distance of 129.78 feet to an existing iron pin; thence turn an angle to the left of 48 deg. 35' 33" and run in a southeasterly direction for a distance of 41.0 feet to an existing iron pin; thence turn an angle to the left of 24 deg. 41' 08" and run in a northeasterly direction for a distance of 448.51 feet to a point on a curve being concave in a northeasterly direction; said curve having a central angle of 3 deg. 24' and a radius of 270.37 feet; thence turn an angle to the right and run in a southeasterly direction along the arc of said curve for a distance of 16.04 feet; thence turn an angle to the left (90 deg. to tangent) and run in a northeasterly direction for a distance of 60.0 feet to a point on a curve being concave in a southeasterly direction, having a central angle of 98 deg. 06' and a radius of 210.37 feet; thence turn an angle to the left and run in a northwesterly, northerly and northeasterly direction along the arc of said curve for a distance of 360.19 feet; thence run in a northeasterly direction along a line tangent to end of said curve for a distance of 63.50 feet to a point of a curve to the left; said curve being concave in a northwesterly direction, having a central angle of 12 deg. 40' 00" and a radius of 705.74 feet; thence run in a northeasterly direction along the arc of said curve for a distance of 156.02 feet; thence run in a northeasterly direction along a line tangent to end of said curve for a distance of 64.67 feet to a point of a curve to the right, said curve being concave in a southerly direction, having a central angle of 62 deg. 11' and a radius of 25.0 feet; thence in an easterly direction along the arc of said curve for a distance of 27.13 feet to a point of reverse curve; said curve being concave in a northerly direction, having a central angle of 84 deg. 11' and a radius of 50 feet; thence run in an easterly direction along the arc of said curve for a distance of 73.46 feet to the end of said curve; thence turn an angle to the right (130 deg. 56' 45" from tangent of said curve) and run in a southerly direction a distance of 186.21 feet; thence turn an angle to the left of 89 deg. 46' 45" and run in an easterly direction for a distance of 159.0 feet to a point of curve; said curve being concave in a southwesterly direction, having a central angle of 83 deg. 52' 33" and a radius of 50.0 feet; thence run along the arc of said curve for a distance of 73.20 feet; thence turn an angle to the left (90 deg. to tangent) and run in a northeasterly direction for a distance of 168.05 feet, more or less, to the point of beginning.

such land is conveyed subject to the following:

1. Ad valorem taxes due and payable October 1, 1989.
2. Mineral and mining rights not owned by GRANTOR.

✓ Bradley, Arant

BOOK 212 PAGE 575

3. An 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 townhomes (with a density not to exceed 5 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 townhomes with a minimum of 1850 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 by Laurence D. Weygand dated October 26, 1988 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 television systems, together with all rights and privileges necessary or convenient for the full use and enjoyment thereof.
9. Grantee has made its own independent inspections and investigations of the Property, and is taking the Property "as is" and based solely upon and in reliance upon such inspections and investigations of the Property. Grantor makes no representation, warranty or agreement concerning the conditions of the Property, the soil or the sub-soil. Grantee, for itself and its heirs, successors and assigns, waives all claims, present and future, against Grantor based upon or in connection with the condition of the Property, including but not limited to underground mines, tunnels, or sinkholes, and hereby releases Grantor from any liability whatsoever with respect thereto.

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 28th day of October, 1988.

Witness:

Jean Richards

Witness:

Jada Hilger

THE HARBERT-EQUITABLE JOINT VENTURE

BY: THE EQUITABLE LIFE ASSURANCE
SOCIETY OF THE UNITED STATES

BY:

Donna Harris
Its

BY: HARBERT INTERNATIONAL, INC.

BY:

J. P. V. P.
Its

STATE OF
COUNTY OF

Georgia
Fulton

I, Jessie L. Medley, a Notary Public in and for said County, in said State hereby certify that Donald R. Peterson, 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.

October Given under my hand and official seal, this the 28th day of October, 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, Brenda M. Caste, a Notary Public in and for said County, in said State, hereby certify that James P. Rein, 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 31st day of October, 1988.

Brenda M. Caste

Notary Public

My commission expires:

6-17-89

EXHIBIT "A"

STATE OF ALABAMA)
SHELBY COUNTY)

I, Laurence D. Weygand, Registered Engineer-Land Surveyor, certify that I have surveyed the land shown hereon and describe below; that I have consulted the Federal Insurance Administration Flood Hazard Boundary Map and found that this property IS located in a special flood hazard area, and that the correct description is as follows:

Part of the N $\frac{1}{2}$ of SE $\frac{1}{4}$ of Section 26, Township 19 South, Range 3 West, Shelby County, Alabama, being more particularly described as follows: Begin at the most southerly corner of Lot 2220, Riverchase Country Club 22nd Addition, as recorded in the Office of the Judge of Probate, Shelby County, Alabama, in Map Book 9, Page 124; thence run in a northwesterly direction along the westerly line of said Lot 2220, a distance of 90.32 feet to the point of beginning; thence turn an angle to the left of 24°46'23" and run in a northwesterly direction along the westerly line of Lots 2220 and 2214 in said subdivision for a distance of 293.47 feet; thence turn an angle to the right of 31°11'52" and run in a northwesterly direction along the westerly line of said Lot 2214 for a distance of 206.85 feet; thence turn an angle to the left of 95°09'41" and run in a southwesterly direction for a distance of 478.23 feet; thence turn an angle to the left of 17°42'26" and run in a southwesterly direction for a distance of 614.60 feet; thence turn an angle to the left of 42°07'30" and run in a southwesterly direction for a distance of 91.21 feet; thence turn an angle to the right of 72°48' and run in a westerly direction for a distance of 75.50 feet to a point on the northeast corner of Lot 253 Riverchase Country Club 9th Addition, as recorded in the Office of the Judge of Probate, Shelby County, Alabama, in Map Book 8, Page 46 A&B; thence turn an angle to the left of 79°20'33" and run in a southwesterly direction along the easterly line of said Lot 253 for a distance of 127.44 feet; thence turn an angle to the right of 44°53' and run in a southwesterly direction for a distance of 103.09 feet to an existing iron pin; thence turn an angle to the right of 53°53'43" and run in a northwesterly direction for a distance of 91.61 feet to an existing iron pin; thence turn an angle to the left of 140°20'15" and run in a southeasterly direction for a distance of 129.78 feet to an existing iron pin; thence turn an angle to the left of 48°35'33" and run in a southeasterly direction for a distance of 41.0 feet to an existing iron pin; thence turn an angle to the left of 24°41'08" and run in a northeasterly direction for a distance of 448.51 feet to a point on a curve being concave in a northeasterly direction; said curve having a central angle of 3°24' and a radius of 270.37 feet; thence turn an angle to the right and run in a southeasterly direction along the arc of said curve for a distance of 16.04 feet; thence turn an angle to the left (90° to tangent) and run in a northeasterly direction for a distance of 60.0 feet to a point on a curve being concave in a southeasterly direction, having a central angle of 98°06' and a radius of 210.37 feet; thence turn an angle to the left and run in a northwesterly, northerly and northeasterly direction along the arc of said curve for a distance of 360.19 feet; thence run in a northeasterly direction along a line tangent to end of said curve for a distance of 63.50 feet to a point of a curve to the left; said curve being concave in a northwesterly direction, having a central angle of 12°40' and a radius of 705.74 feet; thence run in a northeasterly direction along the arc of said curve for a distance of 156.02 feet; thence run in a northeasterly direction along a line tangent to end of said curve for a distance of 64.67 feet to a point of a curve to the right, said curve being concave in a southerly direction, having a central angle of 62°11' and a radius of 25.0 feet; thence in an easterly direction along the arc of said curve for a distance of 27.13 feet to a point of reverse curve; said curve being concave in a northerly direction, having a central angle of 84°11' and a radius of 50 feet; thence run in an easterly direction along the arc of said curve for a distance of 73.46 feet to the end of said curve; thence turn an angle to the right (130°56'45" from tangent of said curve) and run in a southerly direction for a distance of 186.21 feet; thence turn an angle to the left of 89°46'45" and run in an easterly direction for a distance of 159.0 feet to a point of curve; said curve being concave in a southwesterly direction, having a central angle of 83°52'33" and a radius of 50.0 feet; thence run along the arc of said curve for a distance of 73.20 feet; thence turn an angle to the left (90° to tangent) and run in a northeasterly direction for a distance of 168.05 feet, more or less, to the point of beginning.

According to my survey of: OCTOBER 26, 1988

Laurence D. Weygand
Laurence D. Weygand
Reg. P.E. & L.S. #10373
Phone: 871-7620

BOOK 212 PAGE 578

NE
NW
SEC. 2
E-3
CO.

Drive

bed

SCALE: 1" = 50'

COR. OF
10 OF SE 1/4
26, T-19S,
3W, SHELBY
1 AL.

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ERCHASE COUNTRY CLUB
FAIRWAY # 4

13' 18° 31' 43" 56° 12' 20" 10' 51.32' 90'

708.52'

614.60'

15' EASEMENT

17° 42' 26"

62° 17' 34"

63.50'

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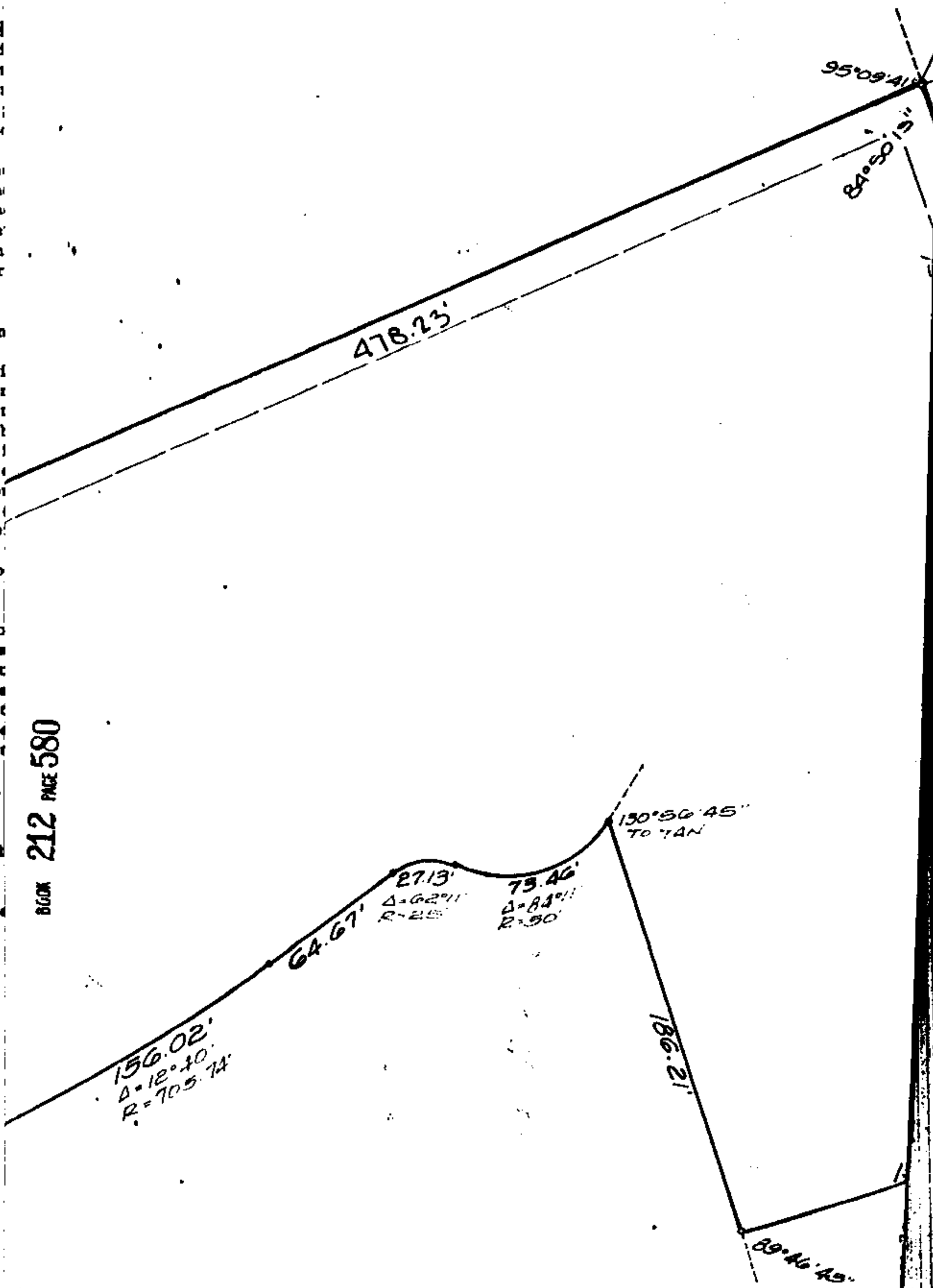
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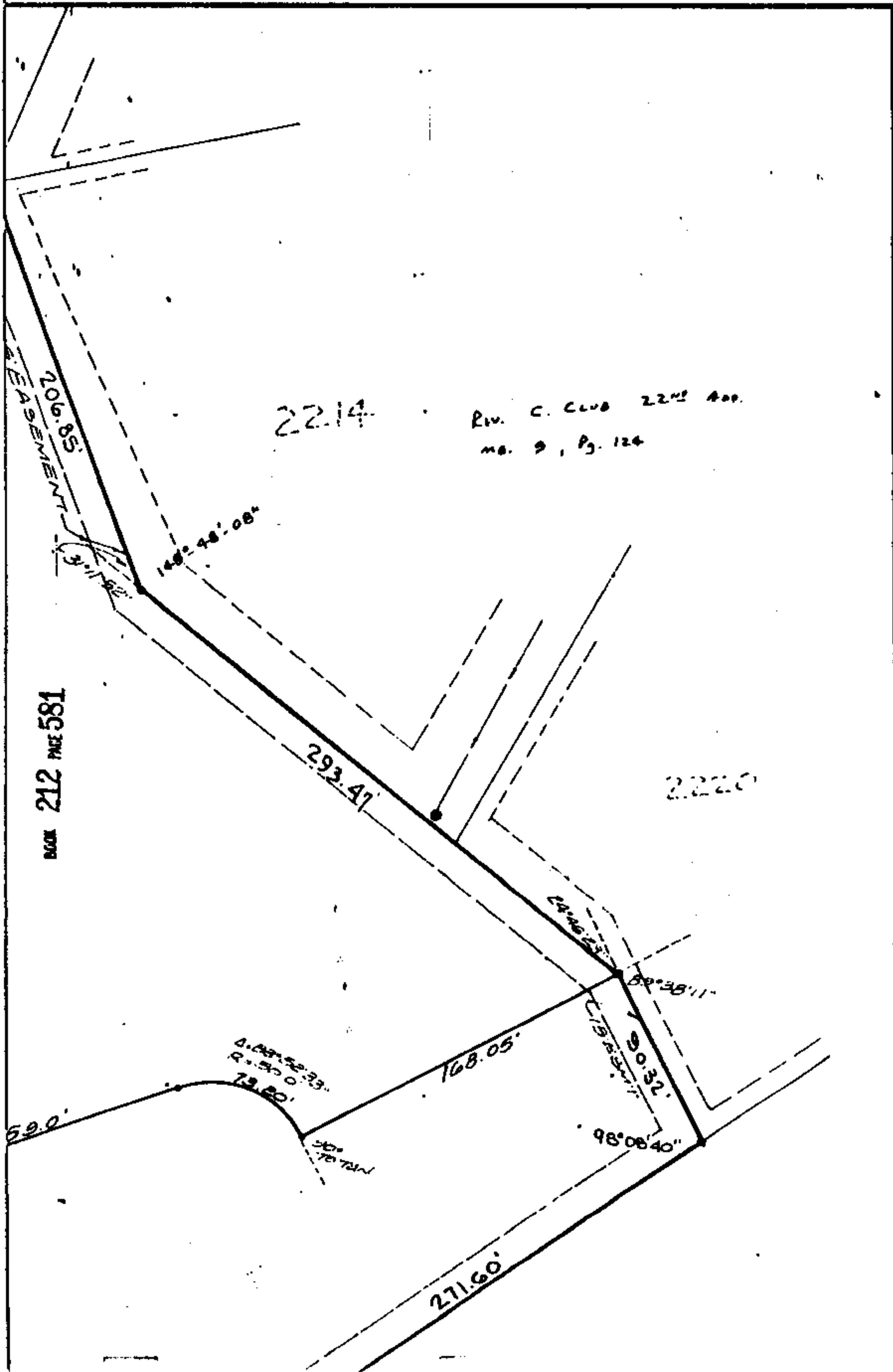
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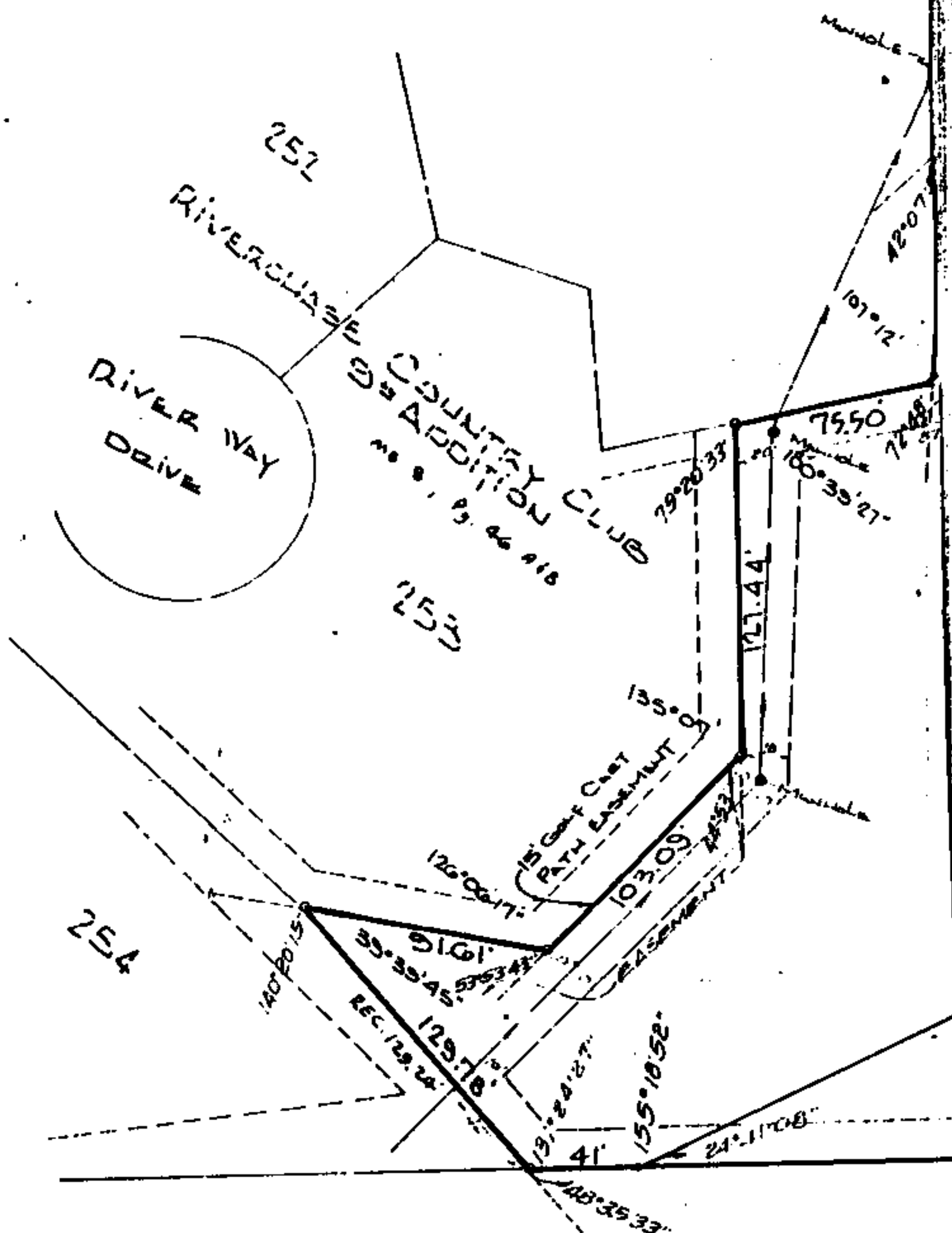
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BOOK 212 PAGE 580





BOOK 212 PAGE 582



he left
208.

NE COR. OF
NW 1/4 OF S874
SEC. 26, T-19S,
R-3W, SHELBY
CO., ALA

BOOK 212 PAGE 579

BOOK 212 PAGE 579
RIVERCHASE COUNTRY CLUB
FAIRWAY # 4
708.52
614.0

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BOOK 212 PAGE 583

Pump Lot

Vent Well

30"

MANHOLE

(12.80' RADIUS) (CENTRAL POINT ON EXISTING SEWER)

MANHOLE

508.09'

549.09'

448.91'

91.21'

137'-5"

125.13'

68.51'

69'-44'-25"

28.60'

18'-32'-43"

56'-12'-20"

51.32'

90'

15' EAST MEAN

$$\begin{array}{r} 508.09 \\ 549.09 \end{array}$$

$\theta = 2.8^\circ$
 $L = 10.04'$
 $\Delta = 3.24'$
 $E = 270.37$

360.19

73-38-5

6:21:08

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160° 47' 12"
90° 60' 90°
109° 12' 48"

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63.50'

156.02'
Δ = 12° 40'
R = 705.74'

64.67'

27.13'
Δ = 62° 11'
R = 25'

79.46'
Δ = 84° 11'
R = 50'

130° 56' 45"
TO TAN

185.21'

89° 46' 4"

490.52'

ENCLOSURE

RIVERCHASE COUNTRY
FAIRWAY # 7

162

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NOTES

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1. Deed Tax \$ 375.00
2. Mtg. Tax
3. Recording Fee 27.50
4. Indexing Fee 1.00
TOTAL 403.50

JUDGE OF PROBATE

88 NOV -7 AM 8:46

STATE OF ALA. SHERIFF
I CERTIFY THIS
INSTRUMENT WAS FILED

THE FAIRWAYS

SCALE: 1" = 50'

DATE: 10-26-88

APPROVED BY:

DRAWN BY

REVISÉO

DRAWING NUMBER