

VARIANCE ISSUED BY HIGHLAND LAKES  
DEVELOPMENT, LTD.

RE: Lot 3120, according to the Amended Map of Highland Lakes 3rd Sector, Phase I, an Eddleman Community, as recorded in Map Book 21, Page 124, in the Probate Office of Shelby County, Alabama.

WHEREAS, HIGHLAND LAKES DEVELOPMENT, LTD., an Alabama Limited Partnership (hereinafter referred to as "Highland Lakes") is the developer of the above described property.

WHEREAS, HIGHLAND LAKES established a Declaration of Protective Covenants for Highland Lakes, 3rd Sector, Phase I, which are recorded in Instrument # 1996-17544, in the Probate Office of Shelby County, Alabama (hereinafter referred to as the Declaration).

WHEREAS, HIGHLAND LAKES reserved for itself the right to grant a variance for any of the restrictions and limitations contained in the Declaration pursuant to paragraph 6.33 entitled "VARIANCES" of Article VI of the Declaration of Protective Covenants.

WHEREAS, HIGHLAND LAKES established minimum building set back lines for front, rear and sides of buildings located on each lot in paragraph 6.4 of Article VI and storm sewer easements on the recorded plat of Highland Lakes, 3rd Sector, Phase I, in Map Book 21, Page 124,. Howard Gleen Baxter, Jr. and wife, Mickie R. Baxter, the owners of Lot 3120, Highland Lakes, 3rd Sector, Phase I, Map Book 21, Page 124, in the Probate Office of Shelby County, Alabama, have requested a variance be given to the storm drainage easement on the left side property line established by the recorded plat by changing the storm drainage easement from 7.5 feet to 7.0 feet. HIGHLAND LAKES is agreeable to changing the storm drainage easement line for Lot 3120, Highland Lakes, 3rd Sector, Phase I, to 7.0 feet instead of 7.5 feet.

NOW THEREFORE, Highland Lakes pursuant to the powers contained in paragraph 5.08 of the Declaration hereby grants a variance to the storm drainage easement on the left side of the property line as established by the recorded Map, as recorded in Map Book 21, Page 124, in the Probate Office of Shelby County, Alabama as follows:

The storm drainage easement for Lot 3120, as recorded in Map Book 21, Page 124, in the Probate Office of Shelby County, Alabama is hereby reduced from 7.5 feet to 7.0 feet.

All other terms and conditions contained in said Declaration shall remain in full force and effect and are not otherwise amended.

CLAYTON T. SWEENEY, ATTORNEY AT LAW

Inst # 1998-05114

02/16/1998-05114  
11:49 AM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
003 HEL 13.50

In Witness Whereof, the undersigned officer of Highland Lakes Development, Ltd., who being duly authorized has caused this variance to be executed this the 13th day of November, 1997.

Highland Lakes Development, Ltd.  
by: Eddleman Properties, Inc., its  
General Partner

BY:   
Douglas D. Eddleman, President

STATE OF ALABAMA)  
JEFFERSON COUNTY)

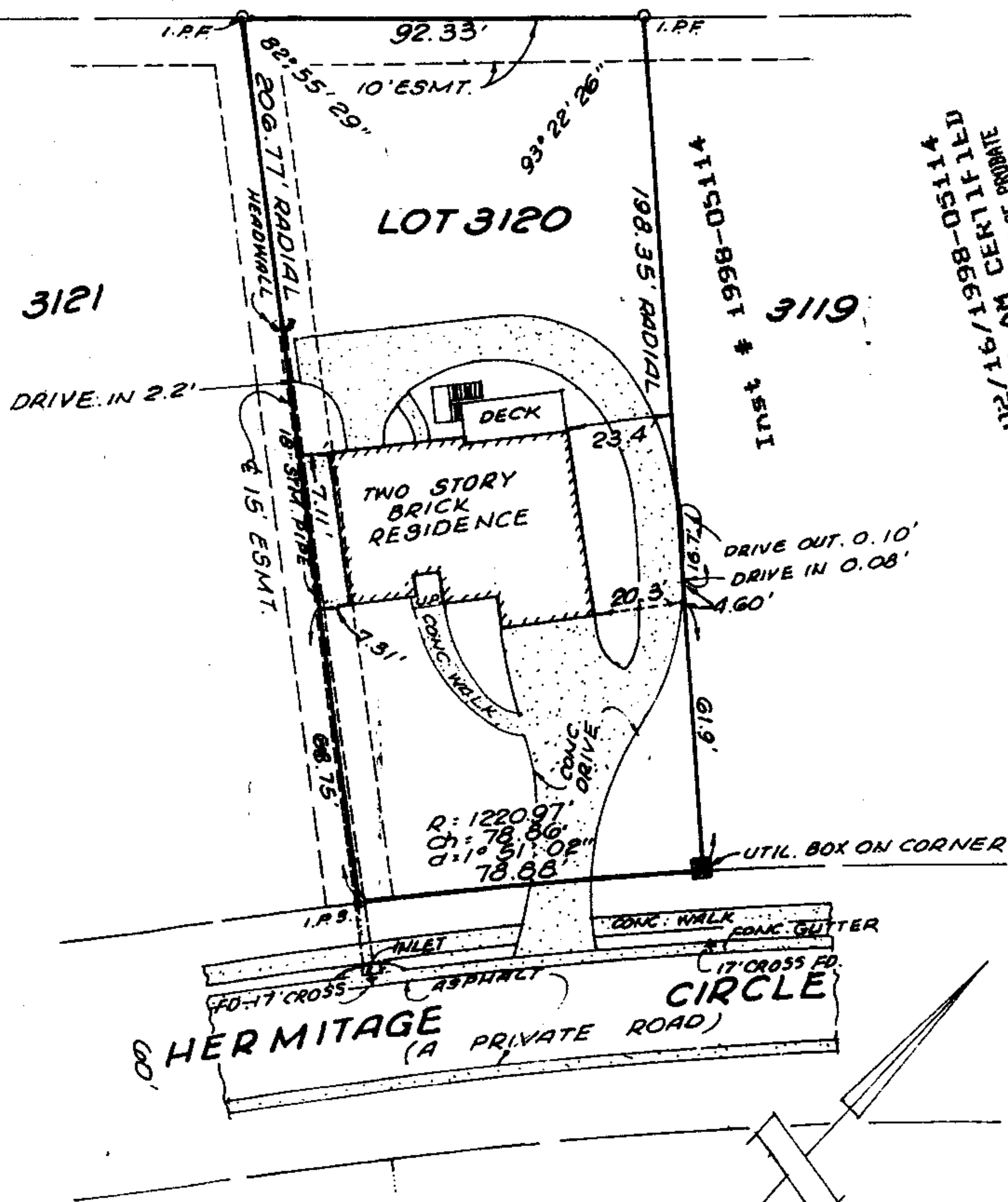
I, the undersigned authority, a Notary Public, in and for said County in said State, hereby certify that Douglas D. Eddleman, whose name as President of Eddleman Properties, Inc., an Alabama Corporation, a General Partner of Highland Lakes Development, Ltd. an Alabama Limited Partnership, is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that, being informed of the contents of 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 and seal of office this the 13th day of November, 1997.

  
Notary Public

My Commission Expires: 5/29/99

ASPH = asphalt  
 BLDG. = building  
 CALC. = calculated  
 CAP = capped iron  
 C = centerline  
 CIL = chord  
 CONC. = concrete  
 C = covered  
 D = deflection  
 Δ = curve delta angle  
 E = East  
 ESMT. = easement  
 FC = fence  
 FD = found  
 I.P.F. = iron pin found  
 I.P.S. = iron pin set  
 MEAS. = measured  
 MIN = minimum  
 M.H. = manhole  
 N = North  
 O.H. = overhang  
 P = porch  
 P.C. = point of curve  
 P.T. = point of tangent  
 P.V.M.T. = pavement  
 R = radius  
 REC = recorded  
 RES = residence  
 R.O.W. = right-of-way  
 S = South  
 SAN. = sanitary  
 SIM. = storm  
 SWR. = sewer  
 SYN. = synthetic  
 UTI. = utility  
 U = uncovered  
 W = West  
 ° = degrees  
 ' = minutes (in bearings or angles)  
 " = seconds (in bearings or angles)  
 ft = feet (in distances)  
 in = inches (in distances)  
 AC = acres  
 ± = more or less (or plus or minus)



U2/16/1998-05114  
 11:49 AM CERTIFIED  
 JUDGE OF PROBATE  
 SHELBY COUNTY JUDGE OF PROBATE  
 13.50

STATE OF ALABAMA  
 COUNTY OF SHELBY

SCALE: 1" = 40'  
 \* AN EDDLEMAN COMMUNITY

I, Carl Daniel Moore, a registered Land Surveyor, certify that I have surveyed Lot 3120 Block -  
AMENDED MAP OF HIGHLAND LAKES 3RD SECTOR, PHASE I, recorded in Map Volume 21, on  
 Page 124, in the Office of the Judge of Probate, SHELBY County, Alabama; that  
 this survey meets or exceeds the Minimum Technical Standards for the Practice of Land Surveying in the State of Alabama; that I  
 have consulted the Federal Insurance Administration "Flood Hazard Boundary Map" and found that this property is located in zone  
"C" according to F.I.R.M. community panel #010191-0050 (SHELBY COUNTY, AL) dated  
9-16-82; that the correct address is as follows: #1061 HERMITAGE CIRCLE  
 according to my survey of: 11-11-97. Survey is not valid unless it is sealed

with embossed seal or stamped in red.

K. B. WEYGAND & ASSOCIATES, P.C.  
 2233 Cahaba Valley Drive, Birmingham, AL 35242-2602  
 Tel: (205) 991-8965 - Fax: (205) 991-6032

Carl Daniel Moore  
 Carl Daniel Moore, Reg. L. S. #12159

Order No. 19807  
 Purchaser: BUYER  
 Type Survey: MORTGAGE  
LOAN CLOSING