

## TERMINATION OF DECLARATION OF RESTRICTIONS

THIS TERMINATION OF DECLARATION OF RESTRICTIONS ("Termination") is made and entered into <sup>as of</sup> this 26th day of September, 1995, by and between BROOK HIGHLAND LIMITED PARTNERSHIP ("Partnership") and DEVELOPERS DIVERSIFIED OF ALABAMA, INC. ("Developers").

### WITNESSETH:

WHEREAS, Partnership on December 30, 1994, executed and recorded that certain Declaration of Restrictions recorded as Instrument No. 1994-37769, Probate Records of Shelby County, Alabama, as re-recorded on February 3, 1995, as Instrument No. 1995-03021 ("Declaration"), which Declaration encumbers the parcels of real property located in the City of Birmingham, Shelby County, Alabama, which are shown on Exhibit A-1 and more fully described in Exhibit A (collectively, the "Outparcels") for the benefit of the Shopping Center Property (as hereinafter defined);

WHEREAS, Partnership on December 30, 1994, conveyed to Developers certain real property located in the City of Birmingham, Shelby County, Alabama, which is shown on Exhibit A-1 and described in Exhibit B (the "Shopping Center Property");

WHEREAS, there are no Occupants (as defined in the Declaration) of any Outparcel (as defined in the Declaration); and

WHEREAS, Partnership, as the owner of the Outparcels, and Developers, as the sole owner of the Shopping Center Property, intend to terminate the Declaration.

NOW, THEREFORE, for and in consideration of the premises, Ten Dollars (\$10.00) in hand paid by the parties one to the other, and other good and valuable consideration, the receipt, adequacy and sufficiency of which are hereby acknowledged, Partnership and Developers do hereby terminate the Declaration and declare that from and after the date hereof the Declaration shall be of no further force and effect.

Inst # 1995-27234

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SHELBY COUNTY JUDGE OF PROBATE  
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IN WITNESS WHEREOF, Developers and Partnership have caused this Termination to be executed the day and year first above written.

**DEVELOPERS:**

DEVELOPERS DIVERSIFIED OF  
ALABAMA, INC., an Alabama corporation

By: Joan Allgood  
Joan Allgood, Vice President

STATE OF Ohio

COUNTY OF Cuyahoga

I, the undersigned Notary Public in and for said County, in said State, hereby certify that Joan Allgood, whose name as Vice President of Developers Diversified of Alabama, an Alabama corporation, 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, she, as such officer and with full authority, executed the same voluntarily for and as the act of said partnership, acting in its capacity as Vice President as aforesaid.

Given under my hand and official seal this 22<sup>nd</sup> day of September, 1995.

Peggy L. Jenkins  
Notary Public

PEGGY L. JENKINS, Notary Public  
State of Ohio

My Commission Expires: My Commission Expires Nov. 9, 1999

(AFFIX NOTARY SEAL)

**PARTNERSHIP:**

BROOK HIGHLAND LIMITED  
PARTNERSHIP, a Georgia limited  
partnership

By: BW 280 Limited Partnership, a Georgia  
limited partnership, its general partner

By: Alex Baker, Inc., an Alabama  
corporation, its general partner

By: Alex D. Baker  
Alex Baker, President

STATE OF Alabama  
COUNTY OF Jefferson

I, the undersigned Notary Public in and for said County, in said State, hereby certify that Alex D. Baker, whose name as President of Alex Baker, Inc., an Alabama corporation, which is the general partner of BW 280 Limited Partnership, a Georgia limited partnership, which is the general partner of Brook Highland Limited Partnership, a Georgia 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 instrument, he, as such officer and with full authority, executed the same voluntarily for and as the act of said partnership, acting in its capacity as general partner as aforesaid.

Given under my hand and official seal this 21<sup>st</sup> day of September, 1995.

Jennifer Carlson  
Notary Public

**MY COMMISSION EXPIRES MARCH 12, 1997**

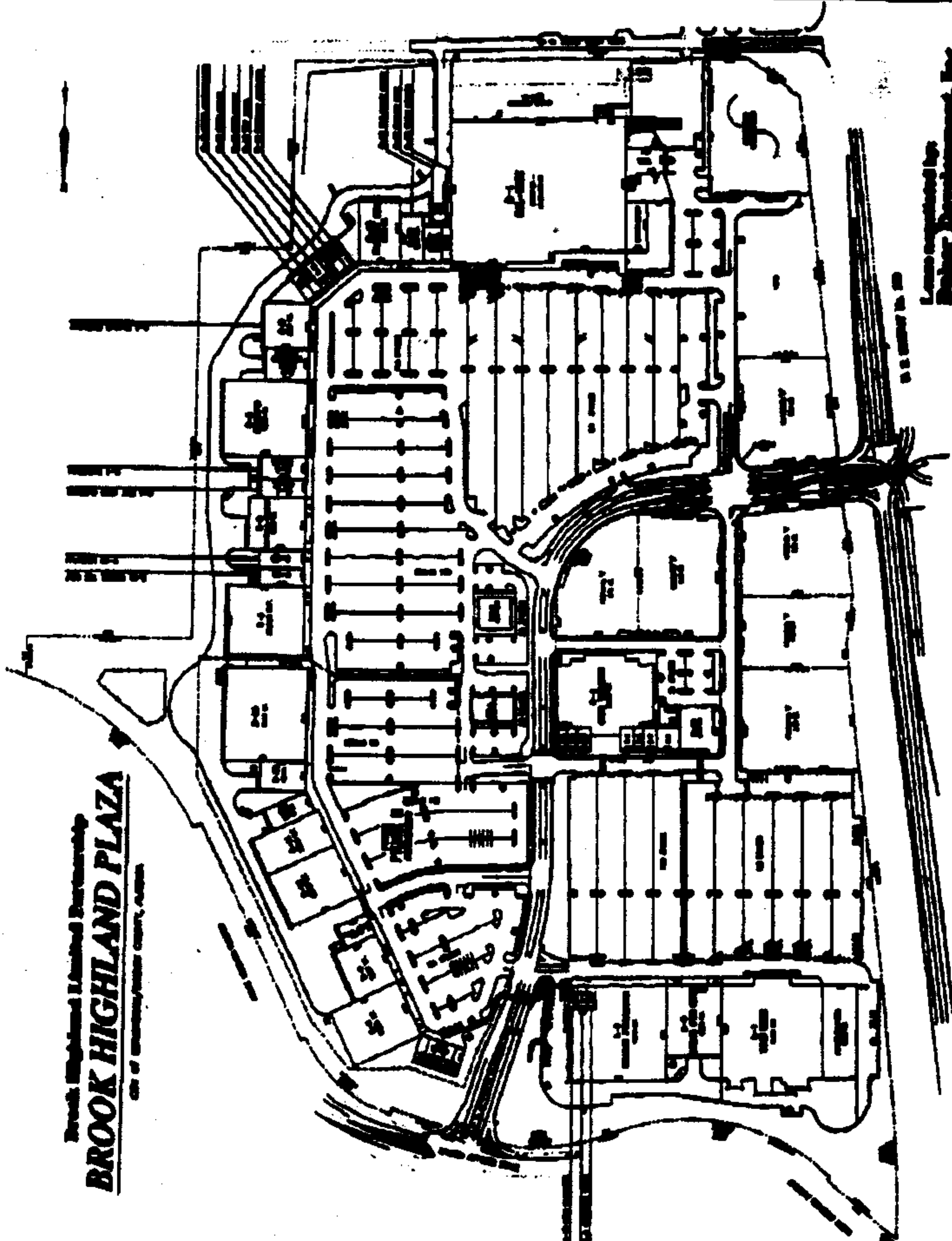
My Commission Expires: \_\_\_\_\_

(AFFIX NOTARY SEAL)

Outparcels

EXHIBIT " A "

Land lying and being in Shelby County, Alabama, and being designated as Lots 1B, 1D, 1E, 1F, and 2B, on that certain map entitled Brook Highland Plaza Resurvey, recorded in Map Book 18, at Page 99, in the Probate Office for Shelby County, Alabama.

[illegible]

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Phase I

EXHIBIT " B "

Land lying and being in Shelby County, Alabama, and being more particularly described as that certain tract of land containing 65.88 acres, more or less, and being designated as Lots 1, 1A, 2 and 2A on that certain map entitled "Brook Highland Plaza Resurvey" recorded in Map Book 18, Page 99, in the Probate Office for Shelby County, Alabama.

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