

STATE OF ALABAMA     )  
COUNTY OF SHELBY    )

**GRANT OF VARIANCE**

The undersigned, **Birmingham Realty Company**, the Declarant under the Declaration of Protective Covenants dated June 28, 1994 and recorded at Instrument Number 1994-21077, Probate Court in and for Shelby County, Alabama (the "Declaration"), and **R.M. Cunningham, III** and **S.W. House**, the current members of the Architectural Control Committee created under the Declaration, acting under and pursuant to their authority contained in the Declaration, hereby grant a variance with respect to the property described in **Exhibit A** (the "Property") to modify and reduce the minimum setback line on the southerly lot line of the Property from 35 feet to 24 feet.


DATED this 15<sup>th</sup> day of SEPTEMBER, 1995.

**Birmingham Realty Company, Declarant under  
the Declaration**

By: 

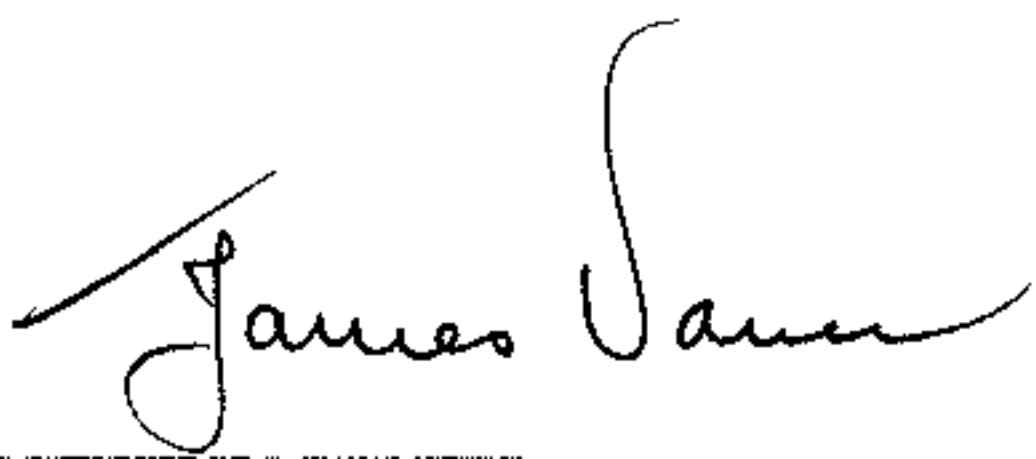
Its: 

**R. M. Cunningham, III,  
Member of Architectural Control Committee  
created under the Declaration**

  
**S. W. House  
Member of Architectural Control Committee  
created under the Declaration**

Inst # 1995-26902

09/25/1995-26902  
03:16 PM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
004 NCD 16.00



Inst # 1995-26902

STATE OF ALABAMA                    )  
COUNTY OF JEFFERSON            )

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Russell M. Cunningham, III whose name as the President of **BIRMINGHAM REALTY COMPANY**, 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, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation.

Given under my hand this 15<sup>th</sup> day of September, 1995.

Manda Gail Stone  
Notary Public

My Commission Expires: MY COMMISSION EXPIRES OCTOBER 11, 1998

NOTARIAL SEAL

STATE OF ALABAMA                    )  
COUNTY OF JEFFERSON            )

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that **R. M. CUNNINGHAM, III** whose name as a member of the Architectural Control Committee created under the aforesaid Declaration, 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 15<sup>th</sup> day of September, 1995.

Manda Gail Stone  
Notary Public

My commission expires: MY COMMISSION EXPIRES OCTOBER 11, 1998

NOTARIAL SEAL

STATE OF ALABAMA                    )  
COUNTY OF JEFFERSON            )

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that **S.W. HOUSE** whose name as a member of the Architectural Control Committee created under the aforesaid Declaration, 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 13<sup>th</sup> day of September, 1995.

Manda Lail Stone  
Notary Public

My commission expires: MY COMMISSION EXPIRES OCTOBER 11, 1998

NOTARIAL SEAL

RE-1955

## EXHIBIT A

### PARCEL I:

Part of Lot 7, Oak Mountain Commerce Place as recorded in Map Book 18, Page 58, in the Office of the Judge of Probate in Shelby County, Alabama, being located in the SW 1/4 of the SW 1/4 of Section 31, Township 19 South, Range 2 West, more particularly described as follows: Commence at the NW corner of said 1/4-1/4 section, said point being the Northwest corner of said Lot 7; thence in a Southerly direction along the Westerly line of said section and along the Westerly line of said Lot 7 a distance of 997.01 feet to the point of beginning; thence continue along last described course a distance of 139.33 feet; thence  $82^{\circ}19'09''$  left in an Easterly direction a distance of 223.62 feet to the Westerly ROW line of Commerce Parkway, thence  $90^{\circ}$  left in a Northerly direction along said ROW line a distance of 90.0 feet to the beginning of a curve to the left having a radius of 404.02 feet and a central angle of  $8^{\circ}00'00''$ ; thence in a Northwesterly direction along said curve and ROW line a distance of 56.41 feet to end of said curve; thence in a Northwesterly direction along a line tangent to said curve and along said ROW line a distance of 25.10 feet; thence  $90^{\circ}00'00''$  left in a Westerly direction a distance of 237.13 feet to the point of beginning.

### PARCEL II:

Part of Lot 7, Oak Mountain Commerce Place as recorded in Map Book 18, Page 58, in the Office of the Judge of Probate of Shelby County, Alabama, being located in the SW 1/4 of the SW 1/4 of Section 31, Township 19 South, Range 2 West, more particularly described as follows: Commence at the NW corner of said 1/4-1/4 section said point being the Northwest corner of said Lot 7; thence in a Southerly direction along the Westerly line of said section and along the Westerly line of said Lot 7 a distance of 459.23 feet to the point of beginning; thence continue along last described course a distance of 537.78 feet; thence  $90^{\circ}19'09''$  left in an Easterly direction a distance of 237.13 feet to the Westerly ROW line of Commerce Parkway; thence  $90^{\circ}$  left in a Northerly direction along said ROW line a distance of 464.90 feet to the beginning of a curve to the left having a radius of 503.32 feet and a central angle of  $6^{\circ}30'00''$ ; thence in a Northwesterly direction along said curve and ROW line a distance of 57.10 feet to end of said curve; thence in a Northwesterly direction along a line tangent to said curve and along said ROW line a distance of 16.00 feet; thence  $83^{\circ}30'02''$  left in a Westerly direction a distance of 229.09 feet to the point of beginning.

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004 MCD 16.00