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**NOTICE OF VARIANCE AND DISCLAIMER
OF RESERVED EASEMENTS**

THIS NOTICE OF VARIANCE AND DISCLAIMER OF RESERVED EASEMENTS is made and executed as of the 28th day of March, 1988 by DANIEL U.S. PROPERTIES LIMITED PARTNERSHIP, a Virginia limited partnership ("Developer") and DANIEL REALTY COMPANY, a New York general partnership ("DRCompany").

R E C I T A L S:

Developer has heretofore dedicated and declared that certain real property (the "Property") described in the Declaration of Covenants, Conditions and Restrictions for Meadow Brook Corporate Park South dated September 1, 1985 and recorded in Book 064, Page 91, in the Probate Office of Shelby County, Alabama, as amended by amendments dated April 1, 1986, July 22, 1987 and March 28, 1988 recorded, respectively, in Book 095, Page 826, Book 141, Page 784 and Book 177, Page 244, in said Probate Office (hereinafter collectively referred to as the "Declaration"). Capitalized terms not otherwise defined herein shall have the same meanings given to them in the Declaration. sm

DRCompany is the Owner in fee simple of Lot 8 according to the Map and Survey of Meadow Brook Corporate Park South, Phase II, as recorded in Map Book 12, Page 10, in the Probate Office of Shelby County, Alabama ("Lot 8") and is subject to all of the terms and provisions of the Declaration. sm

Section 4.10(a) of the Declaration sets forth certain building density limitations with respect to any improvements constructed on any Lot. Section 4.15 of the Declaration provides that no Improvements are to be built on any Lot within the Setback Lines or any Easement Areas. Section 4.19 of the Declaration provides that the Architectural Control Committee shall have the right to grant variances with respect to any Lot which may not satisfy the provisions or requirements of the Declaration, including, specifically, Sections 4.10 and 4.15 thereof.

Pursuant to Sections 6.01 through 6.06 of the Declaration, Developer has reserved for itself and its successors and assigns certain easements over and upon each Lot.

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Developer and DRCompany (together with the Architectural Control Committee which is executing the consent attached hereto) desire to enter into this Notice of Variance and Disclaimer of Reserved Easements to (i) grant variances with respect to Section 4.10(a) of the Declaration (relating to density requirements) to the Improvements which exist on Lot 8, (ii) grant variances with respect to the application of Section 4.15 of the Declaration to Lot 8 (relating to Improvements being constructed within the Easement Areas or Setback Lines of any Lot) and (iii) acknowledge that Developer disclaims certain easements reserved by Developer pursuant to Sections 6.01 through 6.06 of the Declaration over and upon Lot 8.

NOW, THEREFORE, for and in consideration of the premises and other good and valuable consideration, the parties do hereby agree as follows:

1. The provisions of Section 4.10(a) of the Declaration concerning building density requirements are hereby waived with respect to the existing Improvements situated on Lot 8 as shown by survey (the "Survey") dated March 15, 1988 prepared by Walter Schoel Engineering Company, a copy of which is attached hereto as Exhibit A and incorporated herein by reference.
2. The provisions of Section 4.15 of the Declaration prohibiting any Improvements within Setback Lines or Easement Areas are hereby waived with respect to the existing Improvements situated on Lot 8 as shown on the Survey.
3. Developer does hereby disclaim, remise and release any and all right, title or interest of Developer in and to any portion of the Easement Areas on Lot 8 upon which the existing Improvements, as shown on the Survey, are situated.

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IN WITNESS WHEREOF, the parties hereto have executed
this Notice of Variance and Disclaimer of Reserved
Easements as of the day and year first above written.

DANIEL U.S. PROPERTIES LIMITED
PARTNERSHIP, a Virginia limited
partnership

By: Daniel Realty Investment
Corporation, a Virginia corporation,
Its General Partner

By: John W. Bluh
Its: SA V.P.

DANIEL REALTY COMPANY,
a New York general partnership

By: Daniel Equity Partners, L.P.,
a Virginia limited partnership,
its Managing Partner

By: Daniel Equity Corporation I,
a Virginia corporation,
its General Partner

By: [Signature]
Its: Senior Vice President

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STATE OF ALABAMA

COUNTY OF SHELBY

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that JAMES W. KLUBER whose name as SENIOR VICE PRESIDENT of Daniel Realty Investment Corporation, a Virginia corporation, as general partner of Daniel U. S. Properties Limited Partnership, a Virginia 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 said instrument, he, as such officer and with full authority, executed the same voluntarily, for and as the act of said corporation, in its capacity as general partner as aforesaid.

Given under my hand and official seal this 28th day of MARCH, 1988.

Sheila D. Ellis
NOTARY PUBLIC

My Commission Expires: _____

My Commission Expires February 5, 1990

STATE OF ALABAMA

COUNTY OF SHELBY

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that STEPHEN R. MONK whose name as SENIOR VICE PRESIDENT of Daniel Equity Corporation I, a Virginia corporation, which serves as general partner of Daniel Equity Partners, L.P., a Virginia limited partnership, as managing partner of Daniel Realty Company, a New York general 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 said instrument, he, as such officer and with full authority, executed the same voluntarily, for and as the act of said corporation, in its capacity as general partner as aforesaid.

Given under my hand and official seal this 28th day of MARCH, 1988.

Sheila D. Ellis
NOTARY PUBLIC

My Commission Expires: _____
My Commission Expires February 5, 1990

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CONSENT

The undersigned, constituting all of the members of the Architectural Control Committee of Meadow Brook Corporate Park South, hereby consent to the foregoing Notice of Variance and Disclaimer of Reserved Easements dated as of MARCH 28, 1988 by Daniel U.S. Properties Limited Partnership.

Dated as of the 28th day of MARCH, 1988.

F. Bruce Gleissner
F. Bruce Gleissner

Susan E. Carr
Susan E. Carr

Kenneth B. Findley
Kenneth B. Findley

STATE OF ALABAMA

COUNTY OF SHELBY

I, the undersigned, a Notary Public in and for said county and in said State, hereby certify that F. BRUCE GLEISSNER 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 the instrument, he executed the same voluntarily on the day the same bears date.

Given under my hand this 28th day of MARCH, 1988.

Sheila D. Ellis
NOTARY PUBLIC

My Commission Expires February 5, 1990

My commission expires: _____

STATE OF ALABAMA

COUNTY OF SHELBY

I, the undersigned, a Notary Public in and for said county and in said State, hereby certify that SUSAN E. CARR 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 the instrument, he executed the same voluntarily on the day the same bears date.

Given under my hand this 28th day of MARCH, 1988.

Sheila D. Ellis

NOTARY PUBLIC

My Commission Expires February 5, 1990

My commission expires: _____

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STATE OF ALABAMA

COUNTY OF SHELBY

I, the undersigned, a Notary Public in and for said county and in said State, hereby certify that KENNETH B. FINDLEY 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 the instrument, he executed the same voluntarily on the day the same bears date.

Given under my hand this 28th day of MARCH, 1988.

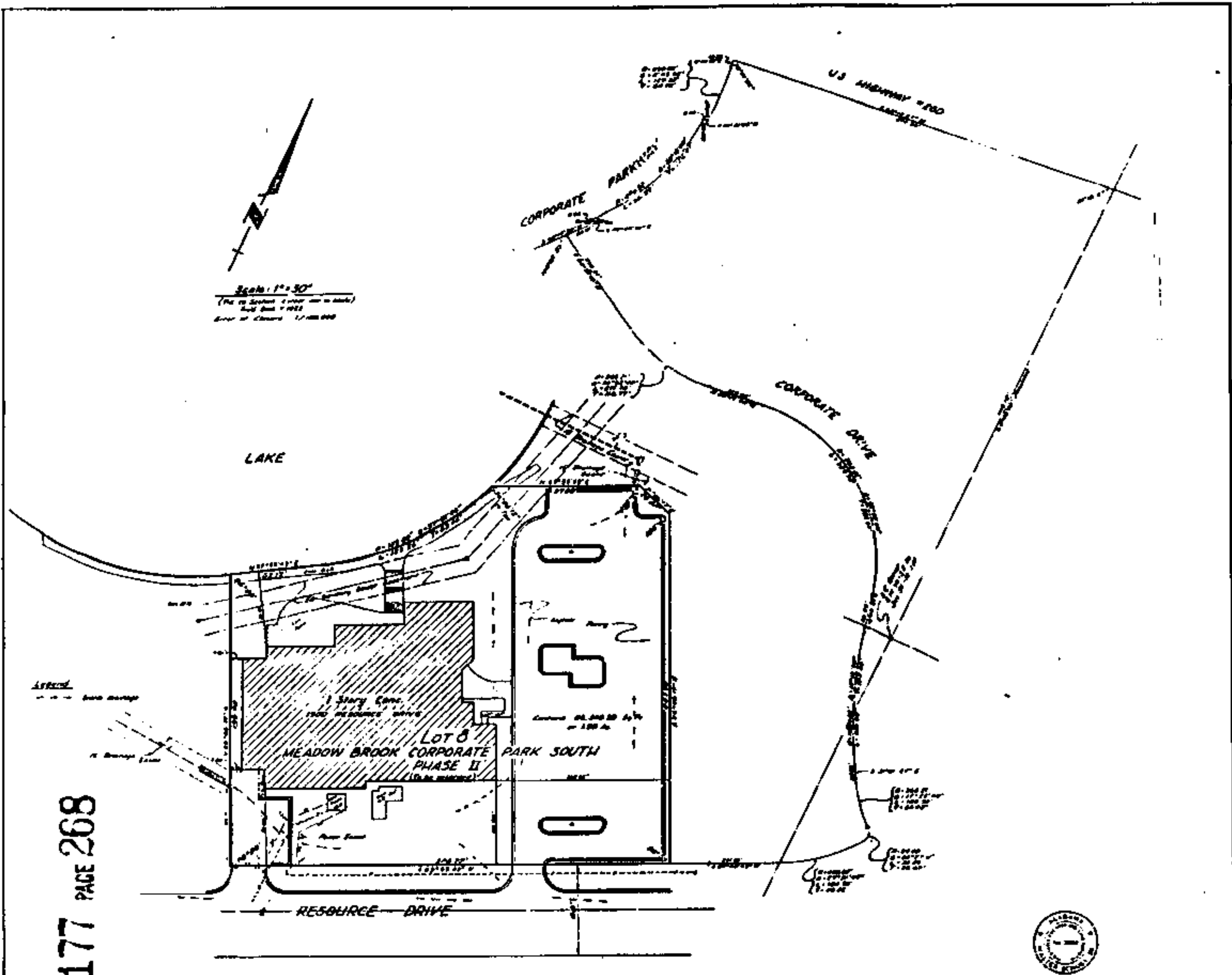
Sheila D. Ellis

NOTARY PUBLIC

My Commission Expires February 5, 1990

My commission expires: _____

EXHIBIT A



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[illegible][illegible]

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STATE OF ALABAMA
JULY 1967

This survey is made for the benefit of all concerned. However, for the addition of assigned, former's Private Information, Confidential and Medical Family History, a New York General Practitioner.

[illegible]

This property is now located within the 100 year flood plain according to panel 10 of 105 of the National Flood Insurance District Flood Study of Shelby County, Alabama, dated September 10, 1983.

Full-time, full-time, full-time, full-time

[Signature]
 2008-08-08, 14:22, 100, 100, 2008

1. Doc'd Tax \$
2. Mig. Tax
3. Recording Fee 17.50
4. Indexing Fee 1.00
TOTAL 18.50

88 MAR 29 AM 8:55

Journal of the Institute

March 15, 1950