

THIS INSTRUMENT WAS PREPARED BY:

MIKE T. ATCHISON, ATTORNEY
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COLUMBIANA, ALABAMA 35051

STATE OF ALABAMA
SHELBY COUNTY

TERMINATION OF AGREEMENT AND EASEMENT

This termination of agreement and easement by and between MICKEY J. HARDY, SR., a married man (Owner) and THE HARBERT-EQUITABLE JOINT VENTURE, an Alabama general partnership (HEJV).

W I T N E S S E T H:

Whereas, Owner and HEJV entered in an Agreement and Easement, dated September 20, 1984, which was recorded in Real Record 003, Page 799, in the Probate Office of Shelby County, Alabama. In said document, HEJV granted an easement to Owner to benefit the Owner's property described on Exhibit "A" hereto (the "Owner's Property"). In exchange, Owner agreed to submit and subject the Owner's property to the Declaration of Protective Covenants, Agreement, Easements, Charges, and Liens for Riverchase (Residential) and to other restrictions as set forth in said Agreement and Easement; and

Whereas, Owner has been denied practical access through the easement area; and

Whereas, Owner no longer has need of nor uses the easement described in said document;

Whereas Owner and HEJV desire to terminate the Agreement and Easement and further desire to restore the position of the parties as if said Agreement and Easement had never been executed.

Therefore, in consideration of these premises, the parties do hereby agree as follows:

1. The Agreement and Easement recorded in Real Record 003, Page 799, in the Probate Office of Shelby County, Alabama, and all rights of Owner to the easement described therein, are hereby terminated.
2. The Owner's Property is HEREBY RELEASED from all restrictions set forth in Agreement and Easement, including, without limitation, the Declaration of Protective Covenants, Agreements, Charges and Liens for Riverchase (Residential) as recorded in Book 14, beginning at Page 536, as amended by Amendment No. 1 recorded in Book 17, beginning at page 550, in the Office of the Judge of Probate of Shelby County, Alabama.

IN WITNESS WHEREOF, Owner and HEJV have caused this instrument to be executed effective this 5th day of March, 1999.


Mickey J. Hardy, Sr.

Inst # 1999-14694

04/07/1999-14694
02:40 PM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
G04 MMS 16.00

MTA

THE HARBERT-EQUITABLE JOINT VENTURE
an Alabama general partnership

By: The Equitable Life Assurance
Society of the United States,
as General Partner

ATTEST:

By: Christy Schlabach
Its _____

By: Terrill E. Duff
Its Investment Officer

By: Harbert Properties Corporation
as General Partner

ATTEST:

By: Brenda J. Harris
Its Assistant Corporate Secretary

By: William V. Brooke
Its President

STATE OF ALABAMA
SHELBY COUNTY

I, the undersigned authority, a Notary Public, in and for said County, in said State, hereby certify that Mickey J. Hardy, Sr., whose name is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day, that, being informed of the contents of the conveyance, he executed the same voluntarily on the day the same bears date.

Given under my hand and official seal, this 5th day of March, 1999.

Cherokee E. Eubanks
Notary Public

My commission expires:

MY COMMISSION EXPIRES 8-3-02

STATE OF Georgia
COUNTY OF Fulton

I, the undersigned authority, a Notary Public, in and for said County, in said State, hereby certify that Terrill E. Duff, whose name as Investment Officer of The Equitable Life Assurance Society of the United States, a corporation, as general partner of The Harbert-Equitable Joint Venture, under Joint Venture Agreement dated January 30, 1974, is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day, that, being informed of the contents of the conveyance, he, as such officer and with full authority, executed the same voluntarily on the day the same bears date, for and as the act of said corporation as General Partner of The Harbert-Equitable Joint Venture.

Given under my hand and official seal, this 11th day of March, 1999.

Michael Harrison
Notary Public

My commission expires:

Notary Public, Fulton County, Georgia
My Commission Expires June 4, 2001

STATE OF ALABAMA
SHELBY COUNTY

I, the undersigned authority, a Notary Public, in and for said County, in said State, hereby certify that William W. Brooke, whose name as President of Harbert Properties Corporation, a corporation, as General Partner of The Harbert-Equitable Joint Venture, under Joint Venture Agreement dated January 30, 1974, is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day, that, being informed of the contents of the conveyance, he, as such officer and with full authority, executed the same voluntarily on the day the same bears date, for and as the act of said corporation as General Partner of The Harbert-Equitable Joint Venture.

Given under my hand and official seal, this 18 day of March, 1999.


Notary Public

My commission expires: June 1, 2002

EXHIBIT A

Description of Owner's Property

A parcel of land lying in the NE 1/4 of NW 1/4, Section 25, T19S, R3W, and more particularly described as follows:

Starting at the Southeast corner of the said NE 1/4 of NW 1/4, Section 25, T19S, R3W, which is the point of beginning, run Westerly along the South boundary line of said NE 1/4 of NW 1/4 a distance of 443.1 feet to an iron marker; thence turn 103 degrees 55 minutes to the right and run Northeasterly 269.0 feet to an iron marker; thence turn 76 degrees 15 minutes to the right and run Easterly 376.9 feet to an iron marker on the East boundary line of the said NE 1/4 of NW 1/4; thence turn 89 degrees 30 minutes to the right and run Southerly along the said East boundary line of said NE 1/4 of NW 1/4 a distance of 260.0 feet to the point of beginning.

Said parcel of land lies in the said NE 1/4 of NW 1/4, Section 25, T19S, R3W, and contains 2.5 acres, more or less.

Last * 1999-14694

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SHELBY COUNTY JUDGE OF PROBATE
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