

STATE OF ALABAMA)

COUNTY OF SHELBY)

**DECLARATION BY THE MEADOW BROOK
TOWNHOME ASSOCIATION, INC. DISCLAIMING AND
DISAVOWING CERTAIN UNAUTHORIZED AND ILLEGAL COVENANTS**

WHEREAS, on or about August 28, 1996, Charles G. Kessler, Jr., purportedly as President for Kadco, Inc., caused to be filed with the Office of the Judge of Probate for Shelby County, Alabama, at instrument number 1996-28313, a document entitled "Declaration of Covenants for Meadow Brook Townhomes"; and

WHEREAS, in said "Declaration of Covenants for Meadow Brook Townhomes," Charles D. Kessler purported to covenant on behalf of the Meadow Brook Townhome Association, Inc. the responsibility for all maintenance, repair and upkeep of a certain retention pond to be created by Charles G. Kessler; and

WHEREAS, in said "Declaration of Covenants for Meadow Brook Townhomes," Charles G. Kessler further purported to covenant that the requirement to maintain, repair and upkeep said retention pond shall be a covenant running with the lots in the subdivision known as Meadow Brook Townhomes; and

WHEREAS, neither Charles G. Kessler, Jr. nor Kadco, Inc. had the corporate authority to covenant that the Meadow Brook Townhome Association, Inc. would accept the responsibility for all maintenance, repair and upkeep for said retention pond, or that such covenant would be one running with the lots of the subdivision known as Meadow Brook Townhomes.

NOW, THEREFORE, BE IT DECLARED by the Meadow Brook Townhome Association, Inc., as follows:

07/02/1998-24891
11:37 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
002 MEL 11.00

1. That the Meadow Brook Townhome Association, Inc. hereby disclaims and disavows any responsibility for the maintenance, repair and upkeep for the above referenced retention pond created by Charles G. Kessler, Jr., or Kadco, Inc.

2. That the Meadow Brook Townhome Association, Inc., further declares that in as much as Charles G. Kessler, Jr. or Kadco, Inc. did not have the corporate authority to create a covenant running with all the lots in the subdivision known as Meadow Brook Townhomes, that said covenant is hereby a nullity.

IN WITNESS WHEREOF the Meadow Brook Townhome Association, Inc., hereby executes this document on the 29th day of June, 1998.

ATTESTED:

Meadow Brook Townhome Association, Inc.

By: Rita A. Scherer
Rita Scherer
Its: Secretary/Treasurer

By: K. Mark Parnell
K. Mark Parnell
Its: President

STATE OF ALABAMA)

SHELBY COUNTY)

I, the undersigned Notary Public in and for said county in said State, hereby certify that K. Mark Parnell, whose name as President of The Meadow Brook Townhome Association, Inc., is signed to the foregoing Declaration, and who is known to me, acknowledged before me on this day that, being informed of the content of the said Declaration, he, as such officer and with full authority, executed the same voluntarily as the act of the said City the day the same bears date.

Given under my hand and official seal this the 29th day of June, 1998.

Stephanie E. Young
Notary Public
My Commission Expires: 11-7-99