

STATE OF ALABAMA     )  
                                  :  
COUNTY OF SHELBY     )

**TERMINATION OF EASEMENT AND USE RIGHTS**

THIS TERMINATION OF EASEMENT AND USE RIGHTS (this "Termination Agreement") is made and entered into as of the 21<sup>st</sup> 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 Moiz Fouladbakhsh that certain real property (the "Foulad Property") situated in Jefferson and Shelby Counties, Alabama which is more particularly described in Exhibit A attached hereto and incorporated herein by reference.

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

The Foulad Property and the EBSCO Property (collectively, the "Property") are contiguous and abut each other and are situated directly adjacent to Old Montgomery Highway in Jefferson and Shelby Counties, Alabama.

Pursuant to Deed dated as of September 26, 1969 (the "Shades Ridge Holding Deed") and recorded in Deed Book 259, Page 911 in the Office of the Judge of Probate of Shelby County, Alabama (the "Probate Office"), Shades Ridge Holding Co., Inc., an Alabama corporation ("Shades Ridge Holding"), quitclaimed to C. E. Dickey and wife, Hessie Mae Dickey ("Dickey"), their heirs and assigns, the right to use a blacktop road running along the common boundary of the Foulad Property and the EBSCO Property, as more particularly described in said Exhibit C attached hereto and incorporated herein by reference (the "Easement Property").

At the time Shades Ridge Holding executed the Shades Ridge Holding Deed which granted to Dickey the easement and use rights in the Easement Property, Dickey owned all of the real property situated directly adjacent to the Easement Property (the "Dickey Property").

C. E. Dickey is deceased and at the time of his death on or about April 3, 1970, was survived by his wife, Hessie Mae Dickey. Hessie Mae Dickey remarried and became Hessie M. Owens ("Owens").

Pursuant to Quitclaim Deed dated October 25, 1984 executed by Owens in favor of PRE Associates, an Alabama general partnership ("PRE Associates"), and recorded in Real 9, Page

905 in the Probate Office, Owens quitclaimed all of her right, title and interest in and to the Easement Property to PRE Associates.

Pursuant to Statutory Warranty Deed dated February 27, 1986 and recorded in Real 62, Page 476 in the Probate Office, PRE Associates transferred and conveyed to Boardwalk Capital & Development Corporation ("Boardwalk") all of its rights in and to the Easement Property.

Pursuant to Quitclaim Deed dated June 25, 1986 and recorded in Real 78, Page 853 in the Probate Office, Boardwalk quitclaimed to EBSCO all of its rights in and to the Easement Property.

The Foulad Property constitutes all of the real property owned by Shades Ridge Holding at the time of the execution of the Shades Ridge Holding Company Deed in favor of Dickey granting easements and use rights to Dickey in and to the Easement Property. All of the Dickey Property is now part of the EBSCO Property.

As a result of Declarant's acquisition as of the date hereof of both the Foulad Property and the EBSCO Property and the simultaneous conveyance by EBSCO by Quitclaim Deed of even date hereof of all of EBSCO's rights, if any, in and to the Easement Property, Declarant is the owner of all of the property previously owned by Shades Ridge Holding, all of the Dickey Property and the Easement Property which constitutes all of the real property benefitted by and burdened with the easement and use rights created by the Shades Ridge Holding Deed. Accordingly, a merger of title has occurred with respect to the fee ownership and the easement rights to the Easement Property and Declarant desires to terminate all easement and use rights with respect to the Easement Property.

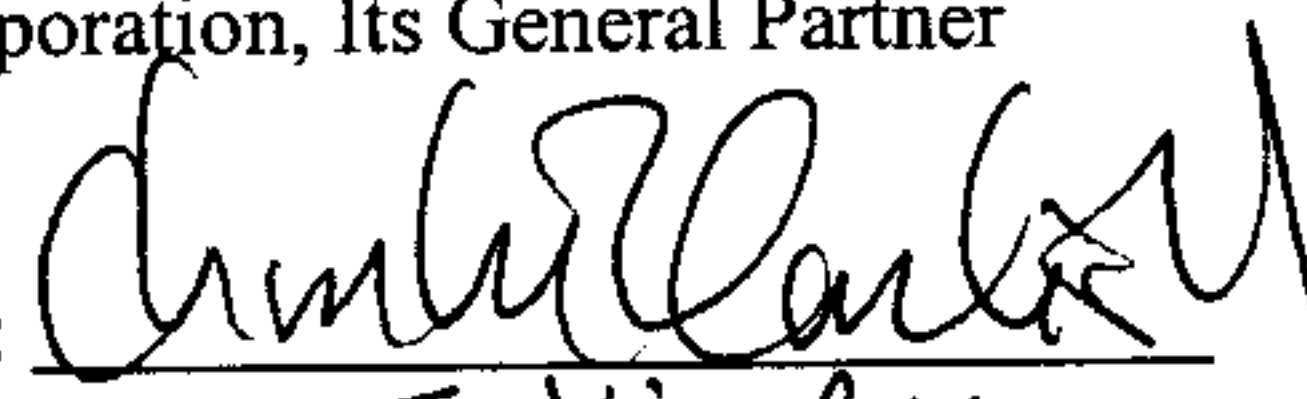
NOW, THEREFORE, in consideration of the premises and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Declarant does hereby declare that all of the easement and use rights in and to the Easement Property are hereby terminated, canceled and shall, from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

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 21<sup>st</sup> day of March, 2002.

[NOTARIAL SEAL]

Armond C. Buchanan  
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



## **Exhibit A**

### **Legal Description of Foulad Property**

A parcel of land situated in the SE ¼ of the SE ¼ of Section 23, Township 19 South, Range 3 West, Jefferson County, Alabama, and the SW ¼ of the SW ¼ of Section 24, the NW ¼ of the NW ¼ of Section 25, and the NE ¼ of Section 26, all in Township 19 South, Range 3 West, Shelby County, Alabama, being more particularly described as follows:

Commence at the Southwest corner of Section 24, Township 19 South, Range 3 West; thence East along the South line of said section a distance of 416.85 feet to the POINT OF BEGINNING; thence 132°52'43" to the right 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; thence 57°22'17" to the right in a Southwesterly direction a distance of 289.73 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 the centerline of the Cahaba River; thence an angle to the right in a Northwesterly, Northerly and Northeasterly direction along the centerline of said Cahaba River a distance of 3403 feet, more or less, to a point at the intersection of the centerline of said Cahaba River and the Southwesterly right-of-way line of Old Montgomery Highway; thence an angle to the right in a Southeasterly direction along said right-of-way line a distance of 223.5 feet to a point; thence 90° to the right in a Southwesterly direction along said right-of-way line a distance of 50.00 feet to a point; thence 90° to the left in a Southeasterly direction along said right-of-way line a distance of 100.00 feet to a point; thence 90° to the left in a Northeasterly direction along said right-of-way line a distance of 15.00 feet to a point; thence 90° to the right in a Southeasterly direction along said right-of-way line a distance of 100 feet to a point; thence 90° to the left in a Northeasterly direction along said right-of-way line a distance of 10.00 feet to a point; thence 90° to the right in a Southeasterly direction along said right-of-way line a distance of 100.00 feet to a point; thence 90° to the left in a Northeasterly direction along said right-of-way line a distance of 10.00 feet to a point; thence 90° to the right in a Southeasterly direction along said right-of-way line a distance of 100.00 feet to a point; thence 90° to the left in a Northeasterly direction along said right-of-way line a distance of 5.00 feet to a point; thence 90° to the right in a Southeasterly direction along said right-of-way line a distance of 250.00 feet to a point; thence 90° to the left in a Northeasterly direction along said right-of-way line a distance of 35.00 feet to a point; thence 90° to the right in a Southeasterly direction along said right-of-way line a distance of 262.16 feet to a point; thence 71°22'02" to the right in a Southwesterly direction (leaving said right-of-way line) a distance of 51.07 feet to the point of beginning.

## **Exhibit B**

### **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.

Inst # 2002-13481

03/21/2002-13481  
04:15 PM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
006 MSB 29.00