

## NOTICE OF VARIANCE

THIS NOTICE OF VARIANCE is made and executed as of the 24th day of June, 1993 by and among the ARCHITECTURAL CONTROL COMMITTEE OF MEADOW BROOK CORPORATE PARK, an unincorporated association (the "ACC"), DANIEL U.S. PROPERTIES LIMITED PARTNERSHIP II, an Alabama limited partnership ("Developer"), and FRANK S. SCHILLECI ("Owner").

### R E C I T A L S:

Contemporaneously herewith, Developer has transferred and conveyed to Owner Lot 2C, according to the Resurvey of Lot 2B, being a Resurvey of Lot 2, Meadow Brook Corporate Park - Phase I, as recorded in Map Book 17, Page 44 in the Office of the Judge of Probate of Shelby County, Alabama (the "Property").

The Property as well as other real property is subject to the terms and provisions of that certain Declaration of Covenants, Conditions and Restrictions for Meadow Brook Corporate Park dated as of October 17, 1984 and recorded in Book 005, Page 772 in the Office of the Judge of Probate of Shelby County, Alabama, as amended by First Amendment thereto dated March 28, 1988 and recorded in Book 177, Page 269 in said Probate Office and as further amended by Second Amendment thereto dated June 22, 1993 and recorded as Instrument No. 1993-18243 in said Probate Office (collectively, the "Declaration"). Capitalized terms not otherwise expressly defined herein shall have the same meanings given to them in the Declaration.

As of the date hereof, Kent J. Graeve, Susan E. Carr and Stephen R. Monk are the only three (3) members of the ACC and are duly authorized pursuant to the Declaration to execute and deliver this Notice of Variance.

Section 4.10(a) of the Declaration sets forth certain minimum landscaping and building density limitations with respect to each Lot. Section 4.19 of the Declaration provides that the ACC shall have the exclusive right to grant variances from the requirements of the Declaration with respect to any Lot.

At the request of Owner, Developer and the ACC have agreed to modify the landscaping and building density requirements of Section 4.10(a) of the Declaration with respect to the Property in the manner hereinafter provided.

Inst # 1993-18737

VARIANCE/GENERAL/MDWBROOK

06/28/1993-18737  
09:05 AM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
004 MJS 14.00

*Shelby Co. Parcel A*

NOW, THEREFORE, for and in consideration of the premises and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the parties hereto, the ACC, Developer and Owner do hereby agree as follows:

1. Variance with Respect to Landscaping and Building Density. The provisions of Section 4.10(a) of the Declaration are hereby waived with respect to the Property and the following provisions shall be applicable to the development and construction of any Structures on the Property:

"With respect to the Property only, not less than twenty percent (20%) of the Net Usable Acres of the Property shall be landscaped in a manner approved by the ACC. No more than eighty percent (80%) of the Net Usable Acres of the Property shall be improved by Structures, parking areas, roadways or other improvements of any nature."

2. Full Force and Effect. Except as expressly modified and amended herein, all of the terms and provisions of the Declaration shall continue to apply to the Property.

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

DEVELOPER:

DANIEL U.S. PROPERTIES LIMITED  
PARTNERSHIP II, an Alabama limited  
partnership

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

By:   
Its: Senior Vice President

ACC:

ARCHITECTURAL CONTROL COMMITTEE  
OF MEADOW BROOK CORPORATE PARK, an  
unincorporated association

By: Susan E. Carr  
Susan E. Carr

By: Kent J. Graeve  
Kent J. Graeve

By: Stephen R. Monk  
Stephen R. Monk

OWNER:

Frank S. Schilleci  
Frank S. Schilleci

STATE OF ALABAMA )

SHELBY COUNTY )

I, the undersigned, a Notary Public in and for said county, in said state, hereby certify that Stephen R. Monk whose name as Sr. Vice President of DANIEL REALTY INVESTMENT CORPORATION, a Virginia corporation, as General Partner of DANIEL U.S. PROPERTIES LIMITED PARTNERSHIP II, an Alabama limited partnership, is signed to the foregoing instrument, and who is known to me, acknowledge before me on this date that, being informed of the contents of said instrument, he, as such officer, and with full authority, executed the same voluntarily on the day the same bears date for and as the act of such corporation in its capacity as general partner.

Given under my hand and official seal, this the 24th day of June, 1993.

Shirley D. Ellis  
Notary Public

My commission expires: 2/26/97

STATE OF ALABAMA )

SHELBY COUNTY )

I, the undersigned, a Notary Public in and for said county, in said state, hereby certify that SUSAN E. CARR, KENT J. GRAEVE and STEPHEN R. MONK, whose names are signed to the foregoing instrument, and who are known to me, acknowledge before me on this date that, being informed of the contents of said instrument, they executed the same voluntarily on the day the same bears date.

Given under my hand and official seal, this the 24th day of June, 1993.

Shirley L. Ellis  
Notary Public

My commission expires: 2/24/94

STATE OF ALABAMA )

COUNTY OF Jefferson )

I, the undersigned, a Notary Public in and for said county, in said state, hereby certify that FRANK S. SCHILLECI, 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 said instrument, he executed the same voluntarily on the day the same bears date.

Given under my hand and official seal, this the 24 day of June, 1993.

FSM  
Notary Public

My commission expires: 3-1-94

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