

STATE OF ALABAMA)

SHELBY COUNTY)

AGREEMENT TO TERMINATE DEED RESTRICTION

THIS AGREEMENT TO TERMINATE DEED RESTRICTION is made and entered into by COLONIAL PROPERTIES, INC., an Alabama corporation and AMERICARE CENTERS CORPORATION, an Alabama corporation effective this 22nd day of November, 1994.

RECITALS:

- A. By General Warranty Deed dated June 14, 1994 and recorded in Book 352, Page 190, recorded on July 8, 1991 in the Probate Office of Shelby County, Alabama (the "Deed"), Colonial Properties, Inc. conveyed Lot 1B of Heatherbrooke Office Park to Americare Centers Corporation.
- B. On Page 2 of the Deed, a restriction was placed upon the property that it be used solely as a day care/learning center under B1 Zoning Classifications.
- C. Colonial Properties, Inc. and Americare Centers Corporation desire to terminate the deed restriction contained in the Deed effective contemporaneously with the recording of this Agreement.

NOW, THEREFORE, for Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the undersigned do hereby acknowledge and agree as follows:

1. **TERMINATION OF RESTRICTION.** Effective contemporaneously with the recording of this Agreement, the restriction on Page 2 of the Deed is hereby terminated and is no longer applicable to the property conveyed in the Deed.
2. **EXECUTION OF DOCUMENT.** This Agreement is being executed by both Colonial Properties, Inc. as conveyor and by Americare Centers Corporation as owner of the property in order to terminate any restriction on the property conveyed in the Deed.

THIS AGREEMENT is effective on the day and year first set forth above.
Inst # 1994-34757

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SHELBY COUNTY JUDGE OF PROBATE
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COLONIAL PROPERTIES, INC.,
an Alabama corporation

By:
Its:

Charles A. McElroy
Sr. Vice President

STATE OF ALABAMA)

JEFFERSON COUNTY)

I, the undersigned, a Notary Public, in and for said County, in said State, hereby certify that Charles A. McElroy whose name as Sr. Vice President of Colonial Properties, Inc., an Alabama corporation, is signed to the foregoing Agreement to Terminate Deed Restriction, and who is known to me, acknowledged before me on this day, that, being informed of the contents thereof, he, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation.

Given under my hand and official seal this 22nd day of November, 1994.

Lynda L. Mantooth
NOTARY PUBLIC

MY COMMISSION EXPIRES: MAY 27, 1998

AMERICARE CENTERS CORPORATION,
an Alabama corporation

By: A. R. Silley
Its: President

STATE OF ALABAMA)

JEFFERSON COUNTY)

I, the undersigned, a Notary Public, in and for said County, in said State, hereby certify that A. R. Silley, whose name as President of Americare Centers Corporation, an Alabama corporation, is signed to the foregoing Agreement to Terminate Deed Restriction, and who is known to me, acknowledged before me on this day, that, being informed of the contents thereof, he, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation.

Given under my hand and official seal this 22nd day of November, 1994.

Lynda L. Mantooth
NOTARY PUBLIC

MY COMMISSION EXPIRES: MAY 27, 1998

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