

STATE OF ALABAMA)
 :
COUNTY OF SHELBY)

TERMINATION OF EASEMENT AGREEMENTS

THIS TERMINATION OF EASEMENT AGREEMENTS (this "Agreement") is made and entered into as of the 21st day of March, 2002 by DANIEL REALTY COMPANY, an Alabama general partnership ("Declarant").

R E C I T A L S:

Contemporaneously herewith, Declarant has purchased and acquired from EBSCO Industries, Inc., a Delaware corporation ("EBSCO"), that certain real property (the "EBSCO Property") situated in Shelby County, Alabama which is more particularly described in Exhibit A attached hereto and incorporated herein by reference.

Contemporaneously herewith, Declarant has purchased and acquired from John C. Erber and wife, Sara E. Erber ("Erber") that certain real property (the "Erber Property") situated in Shelby County, Alabama which is more particularly described in Exhibit B attached hereto and incorporated herein by reference. The EBSCO Property and the Erber Property are contiguous to each other.

Pursuant to instrument dated July 18, 1964 (the "Bain Easement Agreement") which has been recorded in Deed Book 231, Page 538 in the Office of the Judge of Probate of Shelby County, Alabama (the "Probate Office"), Annie Bain, a single woman, S. F. Bain, a widower, and R. W. Bain and wife, Ellen Bain, as grantors (collectively, the "Bains"), granted to C. E. Dickey a right-of-way and easement for access purposes over those portions of the EBSCO Property (the "EBSCO Easement Property") which are more particularly described in the Easement Agreement. The Bains were, at the time that the Bain Easement Agreement was executed, the owners of all of the EBSCO Property.

Pursuant to instrument dated August 11, 1964 (the "Erber Property Easement Agreement") which has been recorded in Deed Book 231, Page 909 in the Probate Office, Joe W. Smith and wife, Myrtle Smith (collectively, the "Smiths"), granted to C. E. Dickey a right-of-way and easement for access purposes over and upon the real property owned by the Smiths, which real property is one and the same as the Erber Property.

Subsequent to the creation of the EBSCO Property Easement, C. E. Dickey and his wife, Hessie Mae Dickie (who remarried and became Hessie M. Owens following the death of C. E. Dickey on April 3, 1970), became the owners of certain portions of the EBSCO Property, including, specifically the EBSCO Easement Property, by virtue of the following instruments (collectively, the "Dickey Fee Acquisitions"):

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(a) A portion of the EBSCO Property was conveyed to C. E. Dickey and wife, HESSIE MAE DICKEY, as joint tenants with right of survivorship, pursuant to deed dated September 19, 1968 executed by R. W. Bain, a widower, Annie Bain, a single woman, Samuel F. Bain, a widower, Lois Eaton Stiff and husband, Bob Stiff, Virginia Eaton Palin and husband, Marion Palin, and Paul Eaton, a single man, as grantors, which has been recorded in Book 255, Page 70 in the Probate Office;

(b) A portion of the EBSCO Property was conveyed to C. E. Dickey and wife, HESSIE MAE DICKEY, as joint tenants with right of survivorship, pursuant to warranty deed dated September 19, 1968 executed by Annie Bain, a single woman, and S. F. Bain, a widower, as grantors, which has been recorded in Book 255, Page 72 in the Probate Office; and

(c) The remainder of the EBSCO Property was conveyed to HESSIE MAE DICKEY pursuant to warranty deed dated June 19, 1971 executed by Annie Bain, a single woman, Samuel F. Bain, a widower, Lois Eaton Stiff and husband, Bob Stiff, Virginia Eaton Palin and husband, Marion Palin, and James Paul Eaton, an unmarried man, as grantors, which has been recorded in Book 268, Page 344 in the Probate Office.

As a result of the Dickey Fee Acquisitions, fee title to both the EBSCO Easement Property and that portion of the EBSCO Property encumbered by the Bain Easement Agreement became vested in HESSIE M. OWENS, the former wife of C. E. Dickey, and a merger of title of the fee and easement estates occurred.

Furthermore, as a result of Declarant's acquisition of the Erber Property, Declarant, as the owner of both the benefitted and burdened real property affected by the Erber Property Easement, desires to terminate the Erber Property Easement Agreement in its entirety.


NOW, THEREFORE, in consideration of the premises and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Declarant does hereby declare that all of the easement and use rights in and to the EBSCO Easement Property and the Erber Easement Property are hereby terminated, canceled and shall, from and after the date hereof, be deemed null and void and of no further force or effect and the Bain Easement Agreement and the Erber Property Easement Agreement should be, and hereby are, terminated and of no further force or effect.

IN WITNESS WHEREOF, Declarant has executed this Termination Agreement as of the date and year first above written.

DANIEL REALTY COMPANY, an Alabama general partnership

By: Daniel Equity Partners Limited Partnership, a Virginia limited partnership, Its Managing Partner

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


By: 
Its: Sr. Vice Pres.

STATE OF ALABAMA)
 :
SHELBY COUNTY)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Charles T. Carlisle, Jr., whose name as Sr. Vice President of Daniel Equity Corporation I, a Virginia corporation, as General Partner of Daniel Equity Partners Limited Partnership, a Virginia limited partnership, as Managing Partner of DANIEL REALTY COMPANY, an Alabama 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 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 the 21st day of March, 2002.

[NOTARIAL SEAL]


Notary Public
My Commission Expires: 7-14-04

This instrument prepared by and upon recording should be returned to:

Stephen R. Monk, Esq.
Bradley Arant Rose & White LLP
2001 Park Place, Suite 1400
Birmingham, Alabama 35203
(205) 521-8429
1/869124.4

Exhibit A

Legal Description of EBSCO Property

A parcel of land situated in the NW 1/4 of the NW 1/4 of Section 25, Township 19 South, Range 3 West, and the NE 1/4 of Section 26, Township 19 South, Range 3 West, which includes part of Lot 53 Chase Plantation 4th Sector as recorded in Map Book 9, Page 156 A and B in the office of the Judge of Probate of Shelby County, Alabama, being more particularly described as follows:

Commence at the Northwest corner of Section 25, Township 19 South, Range 3 West, and run in a Southerly direction along the West line of said section a distance of 611.25 feet to the POINT OF BEGINNING; thence 81°25'56" to the right in a Southwesterly direction a distance of 283.58 feet to a point; thence 25°51'00" to the left in a Southwesterly direction a distance of 455.25 feet to a point; thence 73°00'00" to the left in a Southeasterly direction a distance of 387.40 feet to a point; thence 67°30'00" to the right in a Southwesterly direction a distance of 304.80 feet to a point; thence 7°45'00" to the right in a Southwesterly direction a distance of 244.00 feet to a point; thence 104°30'00" to the right in a Northwesterly direction a distance of 407.70 feet to a point; thence 73°15'00" to the right in a Northeasterly direction a distance of 43.70 feet to a point; thence 86°57'00" to the left in a Northwesterly direction a distance of 287.70 feet to a point; thence 92°22'00" to the left in a Southwesterly direction a distance of 311.30 feet to a point; thence 6°05'00" to the left in a Southwesterly direction a distance of 329.55 feet to a point; thence 19°07'00" to the right in a Southwesterly direction a distance of 300 feet, more or less, to a point, said point being on the centerline of the Cahaba River; thence an angle to the left in a Southeasterly direction along the centerline of said river a distance of 1007 feet, more or less, to a point; thence in a Northerly direction a distance of 728 feet, more or less, to a point; thence 137°55'23" to the right in a Southeasterly direction a distance of 204.66 feet to a point; thence 29°29'50" to the right in a Southeasterly direction a distance of 19.08 feet to a point; thence 13°45'39" to the right in a Southerly direction a distance of 174.95 feet to a point; thence 102°30'05" to the right in a Northwesterly direction a distance of 72.01 feet to a point; thence 89°43'20" to the left in a Southwesterly direction a distance of 100.02 feet to a point; thence 91°16'40" to the left in a Southeasterly direction a distance of 72.25 feet to a point; thence 58°37'28" to the right in a Southeasterly direction a distance of 297.94 feet to a point; thence 7°13'09" to the left in a Southeasterly direction a distance of 107.23 feet to a point; thence 40°09'27" to the left in a Southeasterly direction a distance of 87.68 feet to a point; thence 0°15'10" to the right in a Southeasterly direction a distance of 39.45 feet to a point; thence 35°25'37" to the left in a Northeasterly direction a distance of 195.43 feet to a point; thence 90° to the left in a Northwesterly direction a distance of 70.00 feet to a point; thence 65°18'07" to the left in a Northwesterly direction a distance of 100.28 feet to a point; thence 48°23'20" to the right in a Northwesterly direction a distance of 65.18 feet to a point; thence 49°28'41" to the right in a Northeasterly direction a distance of 376.50 feet to a point; thence 35°24'22" to the right in a Northeasterly direction a distance of 233.40 feet to a point; thence 23°30'41" to the right in a Northeasterly direction a distance of 100.91 feet to a point; thence 26°30'01" to the left in a Northeasterly direction a distance of 129.19 feet to a point; thence 8°53'41" to the left in a Northeasterly direction a distance of 75.72 feet to a point; thence 15°21'37" to the left in a Northeasterly direction a distance of 120.35 feet to a point; thence 22°07'53" to the left in a Northeasterly direction a distance of 109.82 feet to a point; thence 89°20'09" to the right in an Easterly direction a distance of 31.27 feet to a point; thence 61°28'24" to the right in a Southeasterly direction a distance of 140.23 feet to a point; thence 80°55'55" to the left in a

Northeasterly direction a distance of 54.85 feet to a point; thence 6°53'37" to the left in a Northeasterly direction a distance of 45.23 feet to a point; thence 7°42'21" to the left in a Northeasterly direction a distance of 49.36 feet to a point; thence 4°47'44" to the left in a Northeasterly direction a distance of 226.95 feet to a point at the Southwest corner of a parcel for a pumping station, said point also being on the East line of Lot 53, Chase Plantation 4th Sector as recorded in Map Book 9, Page 156 A and B in the office of the Judge of Probate of Shelby County, Alabama; thence 55°51'44" to the left in a Northerly direction along the common line between said pumping station parcel and said Lot 53 a distance of 50.08 feet to a point on the South line of the NE 1/4 of the NE 1/4 of Section 26, Township 19 South, Range 3 West; thence 90°02'47" to the right in an Easterly direction along the South line of said 1/4 - 1/4 section and the North line of the Resurvey of Lots 1, 2, 3, 4, 5, 6, 7 & 8 Chase Plantation 3rd Sector as recorded in Map Book 9, Page 62 in the office of the Judge of Probate of Shelby County, Alabama, a distance of 83.99 feet to the Southeast corner of said 1/4 - 1/4 section; thence 0°14'20" to the left in an Easterly direction along the South line of the NW 1/4 of the NW 1/4 of Section 25, Township 19 South, Range 3 West and the North line of the Resurvey of Lots 1, 2, 3, 4, 5, 6, 7 & 8 Chase Plantation 3rd Sector, the North line of Chase Plantation 3rd Sector as recorded in Map Book 9, Page 47 A and B in the office of the Judge of Probate of Shelby County, Alabama, the North line of A Resurvey of Lots 15, 16, 17, 18, 19 & 20 Chase Plantation 3rd Sector as recorded in Map Book 9, Page 118 in the office of the Judge of Probate of Shelby County, Alabama and the North line of a Resurvey of Lots 14, 15, 16 & 17 Amended Map of Chase Plantation as recorded in Map Book 8, Page 92 in the office of the Judge of Probate of Shelby County, Alabama a distance of 658.65 feet to a point; thence 90°48'48" to the left in a Northerly direction a distance of 462.00 feet to a point; thence 98°58'34" to the right in a Southeasterly direction a distance of 277.39 feet to a point on the Southwesterly Right-of-Way line of Old Montgomery Highway; thence 126°59'54" to the left in a Northwesterly direction along said right-of-way line a distance of 1030.53 feet to a point on the North line of Section 25, Township 19 South, Range 3 West; thence 61°03'15" to the left in a Westerly direction (leaving said right-of-way line) along said section line a distance of 26.73 feet to a point; thence 47°07'17" to the left in a Southwesterly direction a distance of 383.85 feet to a point; thence 19°31'45" to the left in a Southwesterly direction a distance of 358.29 feet to a point; thence 57°22'17" to the right in a Southwesterly direction a distance of 6.15 feet to the Point of Beginning.

Exhibit B

Legal Description of Erber Property

A parcel of land situated in the NW 1/4 of the NW 1/4 of Section 25, Township 19 South, Range 3 West, Shelby County, Alabama, being more particularly described as follows:

Commence at the Southwest corner of the NW 1/4 of the NW 1/4 of Section 25, Township 19 South, Range 3 West; thence in an Easterly direction along the South line of said 1/4 – 1/4 section and along the North line of the Resurvey of Lots 1, 2, 3, 4, 5, 6, 7 & 8 Chase Plantation 3rd Sector as recorded in Map Book 9, Page 62 in the office of the Judge of Probate of Shelby County, Alabama, the North line of Chase Plantation 3rd Sector as recorded in Map Book 9, page 47 A and B in the office of the Judge of Probate of Shelby County, Alabama, the North line of A Resurvey of Lots 15, 16, 17, 18, 19 & 20 Chase Plantation 3rd Sector as recorded in Map Book 9, Page 118 in the office of the Judge of Probate of Shelby County, Alabama and the North line of A Resurvey of Lots 14, 15, 16 & 17 Amended Map of Chase Plantation as recorded in Map Book 8, Page 92 in the office of the Judge of Probate of Shelby County, Alabama a distance of 658.65 feet to the POINT OF BEGINNING; thence continue along the last described course and along the North line of A Resurvey of Lots 18, 19, 20, 21, 22, 23 & 24 Amended Map of Chase Plantation as recorded in Map Book 8, Page 111 in the office of the Judge of Probate of Shelby County, Alabama and the North line of A Resurvey of Lots 25, 26, 27, 28, 29, 30, 31 & 32 Amended Map of Chase Plantation as recorded in Map Book 8, Page 117 in the office of the Judge of Probate of Shelby County, Alabama a distance of 518.50 feet to a point on the Southwest Right-of-Way line of Old Montgomery Highway, said point being on a curve to the right having a radius of 368.32 feet and a central angle of 16°44'49"; thence 135°34'57" to the left (Angle Measured to tangent) in a Northwesterly direction along the arc of said curve and along said right-of-way line a distance of 107.66 feet to the P.T. (Point of Tangent) of said curve; thence tangent to said curve in a Northwesterly direction along said right-of-way line a distance of 384.85 feet to a point; thence 53°00'06" to the left in a Northwesterly direction a distance of 277.39 feet to a point; thence 98°58'34" to the left in a Southerly direction a distance of 462.00 feet to the Point of Beginning.

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