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NOTICE OF VARIANCE

THIS NOTICE OF VARIANCE is made and executed as of the 3rd day of October, 1988 by DANIEL U.S. PROPERTIES LIMITED PARTNERSHIP, a Virginia limited partnership formerly known as Daniel U.S. Properties, Ltd. ("Developer"), in favor of JEFFERSON FEDERAL SAVINGS AND LOAN ASSOCIATION OF BIRMINGHAM, a federal savings and loan association ("Jefferson Federal").

R E C I T A L S:

Developer has heretofore dedicated and declared that certain real property situated in Shelby County, Alabama be subject to a Declaration of Covenants, Conditions and Restrictions for Meadow Brook Corporate Park dated October 17, 1984 and recorded in Book 064, Page 91, in the Probate Office of Shelby County, Alabama, as amended by First Amendment dated March 28, 1988, recorded in Book 177, Page 269, in said Probate Office (hereinafter collectively referred to as the "Declaration"). Capitalized terms not otherwise specifically defined herein shall have the same meanings given to them in the Declaration.

Jefferson Federal is the Owner of Lot 2B ("Lot 2B"), according the Resurvey of Lot 2, Meadow Brook Corporate Park, Phase I, as recorded in Map Book 12, Page 13, in the Probate Office of Shelby County, Alabama.

Section 4.15 of the Declaration provides that no Improvements are to be built on any Lot within the Setback Lines or any Easement Areas. Section 4.19 of the Declaration provides that the Architectural Control Committee shall have the right to grant variances with respect to any Lot which may not satisfy the provisions or requirements of the Declaration, including, specifically, Section 4.15 thereof.

NOW, THEREFORE, for and in consideration of the premises and other good and valuable consideration, the parties do hereby agree as follows:

Variance with Respect to Construction of Improvements within Setback Lines and Easement Areas. The provisions of Section 4.15 of the Declaration prohibiting any Improvements within Setback Lines or Easement Areas are hereby waived with respect to the Improvements constructed or to be constructed on Lot 2B as shown on the site plan dated September 10, 1988 prepared by Nimrod Long & Associates, a copy of which is attached hereto as Exhibit A and incorporated herein by reference (the "Site Plan").

Russell E. Carr
Daniel Corp.
D.O. Box 43250
B'ham, AL 35243

BOOK 213 PAGE 512

IN WITNESS WHEREOF, Daniel U.S. Properties Limited Partnership, has caused this Notice of Variance to be executed as of the day and year first above written.

DANIEL U.S. PROPERTIES LIMITED
PARTNERSHIP, a Virginia limited
partnership

By: Daniel Realty Investment
Corporation, a Virginia corporation,
Its General Partner

By: 

Its: SENIOR VICE PRESIDENT

BOOK 213 PAGE 513

STATE OF ALABAMA

COUNTY OF SHELBY

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that STEPHEN R. MONK whose name as SENIOR VICE PRESIDENT of Daniel Realty Investment Corporation, a Virginia corporation, as general partner of Daniel U. S. Properties Limited Partnership, a Virginia limited partnership, 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 the said instrument, he, as such officer and with full authority, executed the same voluntarily, for and as the act of said corporation, in its capacity as general partner as aforesaid.

Given under my hand and official seal this 3rd day of OCTOBER, 1988.

Sheila D. Ellis

NOTARY PUBLIC

My Commission Expires: 2/5/90

BOOK 213 PAGE 514

CONSENT

The undersigned, constituting all of the members of the Architectural Control Committee of Meadow Brook Corporate Park, hereby consent to the foregoing Notice of Variance dated as of OCTOBER 3, 1988 executed by Daniel U.S. Properties Limited Partnership, in favor of Jefferson Federal Savings and Loan Association of Birmingham, a federal savings and loan association.

Dated as of the 3rd day of OCTOBER, 1988.

F. Bruce Gleissner
F. Bruce Gleissner

Susan E. Carr
Susan E. Carr

Kenneth B. Findley
Kenneth B. Findley

STATE OF ALABAMA

COUNTY OF SHELBY

I, the undersigned, a Notary Public in and for said county and in said State, hereby certify that F. BRUCE GLEISSNER whose name 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 the instrument, he executed the same voluntarily on the day the same bears date.

Given under my hand this 3rd day of OCTOBER, 1988.

Sheila D. Ellis
NOTARY PUBLIC

My commission expires: 2/5/90

BOOK 213 PAGE 515

STATE OF ALABAMA

COUNTY OF SHELBY

I, the undersigned, a Notary Public in and for said county and in said State, hereby certify that SUSAN E. CARR whose name 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 the instrument, he executed the same voluntarily on the day the same bears date.

Given under my hand this 3rd day of OCTOBER, 1988.

Sheila D. Ellis
NOTARY PUBLIC

My commission expires: 2/5/90

STATE OF ALABAMA

COUNTY OF SHELBY

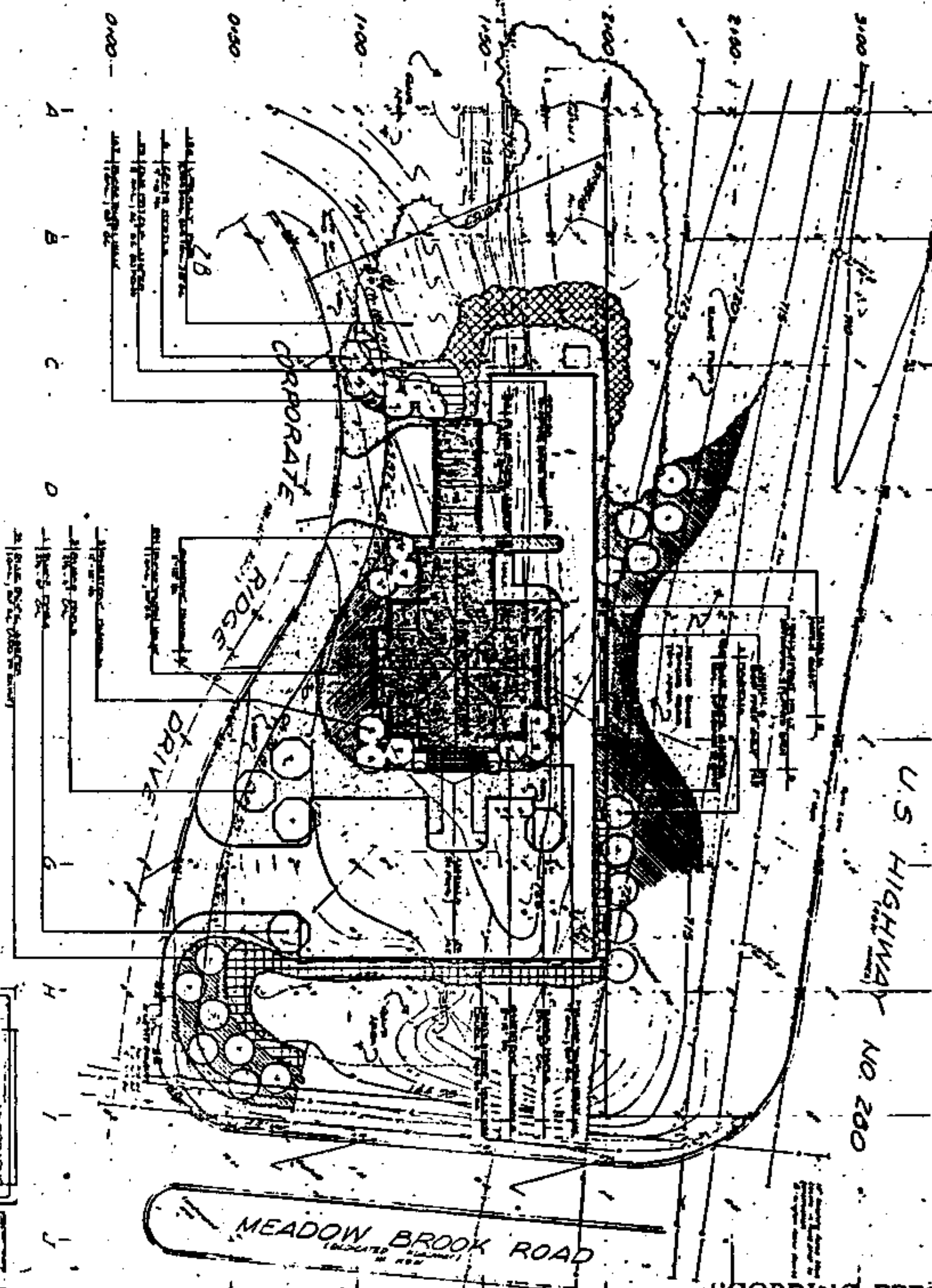
I, the undersigned, a Notary Public in and for said county and in said State, hereby certify that KENNETH B. FINDLEY whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he executed the same voluntarily on the day the same bears date.

Given under my hand this 3rd day of OCTOBER, 1988.

Sheila D. Ellis
NOTARY PUBLIC

My commission expires: 2/5/90

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STATE OF ALA. SHELBY
I CERTIFY THIS
INSTRUMENT WAS FILED

88 NOV 15 AM 10:22

RECORDING FEES
Recording Fee - \$15.00
Index Fee - \$1.00
TOTAL - \$16.00

