

STATE OF ALABAMA
COUNTY OF Shelby

COVENANTS TO RUN WITH LAND

WHEREAS, The Harbert-Equitable Joint Venture

hereinafter called the owner(s) of certain real property situated in Shelby County, Alabama, described in Exhibit "A," attached hereto and incorporated herein fully; and

WHEREAS, upon said property the owner(s) desire(s) to construct an alternative onsite sewage disposal system, hereinafter called the system, to service the facility/ dwelling on said property; and

WHEREAS, the approval of the system by the Shelby County Health Department, hereinafter called the local health department, is conditioned upon the covenant by the owner(s) and his/her/their successors in title and his/her/their assigns that he/she/they will satisfy all of the requirements of the local health department and assure the proper functioning of the system.

NOW, THEREFORE, in consideration of the premises, the owner(s) hereby declare the following covenants to run with the land described in Exhibit "A":

1. The owner(s) and his/her/their successors in title and assigns shall comply with the Rules of the State Board of

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Health governing onsite sewage disposal (Chapter 420-3-1, Alabama Administrative Code), and with the terms and conditions of the permit issued by the local health department for the system, with respect to construction, installation, operation, maintenance, and repair of the system.

2. The owner(s) hereby give his/her/their assurance that the system shall be installed, and that the completed installation shall be certified by an engineer. The owner(s) and his/her/their successors in title and assigns hereby give his/her/their assurance that he/she/they will provide adequate maintenance for the system and that the system shall not receive hazardous waste, nonbiodegradable waste, or any waste which may contain high levels of metals, or chemicals from industrial, agricultural, or chemical establishments. The system shall receive only domestic liquid waste containing animal or vegetable matter in suspension or solution, and may include liquids containing chemicals in solution from water closets, urinals, lavatories, bathtubs, showers, laundry tubs or devices, floor drains, drinking fountains, or other sanitary fixtures.
3. These covenants shall run with the land and be binding on all present and future owners or occupants of said

facility/dwelling and the property on which it is situated until such time as the system is no longer required by the Administrative Code, the same being the case when the facility/dwelling is connected to a public or private sanitary sewer system.

Dated this, the 10th day of August, 1999.

HARBERT-SQUITTABLE JOINT VENTURE

Under Joint Venture Agreement Dated January 30, 1994

By: **Harbert Properties Corporation**

(Signature(s) of Owner(s))

Donald E. Williamson, M.D.
State Health Officer

1. **Attorney General**

By: Larry W. Rush 8-11-99
(Local Health Officer's Signature)

STATE OF ALABAMA)

COUNTY OF Shelby)

I, the undersigned Notary Public in and for said County, in said State, hereby certify that Harry Lynch

whose name(s) is/are
(Name(s) of Owner(s))

signed to the foregoing instrument, and who is/are known to me, acknowledge(s) before me this day that, being informed of the contents thereof, he/she/they has/have executed the same voluntarily on the day the same bears date.

Given under my hand and official seal, this 23 day of

July, 1999.

Angela Dawn Carroll
Notary Public

My Commission Expires

NOTARY PUBLIC STATE OF ALABAMA AT LARGE
MY COMMISSION EXPIRES: May 12, 2003
BONDED THROUGH NOTARY PUBLIC UNDERWRITERS

STATE OF ALABAMA
COUNTY OF SHELBY

I, the undersigned Notary Public in and for said County, in said state, hereby

Donald E. Williamson, M. D.

certify that By: Larry W. Rush
Local Health Officer's Name

whose name is signed to the foregoing instrument, and who is known to me,
acknowledges before me this day, that being informed of the contents hereof,
has executed the same voluntarily on the day the same bears date.

Given under my hand and official seal, this 11th day of
August, 19 99.

Shelia D. Stuts
Notary Public

My Commission Expires 9/1/99

Exhibit "A"

2nd Addition, Phase II

All property in the survey of Lot 35 Riverchase Country Club, a map/deed of which
is recorded in Map/Deed Book 8, page 161 or instrument
_____, in the Probate Office of Shelby County, Alabama. Or all
property described in the attached legal description.

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