

**TERMINATION OF LEASE AGREEMENT**

THIS TERMINATION OF LEASE AGREEMENT is made and entered into <sup>as of</sup> this 26th day of September, 1995, by and between DEVELOPERS DIVERSIFIED OF ALABAMA, INC. ("Lessor"), an Alabama corporation, and BROOK HIGHLAND LIMITED PARTNERSHIP ("Lessee"), a Georgia limited partnership.

**WITNESSETH:**

WHEREAS, Lessor and Lessee entered into that certain Net Ground Lease (Phase II) dated December 30, 1994 ("Lease"), a memorandum of which is recorded as Instrument #1994-37771 in the Shelby County, Alabama Probate records and re-recorded as Instrument #1995-03023 in the aforesaid records;

WHEREAS, Lessor and Lessee intend to terminate the Lease.

NOW, THEREFORE, for and in consideration of the conveyance 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, Lessor and Lessee do hereby agree that effective as of the date hereof the Lease and the Memorandum of Lease are hereby terminated.

IN WITNESS WHEREOF, Lessor and Lessee have executed or caused this Lease to be executed to be effective as of the date set forth above, on this 26th day of September, 1995.

**LESSOR:**

DEVELOPERS DIVERSIFIED OF ALABAMA, INC.,  
an Alabama corporation

By: Joan Allgood  
Joan Allgood, Vice President

STATE OF OHIO

COUNTY OF CUYAHOGA

I, the undersigned, a Notary Public in and for said State hereby certify that Joan Allgood whose name, as Vice President of Developers Diversified of Alabama, Inc., 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 said instrument, she, in such capacity, executed the same voluntarily on behalf of said corporation on the date the same bears.

WITNESS my hand and official seal in the County and State last aforesaid, this 22nd day of September, 1995.

Kelly M. Day  
Notary Public

My Commission Expires:

[Notary Seal]

Kelly M. Day nee Montgomery  
KELLY M. MONTGOMERY, Attorney at Law  
Notary Public - State of Ohio  
My commission has no expiration date.  
Section 147.03 R. C.

09/27/1995-27240  
02:18 PM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
002 MCD 11.00

Calvin

LESSEE:

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 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 sole general partner of BW 280 Limited Partnership, a Georgia limited partnership, which is the sole 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.

MY COMMISSION EXPIRES MARCH 12, 1997

Jennifer Carlson  
Notary Public

My Commission Expires:

[Notary Seal]

Inst # 1995-27240

09/27/1995-27240  
02:18 PM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
002 MCD 11.00

0061435.02