

STATE OF ALABAMA )

COUNT OF SHELBY )

DECLARATION OF RESTRICTIVE COVENANT

WHEREAS:

(a) Pursuant to that certain Sales Contract dated March 3, 1993 (hereinafter referred to as the "Contract"), by and between 119 PROPERTIES, LTD., an Alabama limited partnership (hereinafter referred to as "Grantor") and THE BAPTIST MEDICAL CENTERS, Grantor has conveyed to The Baptist Medical Centers and Shelby County Health Care Authority (hereinafter referred to as the "Grantees") that certain real property more particularly described in **Exhibit A** attached hereto and incorporated herein by reference (hereinafter referred to as "Grantees' Property") located in Cahaba Valley Park North as recorded in Map Book 13, Page 140, in the Office of the Judge of Probate of Shelby County, Alabama (hereinafter referred to as the "Park").

(b) One of the terms of the Contract requires the Grantor to record a Restrictive Covenant affecting the use of certain of the Grantor's other real property located in the Park.

NOW, THEREFORE, Grantor hereby covenants and agrees as follows:

1. In consideration of the terms and conditions recited in the Contract, together with other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the parties, that certain real property currently owned by the Grantor located in the Park and cross-hatched on **Exhibit B** attached hereto shall not be used as a professional medical office building, medical clinic or diagnostic center for as long as the Grantees (or a related entity of either Grantee) shall own Grantees' Property; provided, however, for purposes of this restrictive covenant, it is understood and agreed that an office building occupied by three (3) or fewer physicians shall not be deemed a professional medical office building.

2. The foregoing restrictive covenant shall run with each and every parcel of real property cross-hatched on **Exhibit B** hereto and shall inure to the benefit of and shall be binding upon the Grantor and the Grantees, their respective successors and assigns; it being understood that Grantor shall have no liability or obligation hereunder in the event of a breach of this covenant by any grantee, assignee or successor, unless Grantor has knowledge, either actual or implied, that the proposed use of such real property by such Grantee, assignee or successor would be in violation of this foregoing restrictive covenant.

Inst # 1993-25691

08/25/1993-25691  
03:23 PM CERTIFIED

SHELBY COUNTY JUDGE OF PROBATE  
004 MCD 16.00

IN WITNESS WHEREOF, 119 Properties, Ltd., an Alabama limited partnership has executed this Declaration of Restrictive Covenant this 25th day of August, 1993.

119 PROPERTIES, LTD., an  
Alabama limited partnership

By: CAHABA VALLEY PROPERTIES, INC.,  
Its General Partner

By: Charles H. Stephens  
CHARLES H. STEPHENS  
Its President

STATE OF ALABAMA )

JEFFERSON COUNTY )

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that CHARLES H. STEPHENS, whose name as President of CAHABA VALLEY PROPERTIES, INC., the General Partnership of 119 Properties, Ltd., an Alabama limited partnership, is signed to the foregoing Declaration of Restrictive Covenant, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he, in his capacity as such President and with full authority executed the same voluntarily for and as the act of said corporation acting in its capacity as general partner of said limited partnership on the day the same bears date.

Given under my hand this the 25th day of August, 1993.

Simon M. Hall Johnson  
Notary Public  
My Commission Expires: 12-26-94

**EXHIBIT A TO  
DECLARATION OF RESTRICTIVE COVENANT**

Part of Block 3 Cahaba Valley Park North as recorded in Map Book 13, Page 140, in the Office of the Judge of Probate of Shelby County, Alabama, situated in Section 31, Township 19 South, Range 2 West, Shelby County, Alabama; being more particularly described as follows: Commence at the Southeast corner of said Block 3, said point being at the intersection of the Northerly right of way line of Cahaba Valley Parkway East and the Westerly right of way line of a service road which runs along Interstate Highway I-65 right of way; thence run Northerly along said I-65 service road Westerly right of way line for 165.13 feet to a point at the end of said service road; said point being the point of beginning; thence continue Northerly along the last stated course for 123.07 feet; thence 119 deg. 50 min. 08 sec. left and run Southwesterly for 288.94 feet; thence 90 deg. 00 min. 00 sec. left and Southeasterly for 250.00 feet to a point on the North right of way line of said Cahaba Valley Parkway East; thence 90 deg. 00 min. 00 sec. right and run Southwesterly along said right of way line for 341.32 feet to the beginning of a curve to the right; said curve subtending a central angle of 89 deg. 02 min. 19 sec. and having a radius of 50.00 feet; thence run Northwesterly along the arc of said curve for 77.70 feet to the end of said curve to a point on the East right of way line of Cahaba Valley Parkway; thence at tangent to said curve run Northwesterly along said right of way line for 557.87 feet to a point at the beginning of a curve to the left; said curve subtending a central angle of 0 deg. 32 min. 23 sec. and having a radius of 21,261.42 feet; thence run Northwesterly along the arc of said curve and along said right of way line for 200.28 feet to the end of said curve; thence at tangent to said curve run Northwesterly along said right of way line for 269.14 feet; thence 90 deg. right and run Northeasterly for 766.75 feet; thence 74 deg. 27 min. 53 sec. right and run Southeasterly for 465.17 feet to a point on the West right of way line of Interstate Highway I-65; thence 35 deg. 58 min. 42 sec. right and run Southerly along said I-65 right of way line for 485.19 feet; thence 12 deg. 04 min. 00 sec. right and run Southwesterly along said right of way line for 96.71 feet to a point at the end of the East right of way line of said I-65 service road; thence 90 deg. right and run Northwesterly along the Northerly right of way line of said service road for 65.00 feet to the point of beginning;



Scale: 1" = 400'

TO U.S. 31

ALABAMA HIGHWAY 119

Inst # 1993-25691

08/25/1993-25691  
03:23 PM CERTIFIED

SHELBY COUNTY JUDGE OF PROBATE  
004 MCD 16.00

1-65 R.O.W. VARIES

- real property in  
Cahaba Valley Park North  
subject to Restrictive Covenant

OVERALL MAP FOR

CAHABA VALLEY PARK NORTH