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Shelby Cnty Judge of Probate, AL  
12/17/2004 13:10:00 FILED/CERTIFIED

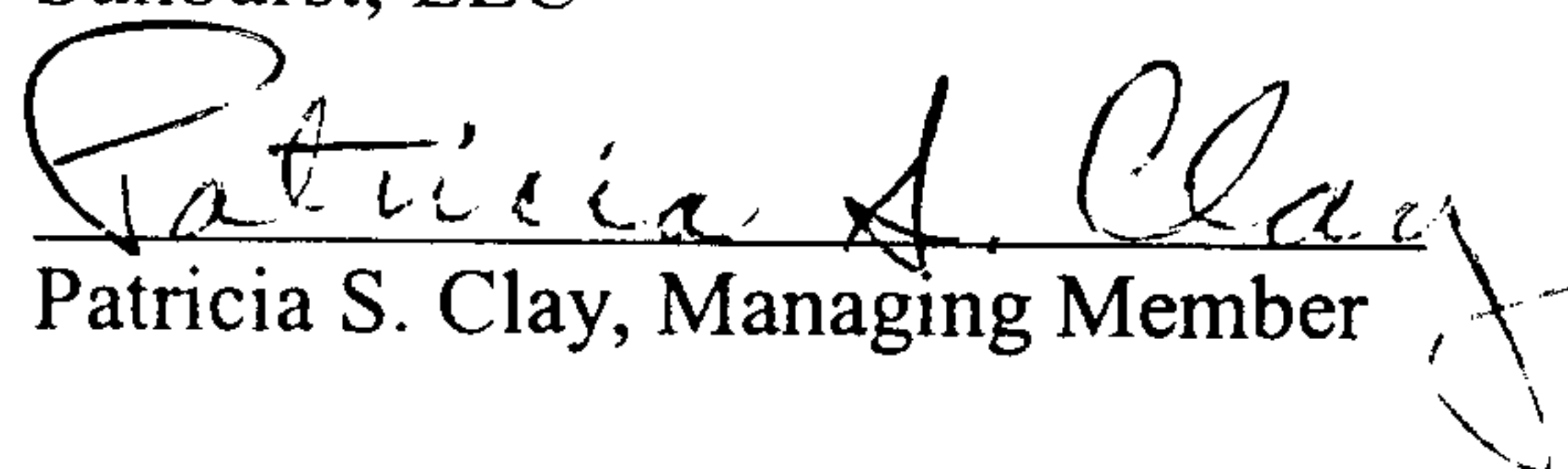
**AFFIDAVIT RE:**  
**SETBACK VARIANCE**

The Setback Variance on the following described property:

Lot 640 Final Plat Riverwoods Sixth Sector, as recorded in Map Book 32, Page 140, 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 25 feet to 15 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 16<sup>th</sup> day of December, 2004

  
Notary Public



## HELENA BOARD OF ADJUSTMENTS APRIL 6, 2004

The Helena Board of Adjustments met in a called meeting on Tuesday, April 6, 2004 at 10:00 A.M. in the Conference Room at the Helena Municipal Building (there was a meeting in the Council Chambers).

Present:----- Dennis Yawn, Chairman

Members:----- Jerry Owensby, Melton Dearing, Bill Winford

Absent:----- Larry Clayton

Visitors:----- George Pickle, Patty Clay, Wes Ransom, Kendall Zettler

The meeting was called to order and opened for business at 10:00 A.M.

Motion was made by Jerry Owensby and seconded by Dennis Yawn to accept the minutes as written from the last meeting (3-23-04) and an affirmative unanimous voice vote was recorded.

Mrs. Clay presented her 2 variance requests, Lots 639 and 640 of Riverwoods, Sector 6 - 6' for Lot 639 and 10' for Lot 640. Mrs. Clay explained how the developers asked for the Builders to take the water off of the lots behind them and bring it to the road, and that there are some trees in the back that she wants to keep - so she is asking to bring the houses forward. She said that the road curves, so the houses should still look good.

Kendall Zettler stated that the developer and builders are trying to work with George to make sure they properly handle any drainage problems.

George stated that he met with the Planning Commission and asked them to look more carefully when the plats are presented. He also suggested that the builders pick a plan that is wider instead of so deep when dealing with certain lots (especially in this section).

Mr. Dearing stated "the fewer variances - the better".

Mr. Pickle stated that they should look more closely at the plans while they are in the development process.

Mr. Zettler stated that the 15' setback is designed for front facing garages, to keep cars off the streets, etc. He stated that there are no front facing garages in Riverwoods.

George stated that the Planning Commission will take under consideration requirement for setbacks - they do not want 15' on both sides of the road. He also stated that you can build wider homes ( and not so deep) in this area.

## HELENA BOARD OF ADJUSTMENTS (CONT.PG.2)

Mr. Ransom stated that he understands the concern about the 15' setback, he does not think that they should require for all lots. (It looks better if houses vary a small amount and not just a straight line with every house exactly the same.)

Mr. Pickle stated that they can vary houses so they are not all the same setback.

Zettler stated that builders also have a "build-to" line they must meet.

George suggested that Mr. Zettler present this to the Planning Commission in order for them to be more flexible.

Mr. Ransom stated that it will be for their best interest not to have the "straight line look", a subdivision looks nicer when lots vary.

George stated that some flexibility in this matter would give the subdivision a nicer look.

Motion was made by Melton Dearing and seconded by Bill Winford to grant the request for a 6' variance for Lot 639 and a 10' variance for Lot 640 Riverwoods, Sector 6 and the following votes were cast:

Aye  
Melton Dearing  
Dennis Yawn  
Bill Winford

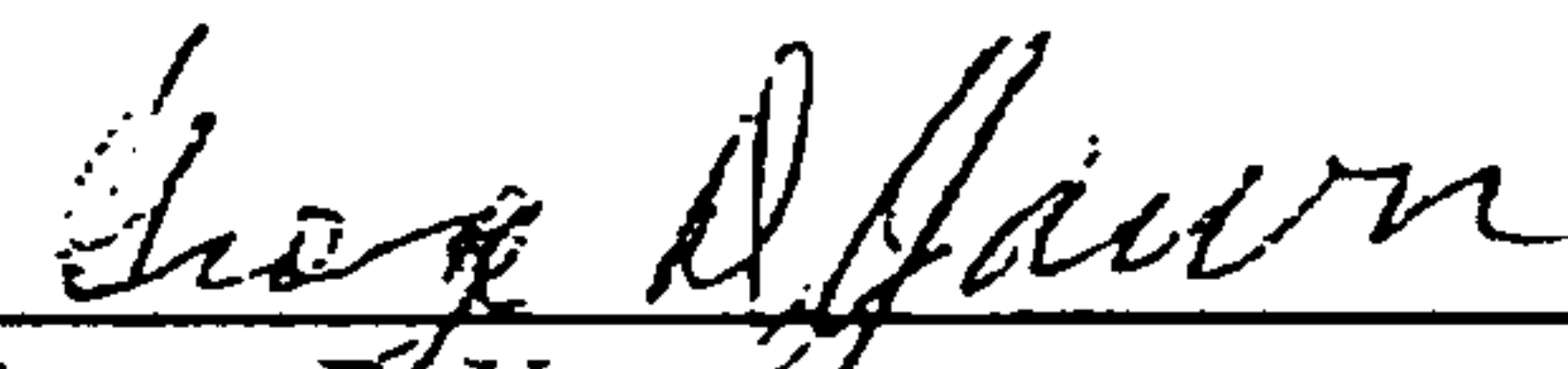
Abstain  
Jerry Owensby

Mr. Dearing ask Mr. Owensby to re-state his objection to the request - and Mr. Owensby stated that when we start to grant these request that they will keep coming.

Mr. Dearing again stated that this is a one on one situation and we do not want to set a precedent.

There being no further business, the meeting adjourned at 10:55 A.M.

Chairman:

  
George D. Yawn

Minutes taken by Sherry Oglesby





125 RIVERWOODS PARKWAY • HELEN, ALABAMA 35080  
PHONE 205.621.3901 • FAX 205.621.4955

December 15, 2004

Mr. Courtney Mason  
Attorney at Law  
1904 Indian Lake Drive  
Suite 100  
Birmingham, AL 35244

RE: Lot 640 – 182 River Valley Road - Bingham

To Whom It May Concern:


Riverwoods Properties, LLC will be responsible for the property taxes for the current tax year.

The house constructed on Lot 640 by Sunburst, LLC has been approved by the Riverwoods Properties, LLC Architectural Review Committee.

Homeowners' Association Fees for Riverwoods Properties are \$360 per year (January 1 – December 31) and are due on January 1 of each year. The fees for Lot 640 will be prorated from date of closing through December 31, 2004. The amount due RiverWoods is \$15.78 (per diem is \$.986). This amount is based on the loan closing on December 16, 2004

If you have questions or need additional information, please call.

Regards,

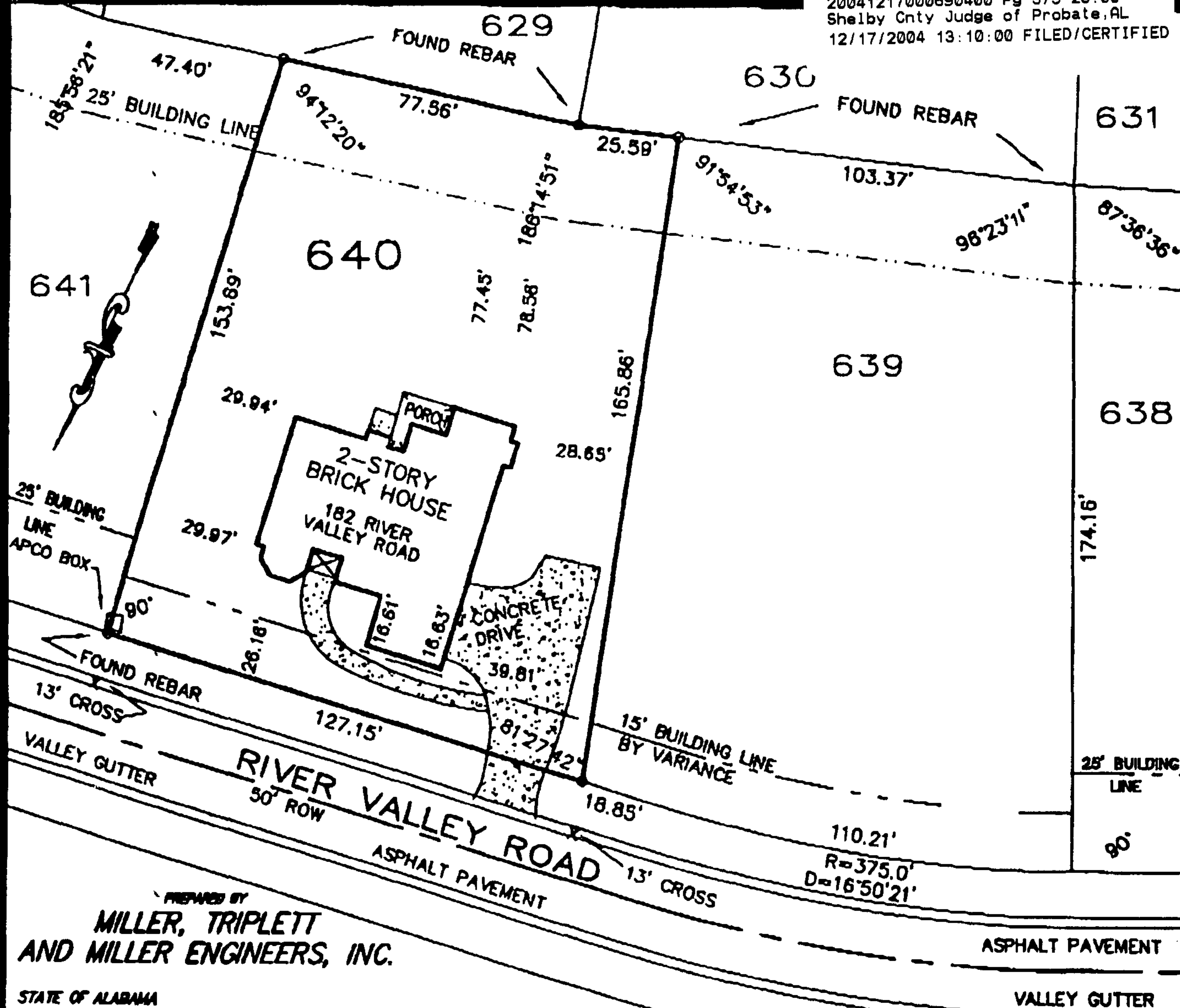


Bill Z. Hubbard  
Developer

JZH/db

cc: Kendall Zettler

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PREPARED BY  
**MILLER, TRIPLETT  
AND MILLER ENGINEERS, INC.**

STATE OF ALABAMA  
JEFFERSON COUNTY

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 640 OF THE FINAL PLAT OF RIVERWOODS 8TH SECTOR

AS RECORDED IN MAP BOOK 32, PAGE 140, 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 DRIVENWAYS OVER OR ACROSS SAID LAND VISIBLE ON THE SURFACE EXCEPT AS MAY BE SHOWN; THAT THERE ARE NO ELECTRIC OR TELEPHONE WIRES (EXCLUDING SERVICE WIRES THAT SERVE THE PREMISES ONLY) OR STRUCTURES OR SUPPORTS THEREFOR, 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 010294 0002 B DATED JANUARY 6, 1982 THE PREMISES SHOWN AND DESCRIBED HEREON ARE SUBJECT TO ANY EASEMENTS, ZONING RESTRICTIONS, RIGHT-OF-WAYS, RESTRICTIONS, AND SETBACK LINES WHETHER OR NOT THEY MAY BE SHOWN ON THE PLAT HEREON 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: 182 RIVER VALLEY ROAD, HELENA, ALABAMA 35086

FEMA PANEL: 010294 0002 B DATED: JANUARY 6, 1982

DATE: DECEMBER 14, 2004

INVOICE NO. 32102

ATTORNEY: COURTNEY MASON

ORDERED BY: PAT CLAY-11-30-04

OWNER: ELLIS AND JOANNE BINGHAM

FIELD FILE: RIVF040403 FILED: LOT 640/CERTS/PLATS/FOUNDATIONS

SURVEYOR AND FIELD WORK DATE: JAN-12-13-04 DRAWN BY: JBC

JOSEPH A. MILLER, II, P.E. & L.S. NO. 17034  
3020 7th AVENUE SOUTH  
BIRMINGHAM, ALABAMA 35233  
TELEPHONE (205) 320-0114

