

TERMINATION OF LEASE AGREEMENT

THIS TERMINATION OF LEASE AGREEMENT is made and entered into this ^{25 of} 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 I-A) ("Lease") dated December 30, 1994, a memorandum of which is recorded as instrument # 1995-03025 in the Shelby County, Alabama Probate Records, pursuant to which Lessee leased the real property commonly referred to as Phase 1-A of Brook Highland Plaza ("Phase 1-A"); and

WHEREAS, Lessor and Lessee intend to terminate the Lease.

NOW, THEREFORE, for and in consideration of 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 as of the date set forth above.

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.

My Commission Expires:

[Notary Seal]

Kelly M. Hay
Notary Public
KELLY M. HAY, Notary Public, State of Ohio
My commission has no expiration date.
Section 147.03 R. C.

09/27/1995-27241
02:18 PM CERTIFIED

[SIGNATURES CONTINUED ON NEXT PAGE] JUDGE OF PROBATE
002 HCD 11.00

[SIGNATURES CONTINUED FROM PREVIOUS PAGE]

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 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 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 21st day of September, 1995.

MY COMMISSION EXPIRES MARCH 12, 1997

Jennifer Carlson
Notary Public

My Commission Expires:

[Notary Seal]

Inst # 1995-27241

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SHELBY COUNTY JUDGE OF PROBATE
002 MCD 11.00