

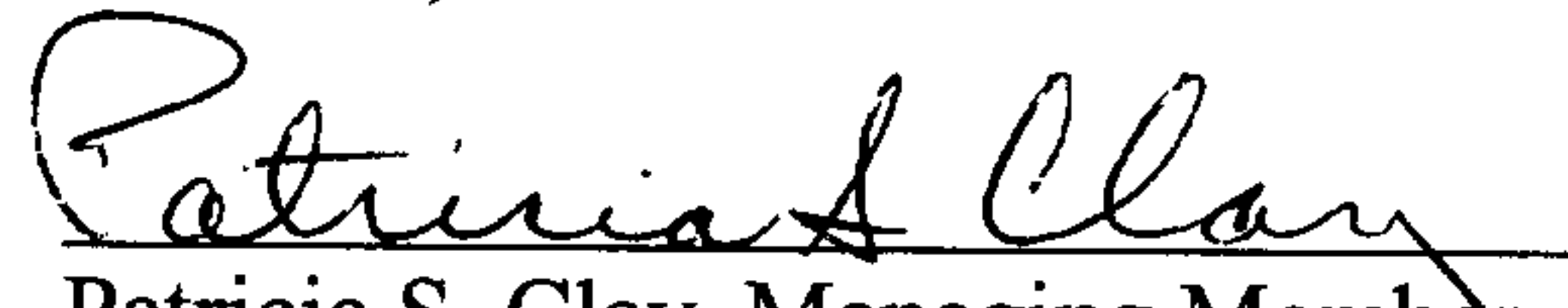
AFFIDAVIT RE:
SETBACK VARIANCE

The Setback Variance on the following described property:

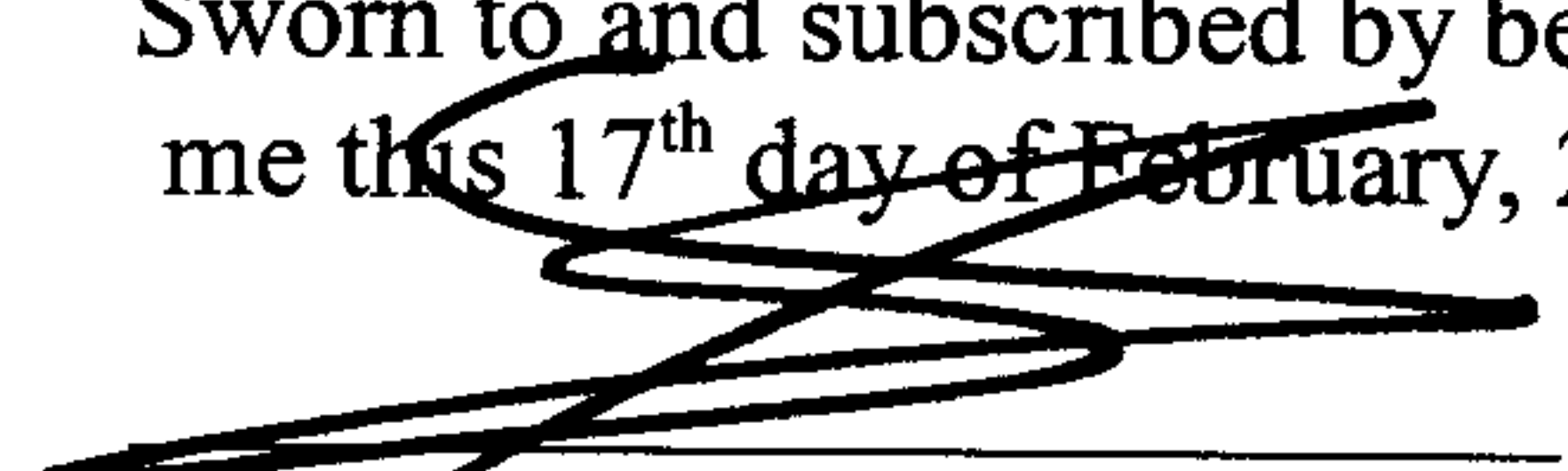
Lot 461 Final Plat Riverwoods Fourth Sector, Phase III, as recorded in Map Book 31,
Page 89, in the Probate Office of Shelby County, Alabama.

has been approved by the City of Helena as shown in the minutes of the City of Helena attached
hereto and incorporated herein by reference. The variance changes the set back line on the front
of the lot from 15 feet to 10 feet to permit the improvements as built on this lot.

Sunburst, LLC


Patricia S. Clay, Managing Member

Sworn to and subscribed by before
me this 17th day of February, 2004.


Notary Public

COURTNEY H. MASON, JR.
COMMISSION EXPIRES MARCH 5, 2007

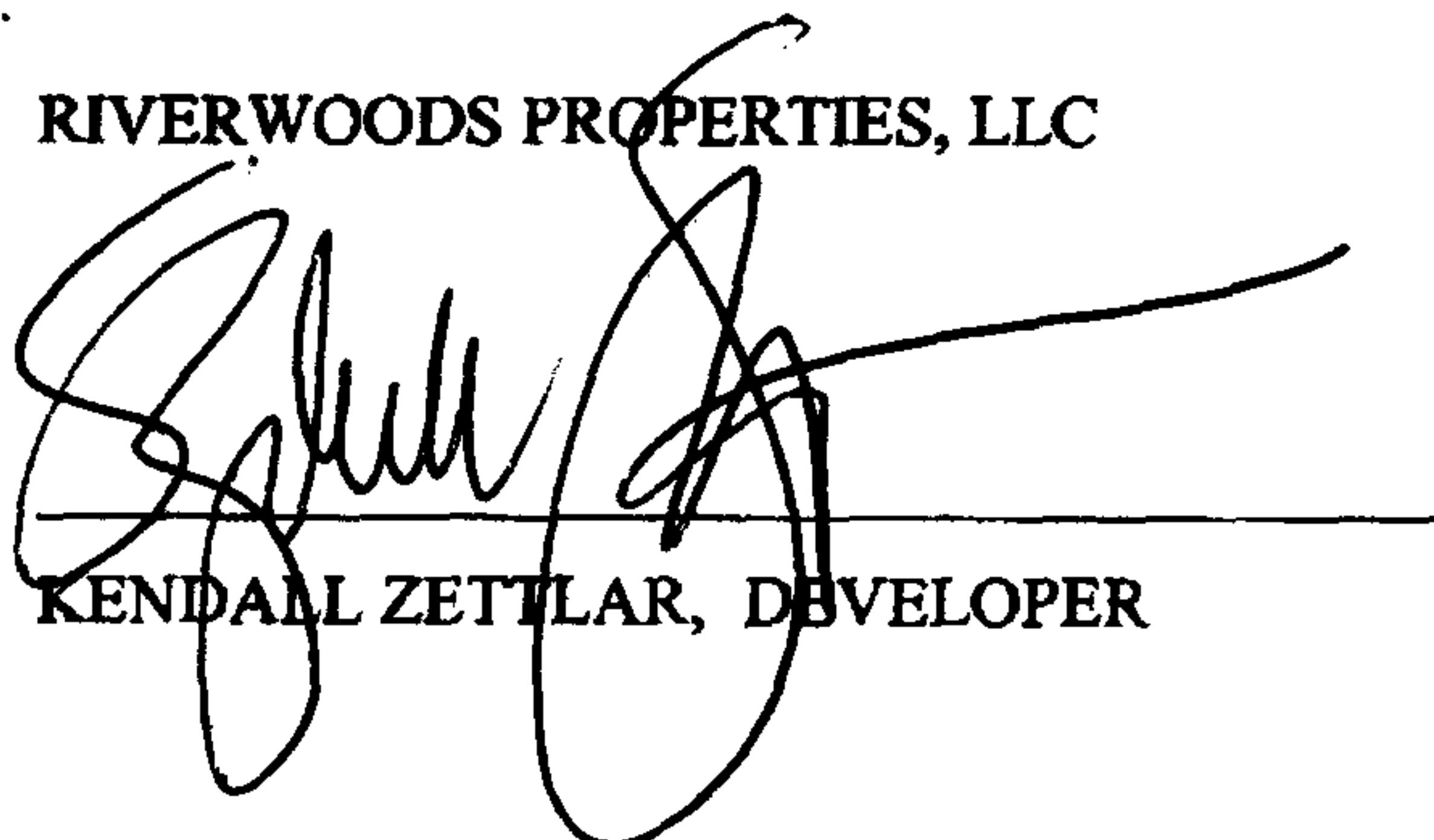
C. Mason

VARIANCE OF SET-BACK LINE

I, THE UNDERSIGNED, AM ONE OF THE DEVELOPERS UNDER THE RESTRICTIONS AS RECORDED IN INST 2002-7338 OF RIVERWOODS FOURTH SECTOR, PHASE III AS RECORDED IN MAP BOOK 31, PAGE 89. UNDER SAID COVENANTS I HAVE THE POWER TO AMEND SET-BACK LINES IN SAID SUBDIVISION.

I HAVE SEEN THE ATTACHED SURVEY DATED FEBRUARY 11, 2004, AND PREPARED BY MILLER, TRIPLETT & MILLER ENGINEERS, INC. ON LOT 461 FINAL PLAT RIVERWOODS FOURTH SECTOR, PHASE III, AS RECORDED IN MAP BOOK 31 PAGE 89 IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA. UNDER THE TERMS OF THE COVENANTS THE DEVELOPER HAS THE POWER AND DOES HEREBY GRANT A VARIANCE FROM THE 25' SET-BACK LINE TO PERMIT THE 15' SET BACK LINE ON SAID LOT 461 TO BE LOCATED AS SHOWN IN THE ATTACHED SURVEY.

RIVERWOODS PROPERTIES, LLC

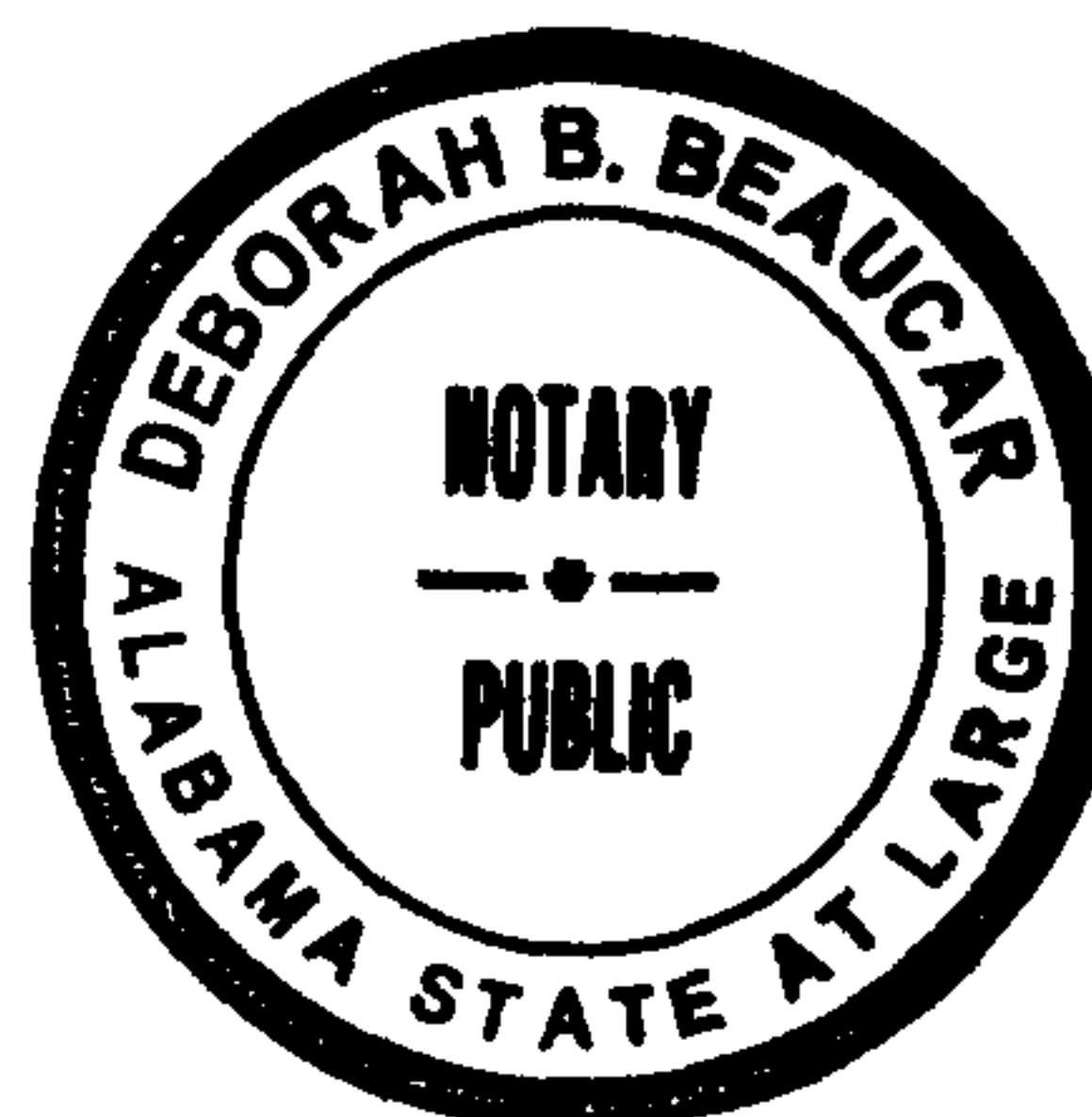

KENDALL ZETTLAR, DEVELOPER

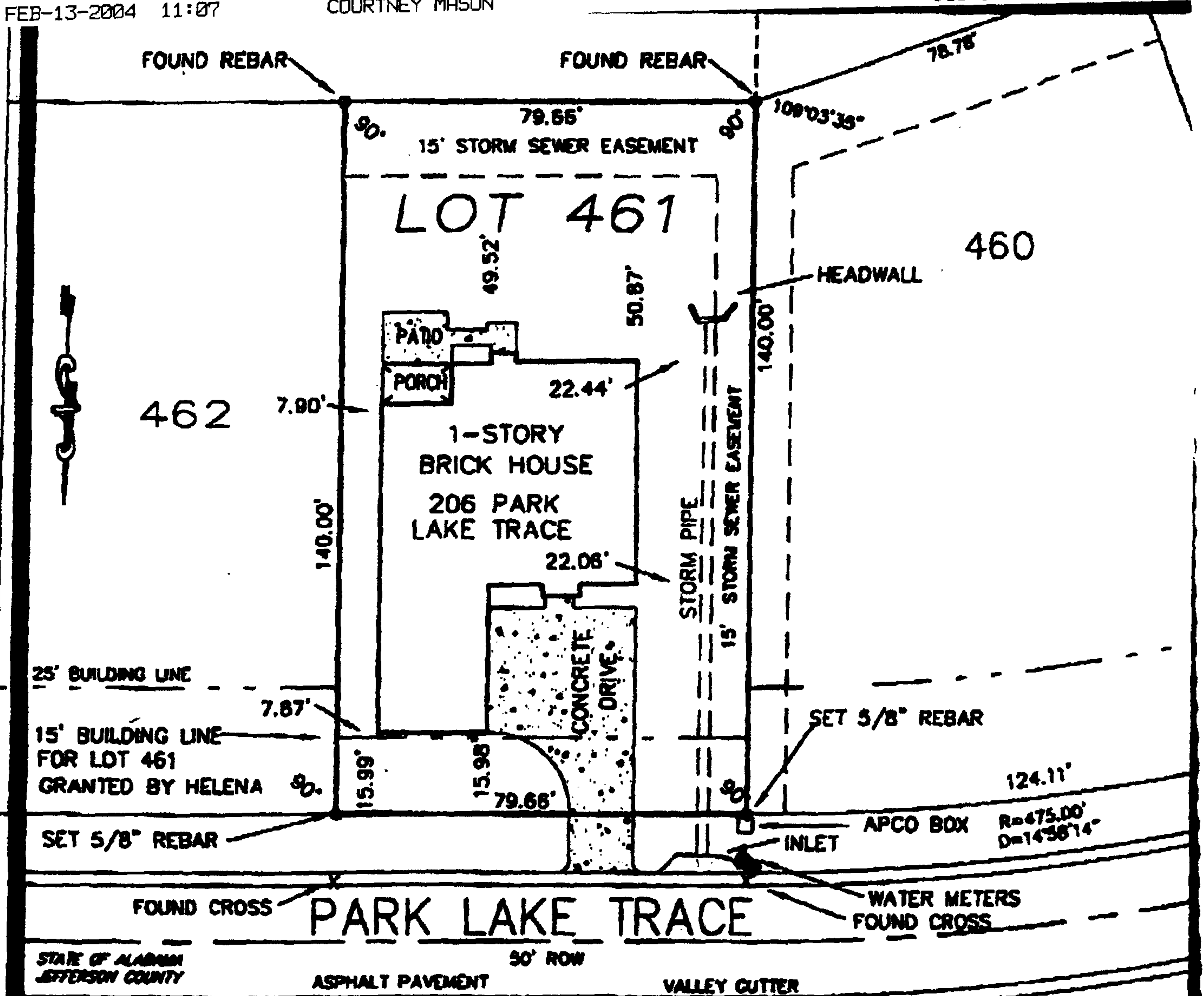
SWORN TO AND SUBSCRIBED BEFORE ME THIS THE 13th DAY OF FEBRUARY, 2004.



NOTARY PUBLIC

MY COMMISSION EXPIRES: 11/06/05





STATE OF ALABAMA
JEFFERSON COUNTY

ASPHALT PAVEMENT

VALLEY CUTTER

I, JOSEPH A. MILLER, II, A REGISTERED CIVIL ENGINEER AND LAND SURVEYOR OF BIRMINGHAM, ALABAMA DO HEREBY CERTIFY THE FOREGOING TO BE A TRUE AND CORRECT MAP OR PLAT OF THE SURVEY MADE BY ME AND DESCRIBED OF:

LOT 461 OF RIVERWOODS 4TH SECTOR PH ASE 3
AS RECORDED IN MAP BOOK 31, PAGE 89, IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA.

THE SOLE PURPOSE OF THIS SURVEY IS FOR USE AS A MORTGAGE LOAN CERTIFICATE SURVEY OR MORTGAGE LOAN CLOSING SURVEY SHOWING THE EXISTENCE OR NONEXISTENCE OF ENCROACHMENTS INTO OR OUT OF SAID PROPERTY. I HEREBY CERTIFY THAT ALL PARTS OF THIS SURVEY AND DRAWING HAVE BEEN COMPLETED IN ACCORDANCE WITH THE CURRENT REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF ALABAMA TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF; THAT THE BUILDINGS NOW ERECTED ON SAID PROPERTY ARE WITHIN THE BOUNDARIES OF SAME EXCEPT AS MAY BE SHOWN; THAT THERE ARE NO ENCROACHMENTS FROM ADJOINING PROPERTY EXCEPT AS MAY BE SHOWN; THAT THERE ARE NO RIGHTS OF WAY, EASEMENTS, OR JOINT DRIVEWAYS OVER OR ACROSS SAID LAND WHOLE OR IN PART EXCEPT AS MAY BE SHOWN; THAT THERE ARE NO ELECTRIC OR TELEPHONE WIRES (INCLUDING SERVICE WIRES THAT SERVE THE PREMISES) OR STRUCTURES OR SUPPORTS THEREOF, INCLUDING POLES, ANCHORS, AND GUY WIRES, ON OR OVER SAID PREMISES EXCEPT AS MAY BE SHOWN; THAT I HAVE CONSULTED THE FEDERAL INSURANCE ADMINISTRATION FLOOD HAZARD BOUNDARY MAPS AND FOUND THAT THIS PROPERTY IS NOT LOCATED IN A DESIGNATED FLOOD HAZARD AREA ACCORDING TO FEMA PANEL NUMBER 01204 0002 B DATED JANUARY 6, 1982 THE PREMISES SHOWN AND DESCRIBED HEREON ARE SUBJECT TO ANY EASEMENTS, EJECTMENT RESTRICTIONS, RIGHT-OF-WAYS, RESTRICTIONS, AND SETBACK LINES WHETHER OR NOT THEY MAY BE SHOWN ON THE PLAT HEREBY OR WHETHER OR NOT RECORDED IN THE PUBLIC RECORDS. NO LIABILITY IS ASSUMED BY THE UNDERSIGNED FOR ANY LOSS THAT MAY BE ASSOCIATED WITH THE EXISTENCE OF ANY OF EASEMENTS OR RESTRICTIONS.

THE CORRECT STREET ADDRESS IS 206 PARK LAKE TRACE, HELENA, ALABAMA 35000

FEMA PANEL: 01204 0002 B DATED: JANUARY 6, 1982

DATE: FEBRUARY 11, 2004

INVOICE NO. 30002

ATTORNEY: COURTNEY MASON

ORDERED BY: PAT CLAY-02-03-04

OWNER: ROBERT & BILLIE BARRY

FIELD FILE: RIVERWOODS & FILE NO. 105

FILED: LOT 461/CERTS/PLATS/PH

SURVEYOR AND FIELD WORK DATE: AUG-02-11-04

DRAWN BY: JMC

JOSEPH A. MILLER, II, P.E. & L.S. NO 17054

3000 7TH AVENUE SOUTH

BIRMINGHAM, ALABAMA 35210

TELEPHONE (205) 320-0114

PREPARED BY
MILLER, TRIPLETT
AND MILLER ENGINEERS, INC.

SCALE: 1" = 30'



HELENA BOARD OF ADJUSTMENTS
SEPTEMBER 19, 2003

20040218000083850 Pg 4/4 20.00
Shelby Cnty Judge of Probate, AL
02/18/2004 11:24:00 FILED/CERTIFIED

The Helena Board of Adjustments met in a called meeting on Friday, September 19, 2003 at 9:30 A.M. in the Council Chambers of the Helena Municipal Building, regular place for holding said meetings.

Present:----- Dennis Yawn, acting Chairman
Members:----- Jerry Owensby, Bill Winford
Absent:----- Melton Dearing, Larry Clayton
Visitors:----- Dan Whitman, Grover Jackson (for Ms. Clay),
Lori Champion, George Pickle

Everyone was present, and the meeting opened for business at 9:26 A.M..

Motion was made by Jerry Owensby and seconded by Bill Winford to accept the minutes as written from the last meeting (8-27-03) and an affirmative unanimous voice vote was recorded.

Dan Whitman, DWC, Inc. , Lots 22 and 23 Falliston Ridge, 2nd Sector, is requesting a 5' variance on the front set back due to the severe topography of the lots.

Mr. Pickle explained the problem to the Board members and there was no objection from adjoining property owners. Motion was made by Jerry Owensby and seconded by Bill Winford to grant the 5' Variance for Lots 22 and 23 Falliston Ridge, 2nd Sector as requested and an unanimous voice vote was recorded.

Lori Champion, Harmony Homes, Lot 13 Falliston Ridge, 2nd Sector, is requesting a 15'6" variance on the rear set back in order to build a covered patio for a pre-sell. The house needs only 4 or 5 feet, 10' is needed for the covered patio. There is no objection with adjoining property owners.

Motion was made by Jerry Owensby and seconded by Bill Winford to grant the request for 15' 6" on the rear set back for Lot 13 Falliston Ridge, 2nd Sector and an unanimous voice vote was recorded.

Patty Clay, Sunburst, LLC (represented by Grover Jackson) is requesting a 10' variance on front set back for Lot 461 Riverwoods, Sector 4, Phase III due to physical topography and a 15' easement on the right side of lot. (To go from a 25' front setback to 15' front set back.) Mr. Pickle explained that this house plan is a deep house and she would need this variance in order to place this house on the lot. (There is no objection from adjoining property owners.) Motion was made by Jerry Owensby and seconded by Bill Winford to grant the variance request of 10' of the front set back for lot 461 Riverwoods, and an unanimous voice vote was recorded.

There being no further business, the meeting adjourned at 9:35 A.M..
Minutes taken by Sherry Oglesby

Chairman: _____

George D. Yawn