

This Document Prepared By:
Randolph H. Lanier
Balch & Bingham
P. O. Box 306
Birmingham, Alabama 35201
Telephone: (205) 251-8100

Send Tax Notice To:
AmSouth Bank N.A.
P. O. Box 11007
Birmingham, Alabama 35288

Inst # 1993-05236

02/23/1993-05236
03:53 PM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
006 MCD 20.00

STATE OF ALABAMA

COUNTIES OF JEFFERSON AND SHELBY

STATUTORY WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, That in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) in hand paid by AMSOUTH BANK N.A. (hereinafter referred to as "Grantee"), to the undersigned THE HARBERT-EQUITABLE JOINT VENTURE, under Joint Venture Agreement dated January 30, 1974 composed of Harbert Properties Corporation, 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 Jefferson and Shelby Counties, Alabama, to-wit: - map Book 17 page 10. a, b, c

TRACT A:

Part of Section 19, Township 19 South, Range 2 West, both Jefferson and Shelby Counties, Alabama, being more particularly described as follows:

From the NE corner of the NE 1/4 of the SE 1/4 of said Section 19, run in a Westerly direction along the North line of said 1/4-1/4 Section and its Westerly extension thereof for a distance of 2560.17 feet to an existing iron pin, being on the East line of the existing Blue Cross-Blue Shield Property and also being described as Point "A"; thence turn an angle to the right of 81 deg. 59 min. 35 sec. and run in a Northwesterly direction for a distance of 930.49 feet, more or less, to a point of intersection with the centerline of the Cahaba River and being the point of beginning; thence turn an angle to the right of 180 deg. and run in a Southeasterly direction for a distance of 930.49 feet, more or less, to Point "A"; thence continue in a Southeasterly direction along last mentioned course for a distance 50.88 feet to an existing iron pin being on the North right of way line of Parkway Office Circle; thence turn an angle to the left of 62 deg. 58 min. and run in a Southeasterly direction along the North right of way line of said Parkway Office Circle for a distance of 229.04 feet to an existing iron pin being the point of beginning of a curve; said curve being concave in a Northerly direction and having a central angle of 19 deg. 12 min. and a radius of 870.0 feet; thence turn an angle to the left and run in an Easterly direction along said North right of way line of Parkway Office Circle for a distance of 291.54 feet to a point of ending of said curve; thence run in an Easterly direction along the line tangent to the end of said curve and along said North right of way line for a distance of 218.72 feet to an existing iron pin and the point of beginning of a second curve; said second curve begin concave in a Southwesterly direction and having a central angle of 29 deg. 53 min. and a radius of 630.0 feet; thence turn an angle to the right and run in a Easterly and Southeasterly direction along the arc of said curve for a distance of 328.58 feet to an existing iron pin, begin the point of ending of said curve; thence run in a Southeasterly direction along said North right of way line and along the line tangent to the end of said curve for a distance of 47.75 feet to an existing iron pin; thence turn an angle to the left of 104 deg. 0 min. and run in a Northeasterly direction for a distance of 1032.0 feet, more or less, to a point in the middle of the Cahaba River; thence turn an angle to the left and run in a Westerly direction along the center line of the meandering Cahaba River for a distance of 1528.0 feet, more or less, to the point of beginning; being situated in Jefferson and Shelby Counties, Alabama. LESS AND EXCEPT any part lying within the Cahaba River.

Cahaba Title

TRACT B:

Part of the SE 1/4 of Section 19, Township 19 South, Range 2 West, Shelby County, Alabama, being more particularly described as follows:

From the southeast corner of the NE 1/4 of SE 1/4 of said Section 19, run in a northerly direction along the east line of said 1/4-1/4 section for a distance of 283.46 feet; thence turn angle to the left of 90 degrees and run in a westerly direction for a distance of 729.70 feet to an existing iron pin being on the west right-of-way line of Parkway Office Circle and being the most easterly corner of Sonics Assoc., Inc. Property and also being the point of beginning; thence turn an angle to the left of 40 degrees 23 minutes 12 seconds and run in a southwesterly direction for a distance of 262.29 feet to an existing iron pin; thence turn an angle to the right of 30 degrees 38 minutes 09 seconds and run in a westerly direction for a distance of 303.59 feet to an existing iron pin; thence turn an angle to the right of 92 degrees 43 minutes 07 seconds and run in a northerly direction for a distance of 15.25 feet to an existing iron pin; thence turn an angle to the left of 100 degrees 21 minutes 37 seconds and run in a southwesterly direction for a distance of 358.16 feet to an existing iron pin; thence turn an angle to the left of 4 degrees 20 minutes and run in a southwesterly direction for a distance of 130.27 feet to an existing iron pin; thence turn an angle to the right of 3 degrees and run in a westerly direction for a distance of 260.17 feet to an existing iron pin; thence turn an angle to the left of 88 degrees 29 minutes 31 seconds and run in a southerly direction along the east line of the NCR Property for a distance of 362.88 feet to an existing iron pin being on the north right-of-way line of Parkway Office Circle; thence turn an angle to the left of 77 degrees 26 minutes 22 seconds and run in an easterly direction along said north right-of-way line of Parkway Office Circle for a distance of 332.34 feet to an existing iron pin being the point of beginning of a curve, said curve being concave in a northerly direction and having a central angle of 7 degrees 24 minutes 17 seconds and a radius of 685.0 feet; thence turn an angle to the left and run in an easterly direction along the arc of said curve for a distance of 88.53 feet to a point of ending of said curve; thence run in a northeasterly direction along a line tangent to the end of said curve and along the north right-of-way line of Parkway Office Circle for a distance of 536.29 feet to the point of beginning of another curve, said new curve being concave in a northwesterly direction and having a central angle of 109 degrees 11 minutes 43 seconds and a radius of 350.0 feet; thence turn an angle to the left and run in a northeasterly, northerly and northwesterly direction along the arc of said curve for a distance of 667.04 feet to the point of ending of said curve; thence run in a northwesterly direction along a line tangent to the end of said curve and along the west right-of-way line of Parkway Office Circle for a distance of 101.27 feet to the point of beginning of a third curve, said third curve being concave in a northeasterly direction and having a central angle of 3 degrees 51 minutes 24 seconds and a radius of 460.0 feet; thence run in a northwesterly direction along said west right-of-way line of Parkway Office Circle and the arc of said curve for a distance of 30.97 feet to the point of beginning. Being situated in Shelby County, Alabama.

TRACT C:

Part of the SW 1/4 of Section 20 and part of the SE 1/4 of Section 19, and part of the NE 1/4 of Section 30, all in Township 19 South, Range 2 West, Shelby County, Alabama, being more particularly described as follows:

From the Southeast corner of said Section 19, run in a Westerly direction along the South line of said section for a distance of 17.81 feet, more or less, to an existing iron pin being on the West right of way line of Interstate Highway #65 and being the point of beginning; thence continue in a Westerly direction along said South line for a distance of 310.47 feet to an existing iron pin; thence turn an angle to the left of 32 deg. 28 min. 01 sec. and run in a Southwesterly direction for a distance of 496.40 feet to an existing iron pin; thence turn an angle to the right of 20 deg.

06 min. 48 sec. and run in a Southwesterly direction for a distance of 424.94 feet to an existing iron pin being on the Northeast right of way line of Riverchase Parkway East; thence turn an angle to the right and run in a Northwesterly direction along the arc of the curved Northeast right of way line of said Riverchase Parkway East (said curved right of way line having a central angle of 47 deg. 36 min. 42 sec., and a radius of 423.97 feet) for a distance of 352.31 feet to an existing cross, being the end of said curve; thence run in a Northwesterly direction along said Northeast right of way line and along a line tangent to the end of said curve for a distance of 108.51 feet to an existing iron pin and being the point of beginning of a second curve, said second curve being concave in a Northeasterly direction and having a central angle of 26 deg. 38 min and a radius of 561.10 feet; thence turn an angle to the right and run in a Northwesterly direction along said Northeast right of way line for a distance of 260.82 feet to an existing iron pin being the point of ending of said curve; thence run in a Northwesterly direction along a line tangent to the end of said curve and along said Northeast right of way line for a distance of 185.88 feet to an existing iron pin being the point of beginning of a third curve, said curve being concave in a Southwesterly direction and having a central angle of 15 deg. 55 min and a radius of 923.48 feet; thence turn an angle to the left and run along the arc of said curve and along the Northeast right of way line of said Riverchase Parkway East for a distance of 256.54 feet to an existing iron pin; thence run in a Northwesterly direction along a line tangent to the end of said curve and along said northeast right of way line for a distance of 98.80 feet to a point of curve, said curve being concave in a Easterly direction and having a central angle of 90 deg and a radius of 25.0 feet; thence turn an angle to the right and run in a Northwesterly, Northerly and Northeasterly direction along the arc of said curve for a distance of 39.27 feet to a point on Easterly right of way line of Parkway Office Circle; thence run in a Northeasterly direction along a line tangent to the end of said curve and along said Southeast right of way line of Parkway Office Circle for a distance of 62.53 feet to a point of curve, said curve being concave in a Southerly direction and having a central angle of 48 deg. 30 min. and a radius of 290.0 feet; thence turn an angle to the right and run in a northeasterly and Easterly direction along the South right of way of said Parkway Office Circle for a distance of 245.48 feet to an existing iron pin, being the point of ending of said curve; thence run in a Easterly direction along a line tangent to the end of said curve and along said South right of way line of Parkway Office Circle for a distance of 332.34 feet to a point of curve said curve being concave in a Northerly direction and having a central angle of 7 deg. 24 min. 17 sec. and a radius of 745.0 feet; thence turn an angle to the left and run along the arc of said curve and along said South right of way line for a distance of 96.28 feet to the point of ending of said curve; thence run in a Northeasterly direction along a line tangent to the end of said curve and along said South right of way line for a distance of 536.29 feet to a point of beginning of a curve, said curve being concave in a Westerly direction and having a central angle of 109 deg. 11 min. 43 sec. and a radius of 410.0 feet; thence turn an angle to the left and run along the arc of said curve for a distance of 781.39 feet to a point of ending of said curve; thence run in a Northwesterly direction along the Northeast right of way line of Parkway Office Circle and along a line tangent to the end of said curve for a distance of 23.42 feet to an existing iron pin; thence turn an angle to the right of 111 deg. 34 min. 25 sec. and run in a Northeasterly direction for a distance of 956.47 feet, more or less, to an existing iron pin being on the West right of way line of Interstate Highway #65; thence turn an angle to the right and run in a Southwesterly direction along said Interstate Highway #65 West right of way line for a distance of 725.71 feet to an existing iron pin; thence turn an angle of the left (16 deg. 15 min. 07 sec. from the chord of last mentioned 725.71 foot arc line) and run in a Southerly direction of 223.12 feet to an existing concrete right of way monument; thence turn an angle to the right of 22 deg. 23 min. 34 sec. and run in a Southwesterly direction along the West right of way line of said Interstate Highway #65 for a distance of 802.35 feet, more or less, to the point of beginning; being situated in Shelby County, Alabama.

Such land is conveyed subject to the following:

1. Ad valorem taxes due and payable October 1, 1993.
2. Mineral and mining rights not owned by Grantor.
3. Any applicable zoning ordinances.
4. Right(s)-of-Way(s) granted to Alabama Gas Corp. by instrument(s) recorded in Deed Book 205, Page 521, Probate Office of Shelby County.
5. Mineral, mining and other rights set out in Real 487, Page 865, Probate Office of Jefferson County.
6. Mineral, mining and other rights set out in Deed Book 127, Page 140 in Probate Office.
7. Rights of riparian owners in and to the use of Cahaba River.
8. 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 19, 1983, as recorded in Miscellaneous Book 16, beginning at Page 64 in the Office of the Judge of Probate of Shelby County, Alabama and Real 1437 Page 627 in the Probate Office of Jefferson County, Alabama, Birmingham Division.
9. Easements and other matters shown on surveys by Laurence D. Weygand dated February 16, 1993, and attached hereto as Exhibit A, Exhibit B and Exhibit C and made a part hereof.
10. Rights of access between the rights of way of I-65 and subject property as conveyed and relinquished to the State of Alabama.
11. 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 Real Volume 1236, beginning at Page 881, as amended by Amendment No. 1 recorded in Real Volume 1294, beginning at Page 30, and as further amended by Amendment No. 2 recorded in Real Volume 1437, beginning at Page 570, in the Office of the Judge of Probate of Jefferson County, Alabama; said instruments also being recorded at Book 13, Page 50, Book 15, Page 189, and Book 19, Page 633, in the Office of the Judge of Probate of Shelby County, Alabama.
12. Said property conveyed by this instrument is hereby restricted to use as an office development (with a development density not to exceed 12,000 sq. ft. per acre) in accordance with the Riverchase Architectural Committee Development Criteria for Planned Office District of Riverchase, dated October 24, 1990, unless a change in use is authorized pursuant to the Riverchase Business Covenants, as described in paragraph 12 above, said restriction to be effective for the same period of time as the Riverchase Business Covenants.

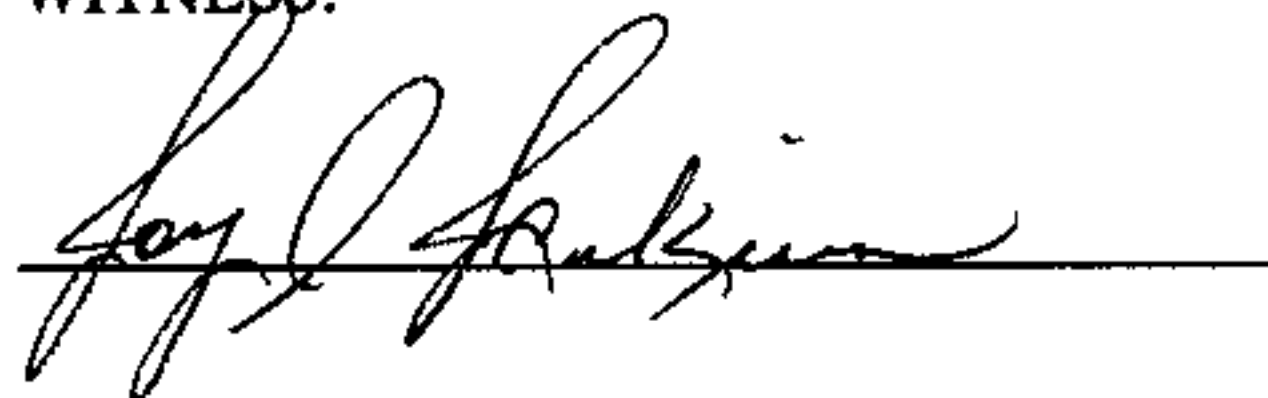
TO HAVE AND TO HOLD unto the said Grantee, its successor and assigns, forever.

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 18th day of FEBRUARY, 1993.

THE HARBERT-EQUITABLE JOINT VENTURE,
under Joint Venture Agreement dated January 30, 1974

By: THE EQUITABLE LIFE ASSURANCE
SOCIETY OF THE UNITED STATES

WITNESS:



By: 
Its: SR. VICE PRESIDENT

By: HARBERT PROPERTIES CORPORATION

WITNESS:



By: 
Its: PRESIDENT

STATE OF ALABAMA

COUNTY OF JEFFERSON

I, DEBORAH A. HOPKINS, a Notary Public in and for said County, in said State, hereby certify that ROBERT E. THROWER, whose name as SR. VICE PRESIDENT, 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.

Given under my hand and official seal, this the 18TH day of FEBRUARY, 1993.

Deborah A. Hopkins
Notary Public

[NOTARIAL SEAL]

My commission expires: 5/31/95

STATE OF ALABAMA

COUNTY OF JEFFERSON

I, DEBORAH A. HOPKINS, a Notary Public in and for said County, in said State, hereby certify that BARNETT J. EARLES, whose name as PRESIDENT, of Harbert Properties Corporation, 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 18TH day of FEBRUARY, 1993.

Deborah A. Hopkins
Notary Public

[NOTARIAL SEAL]

My commission expires: 5/31/95

Inst # 1993-05236

02/23/1993-05236

03:53 PM CERTIFIED

SHELBY COUNTY JUDGE OF PROBATE

006 NCD 20.00