



20030905000592260 Pg 1/5 26.00
Shelby Cnty Judge of Probate, AL
09/05/2003 08:14:00 FILED/CERTIFIED

This instrument was prepared by:
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Corley, Moncus & Ward, P.C.
400 Shades Creek Parkway, Suite 100
Birmingham, AL 35209
205.879.5959

RESTRICTIVE COVENANT

THIS RESTRICTIVE COVENANT AGREEMENT, is made and entered into this 28th day of August, 2003, by and between:

Hettie Louise Glenn (herein referred to as "Glenn") with an address of 3687 Cahaba Beach Road, Birmingham, AL 35243, and Cahaba Beach Road Investors, LLC, an Alabama Limited Liability Company (herein referred to as "Cahaba") with an address of 800 Financial Center, 505 North 20th Street, Birmingham, AL 35203-2605.

RECITALS

Glenn is the owner of the real property located in Shelby County, Alabama, more particularly described in Exhibit "A" attached hereto and made a part hereof (herein referred to as the "Parcel One").

Glenn is the owner of the real property located in Shelby County, Alabama, more particularly described in Exhibit "B" attached hereto and made a part hereof (herein referred to as "Parcel Two"), and Glenn has agreed to sell, bargain, convey and grant Parcel Two to Cahaba.

Cahaba has agreed to purchase Parcel Two, provided Glenn restricts Parcel One from further and additional access for ingress and egress from Cahaba Beach Road to the old Swan Drive.

Glenn has agreed, as a condition of the sale of Parcel Two to Cahaba, to restrict Parcel One from further and additional access for ingress and egress from Cahaba Beach Road to the old Swan Drive (herein referred to as the "Restrictive Covenant").

NOW, THEREFORE, in consideration of the premises, and the mutual covenants and conditions herein contained, the receipt and sufficiency of which is hereby acknowledged, Glenn and Cahaba covenant and agree as follows:

1. **GRANT OF RESTRICTION.** Glenn hereby covenants and agrees to restrict the Parcel One from further and additional access for ingress and egress from Cahaba Beach Road to the old Swan Drive and agrees to not grant any access for ingress and egress thereon to any other party. Glenn reserves for herself, her heirs, successors

and assigns, all other rights of ownership and use of her property other than the restriction set out herein.

2. **RESTRICTIVE COVENANT RUNNING WITH THE LAND:** The Restrictive

Covenant hereby granted, the restrictions hereby imposed, and the agreements herein contained shall be restrictions and covenants running with the land and shall inure to the benefit of and be binding upon, the parties reference herein, their respective heirs, successors and assigns.

3. **PRIVATE EASEMENT:** The restrictions, rights, and privileges established,

created and declared in this instrument shall not be construed as creating any rights in the public, or other entities, other than the parties and the properties provided for herein.

4. **TERMINATION AND AMENDMENT:** This Restrictive Covenant may only

be amended by a written agreement signed by Glenn and all Grantees.

5. **COUNTERPARTS:** This Agreement may be executed in one or more

counterparts, each of which shall be deemed an original. Said counterparts shall constitute but one and the same instrument and shall be binding upon, and shall inure to the benefit of, each of the undersigned as though all had signed one instrument.

GLENN:

Hettie Louise Glenn [SEAL]
HETTIE LOUISE GLENN

STATE OF ALABAMA)
JEFFERSON COUNTY)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that **HETTIE LOUISE GLENN**, whose name 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 said instrument, she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 28th day of August, 2003.

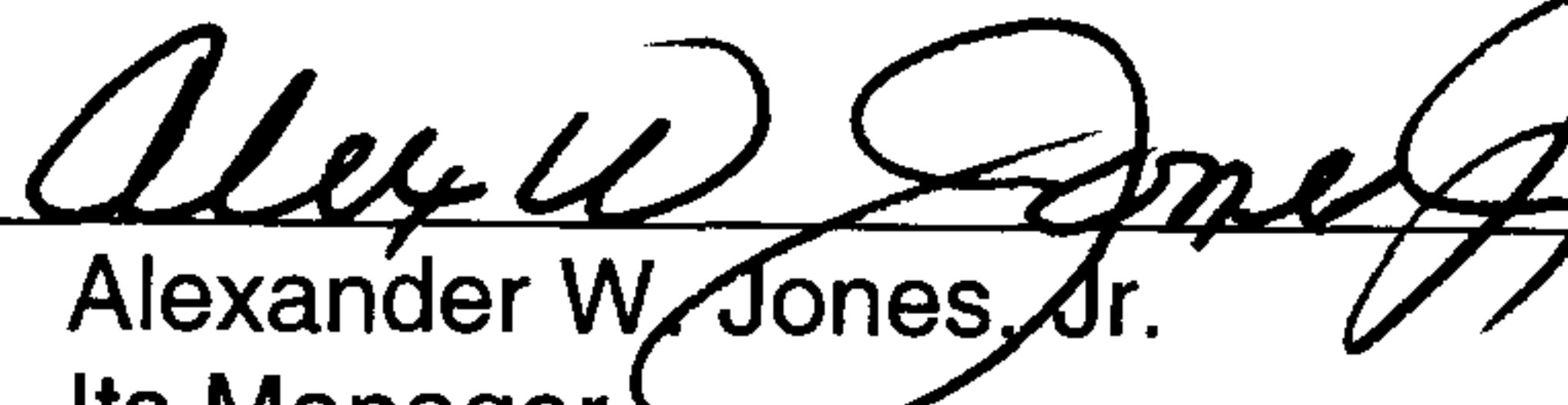
[NOTARIAL SEAL]

Paula M. [Signature]
NOTARY PUBLIC

My Commission Expires: 12/28/03

GRANTEE:

CAHABA BEACH ROAD INVESTORS, LLC,
an Alabama limited liability company

By:  [SEAL]
Alexander W. Jones, Jr.
Its Manager

STATE OF ALABAMA)
COUNTY OF JEFFERSON)

I, the undersigned Notary Public in and for said County, in said State, hereby certify that Alexander W. Jones, Jr., whose name as Manager of **CAHABA BEACH ROAD INVESTORS, LLC**, an Alabama Limited Liability 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 manager and with full authority, executed the same for and as the act of said limited liability company.

Given under my hand and official seal this 28 day of August, 2003.

[NOTARIAL SEAL]

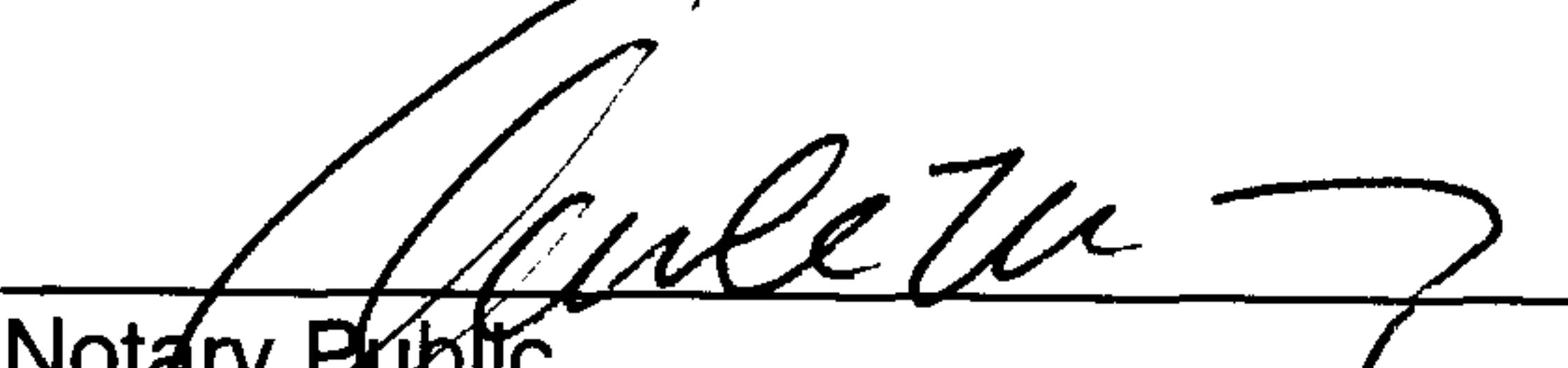

Notary Public
My Commission Expires: 12/28/03

EXHIBIT "A"

Part of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 30, Township 18 South, Range 1 West, Shelby County, Alabama, being more particularly described as follows:

From an existing crimp iron pin being the locally accepted southeast corner of said SW $\frac{1}{4}$ of SW $\frac{1}{4}$, run in a northerly direction along the east line of said $\frac{1}{4}$ - $\frac{1}{4}$ section for a distance of 615.23 feet to an existing iron rebar set by Ray Weygand and being the point of beginning; thence continue in a northerly direction along the east line of said $\frac{1}{4}$ - $\frac{1}{4}$ section for a distance of 76.13 feet to a point in the center of an existing chert road; thence turn an angle to the left of $41^{\circ}34'44''$ and run in a northwesterly direction along the center of said chert road for a distance of 35.30 feet; thence turn an angle to the left of $0^{\circ}14'24''$ and run in a northwesterly direction for a distance of 25.14 feet to a point in the centerline of an existing chert road; thence turn an angle to the left of $8^{\circ}10'1''$ and run in a northwesterly direction for a distance of 31.61 feet to a point in the center of an existing chert road; thence turn an angle to the left of $7^{\circ}50'22''$ and run in a northwesterly direction along the centerline of an existing chert road for a distance of 44.72 feet; thence turn an angle to the left of $1^{\circ}0'43''$ and run in a northwesterly direction for a distance of 43.72 feet to a point in the center of an existing chert road; thence turn an angle to the left of $6^{\circ}41'03''$ and run in a northwesterly direction for a distance of 46.29 feet to a point in the center of an existing chert road; thence turn an angle to the left of $5^{\circ}1'26''$ and run in a northwesterly direction for a distance of 51.15 feet to a point in the center of an existing chert road; thence turn an angle to the right of $1^{\circ}25'30''$ and run in a northwesterly direction for a distance of 62.13 feet to a point in the center of an existing chert road; thence turn an angle to the left of $7^{\circ}14'27''$ and run in a northwesterly direction for a distance of 31.35 feet to a point in the center of an existing chert road; thence turn an angle to the left of $20^{\circ}08'53''$ and run in a westerly direction for a distance of 77.95 feet to a point on the east right-of-way line of Cahaba Beach Road; thence turn an angle to the left of $106^{\circ}10'11''$ and run in a southeasterly direction along the east line of Cahaba Beach Road for a distance of 45.42 feet; thence turn an angle to the right of $8^{\circ}50'44''$ and run in a southeasterly direction along the east right-of-way line of Cahaba Beach Road for a distance of 11.47 feet to an existing iron rebar set by Weygand; thence turn an angle to the left of $82^{\circ}40'33''$ and run in an easterly direction for a distance of 54.07 feet to an existing iron rebar set by Weygand; thence turn an angle to the right of $20^{\circ}08'53''$ and run in a southeasterly direction for a distance of 18.10 feet to an existing iron rebar set by Weygand; thence turn an angle to the right of $7^{\circ}14'01''$ and run in a southeasterly direction for a distance of 59.64 feet to an existing iron rebar set by Weygand; thence turn an angle to the left of $1^{\circ}25'04''$ and run in a southeasterly direction for a distance of 49.11 feet to an existing iron rebar set by Weygand; thence turn an angle to the right of $5^{\circ}01'26''$ and run in a southeasterly direction for a distance of 40.66 feet to an existing iron rebar set by Weygand; thence turn an angle to the right of $6^{\circ}41'02''$ and run in a southeasterly direction for a distance of 40.02 feet to an existing iron rebar set by Weygand; thence turn an angle to the right of $1^{\circ}00'43''$ and run in a southeasterly direction for a distance of 40.47 feet to an existing iron rebar set by Weygand; thence turn an angle to the right of $7^{\circ}50'23''$ and run in a southeasterly direction for a distance of 23.91 feet to an existing iron rebar set by Weygand; thence turn an angle to the right of $8^{\circ}10'01''$ and run in a southeasterly direction for a distance of 21.13 feet to an existing iron rebar set by Weygand; thence turn an angle to the right of $0^{\circ}8'$ and run in a southeasterly direction for a distance of 47.35 feet to an existing iron rebar set by Weygand; thence turn an angle to the left of $5^{\circ}29'47''$ and run in a southeasterly direction for a distance of 44.96 feet, more or less, to the point of beginning. Containing 0.3 acres, more or less
LESS AND EXCEPT ANY PART LYING IN A ROAD RIGHT OF WAY.

EXHIBIT "B"

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A part of the SW 1/4 of SW 1/4 of Section 30, Township 18 South, Range 1 West, described as follows: Begin at the Southeast corner and run Westerly along South line to East line of a County Road; thence Northerly direction along the East line of said County Road to its intersection with the South line of a chert road running in a Southwesterly direction; thence in a Southwesterly direction along South line of said chert road to its intersection with East line of said Quarter-Quarter Section; thence South along the East line of said Quarter-Quarter Section to point of beginning, being 6.02 acres, more or less.

Subject to a Trans-Aluminum Line Permit to Alabama Power Company, dated August 17, 1959, and recorded in Deed Book 163, Page 147, in the Probate Office of Shelby County, Alabama.

Less and except:

Part of the SW 1/4 of the SW 1/4 of Section 30, Township 18 South, Range 1 West, Shelby County, Alabama, being more particularly described as follows:

From an existing crimp iron pin being the locally accepted southeast corner of said SW 1/4 of SW 1/4, run in a northerly direction along the east line of said 1/4-1/4 section for a distance of 615.23 feet to an existing iron rebar set by Ray Weygand and being the point of beginning; thence continue in a northerly direction along the east line of said 1/4-1/4 section for a distance of 76.13 feet to a point in the center of an existing chert road; thence turn an angle to the left of 41°-34'-44" and run in a northwesterly direction along the center of said chert road for a distance of 35.30 feet; thence turn an angle to the left of 0°-14'-24" and run in a northwesterly direction for a distance of 25.14 feet to a point in the centerline of an existing chert road; thence turn an angle to the left of 8°-10'-1" and run in a northwesterly direction for a distance of 31.61 feet to a point in the center of an existing chert road; thence turn an angle to the left of 7°-50'-22" and run in a northwesterly direction along the centerline of an existing chert road for a distance of 44.72 feet; thence turn an angle to the left of 1°-0'-43" and run in a northwesterly direction for a distance of 43.72 feet to a point in the center of an existing chert road; thence turn an angle to the left of 6°-41'-03" and run in a northwesterly direction for a distance of 46.29 feet to a point in the center of an existing chert road; thence turn an angle to the right of 1°-25'-30" and run in a northwesterly direction for a distance of 51.15 feet to a point in the center of an existing chert road; thence turn an angle to the right of 7°-14'-27" and run in a northwesterly direction for a distance of 62.13 feet to a point in the center of an existing chert road; thence turn an angle to the left of 10°-08'-53" and run in a westerly direction for a distance of 77.95 feet to a point on the east right-of-way line of Cahaba Beach Road; thence turn an angle to the left of 106°-10'-11" and run in a southeasterly direction along the east line of Cahaba Beach Road for a distance of 45.42 feet; thence turn an angle to the right of 8°-50'-44" and run in a southeasterly direction along the east right-of-way line of Cahaba Beach Road for a distance of 11.47 feet to an existing iron rebar set by Weygand; thence turn an angle to the left of 82°-40'-33" and run in an easterly direction for a distance of 54.07 feet to an existing iron rebar set by Weygand; thence turn an angle to the right of 20°-08'-53" and run in a southeasterly direction for a distance of 18.10 feet to an existing iron rebar set by Weygand; thence turn an angle to the right of 7°-14'-01" and run in a southeasterly direction for a distance of 59.64 feet to an existing iron rebar set by Weygand; thence turn an angle to the left of 1°-25'-04" and run in a southeasterly direction for a distance of 49.11 feet to an existing iron rebar set by Weygand; thence turn an angle to the right of 5°-01'-26" and run in a southeasterly direction for a distance of 40.66 feet to an existing iron rebar set by Weygand; thence turn an angle to the right of 6°-41'-02" and run in a southeasterly direction for a distance of 40.02 feet to an existing iron rebar set by Weygand; thence turn an angle to the right of 1°-00'-43" and run in a southeasterly direction for a distance of 40.47 feet to an existing iron rebar set by Weygand; thence turn an angle to the right of 7°-50'-23" and run in a southeasterly direction for a distance of 23.91 feet to an existing iron rebar set by Weygand; thence turn an angle to the right of 8°-10'-01" and run in a southeasterly direction for a distance of 21.13 feet to an existing iron rebar set by Weygand; thence turn an angle to the right of 0°-8' and run in a southeasterly direction for a distance of 47.35 feet to an existing iron rebar set by Weygand; thence turn an angle to the left of 5°-29'-47" and run in a southeasterly direction for a distance of 44.96 feet, more or less, to the point of beginning. Containing 0.3 acres, more or less.

LESS AND EXCEPT ANY PART LYING IN A ROAD RIGHT OF WAY.