

154
NOTICE OF VARIANCE

THIS NOTICE OF VARIANCE is made and executed as of the 24th day of July, 1990 by and among DANIEL U.S. PROPERTIES LIMITED PARTNERSHIP, a Virginia limited partnership ("Developer"), and LOCKLIN & LOCKLIN, a general partnership ("Locklin").

R E C I T A L S:

Developer has heretofore dedicated and declared that certain real property known as Lot 1, according to the Map and Survey of Meadow Brook Corporate Park South, Phase II, as recorded in Map Book 12, Page 10, in the Probate Office of Shelby County, Alabama (the "Property"), be subject to a Declaration of Covenants, Conditions and Restrictions for Meadow Brook Corporate Park South dated September 1, 1985 and recorded in Book 064, Page 91, in the Probate Office of Shelby County, Alabama, as amended by amendments dated April 1, 1986, July 22, 1987 and March 28, 1988, recorded, respectively, in Book 095, Page 826, Book 141, Page 784 and Book 177, Page 244, 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.

Locklin is the Owner of the Property and desires to construct an office building on the Property in the location shown on the site development plan dated July 13, 1990 entitled "Site Plan" prepared by P. Lauren Barrett Architects, Inc. (the "Development Plan"), a copy of which is attached hereto as Exhibit A and incorporated herein by reference. As indicated on the Development Plan, the proposed Improvements encroach within the Setback Lines established for the Property in the Declaration.

Section 4.15 of the Declaration provides that no Improvements are to be built on any Lot within the Setback Lines. 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.

Developer and Locklin (together with the Architectural Control Committee which is executing the consent attached hereto) desire to enter into this Notice of Variance to grant variances with respect to the application of Section 4.15 of the Declaration (relating to Improvements being constructed within the Setback Lines of any Lot) to the Improvements which Locklin proposes to construct on the Property.

THIS INSTRUMENT PREPARED BY AND UPON
RECORDING SHOULD BE RETURNED TO:
Stephen R. Monk, Esq.
1200 Corporate Drive
Meadow Brook Corporate Park
Birmingham, Alabama 35242

**JOHNSON
& LOCKLIN**
AND ASSOCIATES

P. O. Box 36927

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

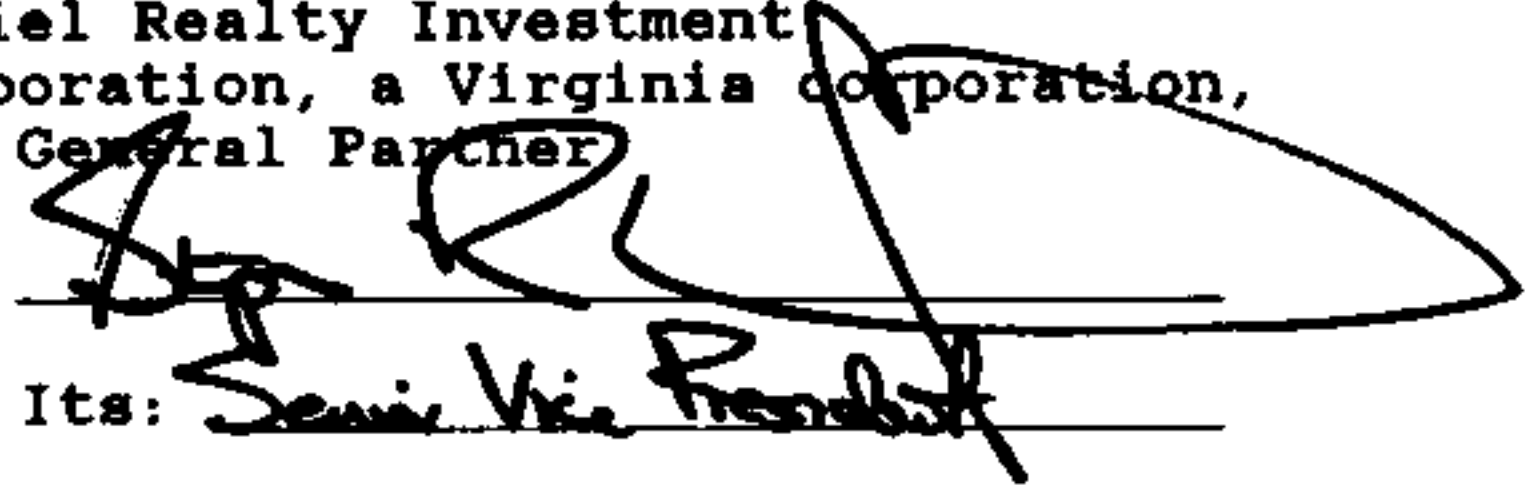
1. Notwithstanding anything provided in Section 4.15 of the Declaration to the contrary, the proposed Improvements to be built on the Property, as shown on the Development Plan, are hereby approved notwithstanding the encroachment of such Improvements within the Setback Lines as shown on said Development Plan.

2. The foregoing variance shall not relieve Locklin of any other obligations set forth in the Declaration, including, without limitation, the obligation to obtain Architectural Control Committee approval of all plans and specifications for any Improvements contemplated for the Property nor shall the foregoing be deemed a waiver by the Architectural Control Committee of any other provisions of the Declaration.

IN WITNESS WHEREOF, the parties hereto have executed this Notice of Variance as of the day and year first above written.

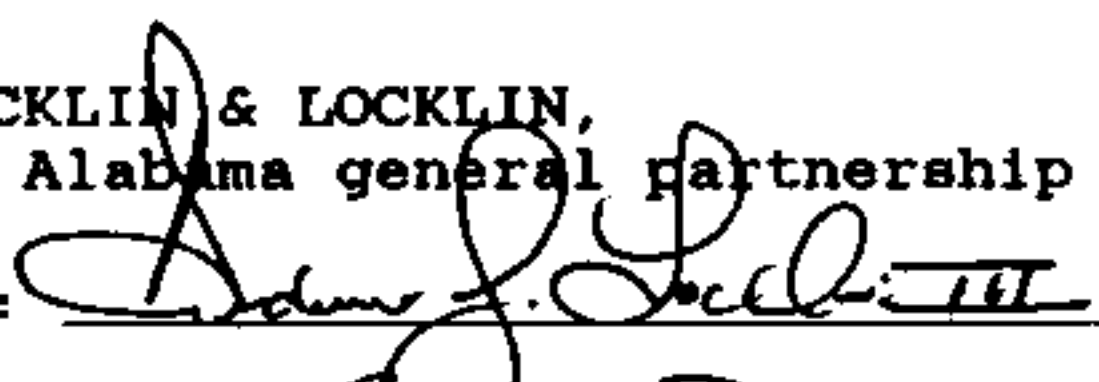
DANIEL U.S. PROPERTIES LIMITED
PARTNERSHIP, a Virginia limited
partnership

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

By: 

Its: Semi Vice President

LOCKLIN & LOCKLIN,
an Alabama general partnership

By: 

Its: GENERAL PARTNER

BOOK 303 PAGE 372

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. Meek 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 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 24th day of July, 1990.

Sheila D. Ellis

NOTARY PUBLIC

My Commission Expires: _____

MY COMMISSION EXPIRES FEBRUARY 26, 1994

BOOK 303 PAGE 373

STATE OF ALABAMA

COUNTY OF SHELBY

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Anderson J. Locklin, III whose name as GENERAL PARTNER of LOCKLIN & LOCKLIN, an Alabama general 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 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 30th day of July, 1990.

Mary Rutler Anderson

NOTARY PUBLIC

My Commission Expires: 2-26-92

CONSENT

The undersigned, constituting all of the members of the Architectural Control Committee of Meadow Brook Corporate Park South, hereby consent to the foregoing Notice of Variance dated as of July 24, 1990 by Daniel U.S. Properties Limited Partnership and Locklin & Locklin.

Dated as of the 24th day of July, 1990.

Harvey H. Burch
Harvey H. Burch

Susan E. Carr
Susan E. Carr

Michael S. Shannon
Michael S. Shannon

STATE OF ALABAMA

COUNTY OF SHELBY

I, the undersigned, a Notary Public in and for said county and in said State, hereby certify that HARVEY H. BURCH 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 24th day of JULY, 1990.

Sheila D. Ellis
NOTARY PUBLIC

My commission expires: _____

MY COMMISSION EXPIRES FEBRUARY 26, 1994

BOOK 303 PAGE 374

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 24th day of JULY, 1990.

Sheila D. Ellis
NOTARY PUBLIC

My commission expires: MY COMMISSION EXPIRES FEBRUARY 26, 1994

STATE OF ALABAMA

COUNTY OF SHELBY

I, the undersigned, a Notary Public in and for said county and in said State, hereby certify that MICHAEL S. SHANNON 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 24th day of JULY, 1990.

Sheila D. Ellis
NOTARY PUBLIC

My commission expires: MY COMMISSION EXPIRES FEBRUARY 26, 1994

BOOK 303 PAGE 375

EXHIBIT A

BOOK 303 PAGE 376

PROPERTY BOUNDARY LINE

NOTE ENCROACHMENT WITHIN SETBACK

MEADOW BROOK ROAD

10' SETBACK

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

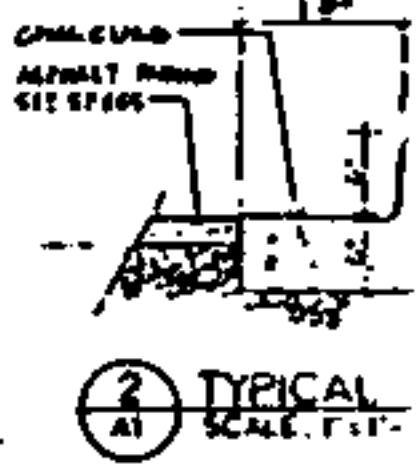
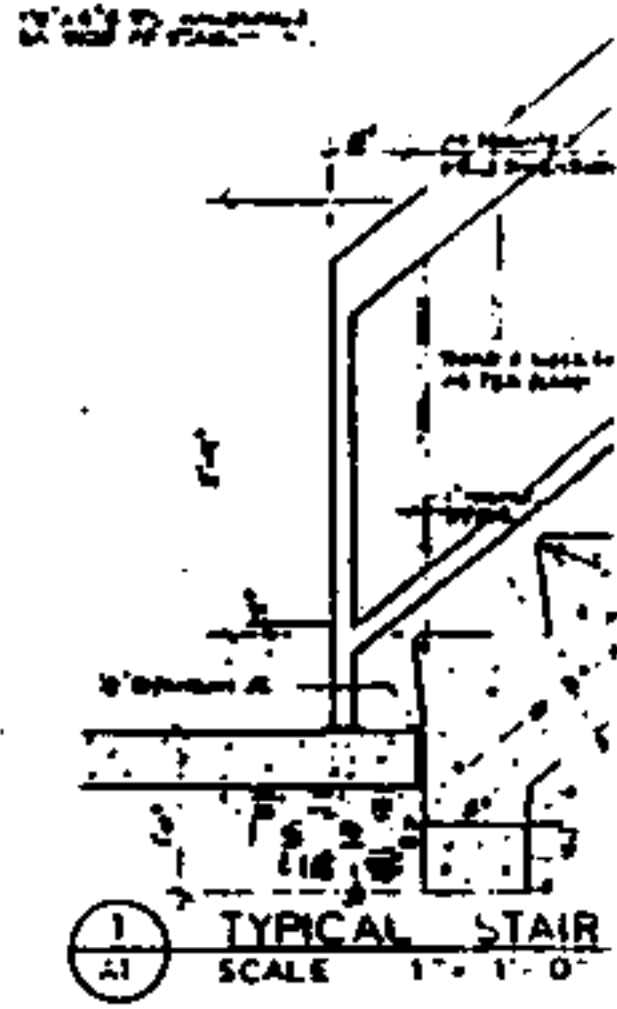
90 AUG -2 AM 9:52

JUDGE OF PROBATE

NOTE ENCROACHMENT WITHIN SETBACK

SITE PLAN

SYMBOL	DESCRIPTION
[Symbol]	EXISTING OUTLINE
[Symbol]	PROPOSED OUTLINE
[Symbol]	EXIST. IN SHADE
[Symbol]	PROPOSED IN SHADE



NOTE ENCROACHMENT WITHIN SETBACK

CORPORATE PARKWAY

Res 15.00
Ind 8.00
Ext 1.00
Tot 24.00

