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THIS INSTRUMENT PREPARED BY:

Inst # 1995-08281

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

03/31/1995-08281
 03:09 PM CERTIFIED

Purchaser: Larry Curtis Franks, and Isara Marie Franks
 3225 Lorna Road
 Birmingham, Alabama 35216

SHELBY COUNTY JUDGE OF PROBATE
 DOE

STATE OF ALABAMA)

COUNTY OF JEFFERSON)

KNOW ALL MEN BY THESE PRESENTS, That in consideration of the sum of THIRTY-FIVE THOUSAND NINE HUNDRED AND NO/100TH DOLLARS (\$35,900.00) in hand paid by LARRY CURTIS FRANKS, AND WIFE ISARA MARIE FRANKS (hereinafter referred to as "GRANTEES"), 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 the said GRANTEES for and during their joint lives and upon the death of either of them, then to the survivor of them in fee simple, together with every contingency remainder and right of reversion, the following described real estate situated in Jefferson County, Alabama (Bessemer Division):

Lot 56, according to the survey of Riverchase Country Club Fourth Addition Residential Subdivision, as recorded in Map Book 21, Page 8, in the Office of the Judge of Probate of Jefferson County, Alabama (Bessemer Division).

Such land is conveyed subject to the following:

1. Ad valorem taxes due and payable October 1, 1987.
2. Mineral and mining rights not owned by GRANTOR.
3. Any 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 Real Volume 348, beginning at Page 49, in the Office of the Judge of Probate of Jefferson County, Alabama, Bessemer Division, as amended by Amendment No. 1 recorded in Real Volume 348, beginning at Page 822, in the Office of Judge of Probate of Jefferson County, Alabama, Bessemer Division, except as follows:

- a) The first sentence of Section 12.20 entitled "Construction Period" shall be deleted and the following sentence shall be inserted in lieu thereof:

"\$28,720.00 of the above Purchase Price was paid with a Purchase Money Mortgage recorded simultaneously herewith."

"With respect to each Residential Parcel, construction of the residential building is to be completed within one (1) year from date of beginning construction."

- b) Section 12.21 shall be deleted in its entirety and shall not be applicable to subject property.
6. Said property conveyed by this instrument is hereby restricted to use for single-family residential dwellings (with a density not to exceed one single family unit per lot) 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 a single-family residential home with a minimum of 2,500 square feet of finished floor space, unless otherwise authorized pursuant to Riverchase Residential Covenants, as described in paragraph 5 above.

TO HAVE AND TO HOLD unto GRANTEES for and during their joint lives and upon the death of either of them, then to the survivor of them in fee simple, and to the heirs and assigns of such survivor forever, together with every contingency remainder and right of reversion, forever.

IN WITNESS WHEREOF, the GRANTOR has caused this conveyance to be executed by each Venturer by their respective duly authorized officers effective on the the 16th day of June, 1986.

THE HARBERT-EQUITABLE JOINT VENTURE

Witness:

[Signature]

BY: THE EQUITABLE LIFE ASSURANCE
SOCIETY OF THE UNITED STATES

BY: [Signature]
Its

Witness:

Brenda M. Coker

BY: HARBERT INTERNATIONAL, INC.

BY: [Signature]
Its

STATE OF Georgia)
COUNTY OF Fulton)

I, Terrie L. Medley, a Notary Public in and for said County, in said State, hereby certify that Leonard E. Batson, 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.

Given under my hand and official seal, this the 6th day of May, 1987.

Terrie L. Medley
Notary Public

My commission expires:

Notary Public, DeKalb County, Georgia
My Commission Expires July 24, 1989

STATE OF ALABAMA
COUNTY OF Jefferson

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STATE OF ALABAMA)
COUNTY OF)

I, Brenda M. Carter, a Notary Public in and for said County, in said State, hereby certify that James M. Johnston, whose name as Treasurer 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 11th day of June, 1987.

Brenda M. Carter
Notary Public

My commission expires:

6-17-89

CLAYTON T. SWEENEY
2700 HWY 280 EAST
STE. 290E
BHAM., AL 35223

George D. Reynolds Judge of the Probate
Court, Probate Division, Shelby County, Alabama, hereby
certify that the foregoing is a true and correct copy of the
instrument filed with me for recording on March 29th 1995.

Witness my hand and seal of said Court on the 29th day of

March 1995

George D. Reynolds

Inst # 1995-08281

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03:09 PM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
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