

9607D SCH

SHELBY MART SHOPPING CENTER  
AFFIDAVIT REGARDING TERMINATION OF LEASES

STATE OF FLORIDA  
COUNTY OF PINELLAS

Personally appeared before me, the undersigned notary public, **Joseph W. Gaynor** ("Affiant"), who, being first duly sworn, deposes and says on oath as follows:

- 1) Affiant is the Vice President of Brandywine Corporation, a Delaware corporation, the General Partner of Shelby Partners, a Pennsylvania limited partnership (the "Partnership").
- 2) The Partnership is the owner of the Shelby Mart Shopping Center (the "Shopping Center") more particularly described in Exhibit A attached hereto and incorporated herein by reference.
- 3) The Partnership is the successor in interest to those certain leases by mesne assignments between Eckerds-Alabama, Inc. dated August 10, 1977 (the "Eckerds Lease") and Winn-Dixie Montgomery, Inc. dated July 21, 1977 (the "Winn-Dixie Lease"). The Winn-Dixie Lease being evidenced by that certain Short Form Lease recorded in Deed Book 308 at page 454, Public Records of Shelby County, Alabama.
- 4) That both the Eckerds Lease and the Winn-Dixie Lease have terminated in accordance with their terms and both tenants have vacated the Shopping Center and have no further interest in the restrictions, covenants, conditions, development or easements pertaining to the abutting outlots described in **Exhibit A** attached hereto and incorporated herein as set forth in Misc. Volume 37, page 98, Deed Book 308, page 454 and amended in Deed Volume 311, page 942, and Deed Volume 314, page 858, Misc. Volume 23, page 178, Misc. Volume 25, page 29, Misc. Volume 25, page 40, Misc. Volume 29, page 91, and Misc. Volume 25, page 49, all being recorded in the Public Records of Shelby County, Alabama.
- 5) This Affidavit is given to induce Lawyers Title Insurance Corporation or any other title insurance company which may be issuing either owner title insurance policies or mortgagee title insurance policies, its successors and assigns (the "Title Insuror"), and Brandywine Acquisition and Development Corporation in connection with the conveyance of the outlots described above and the issuance of title insurance policies by the Title Insuror on or about the date hereof and in the future on the property described in **Exhibit A** attached hereto and incorporated herein.

  
Joseph W. Gaynor

Inst # 1999-30962

07/26/1999-30962  
10:39 AM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
13.50  
003 CMH

The foregoing instrument was acknowledged before me this 13<sup>th</sup> day of July, 1999, by Joseph W. Gaynor, as Vice President of Brandywine Corporation, a Delaware corporation, the General Partner of Shelby Partners, a Pennsylvania limited partnership, on behalf of the partnership, ☒ who is personally known to me or ☐ who has produced \_\_\_\_\_ as identification, and who ☐ has ☐ has not taken an oath.

[SEAL]

Merrilyn K. Lovelady  
Notary Public



EXHIBIT "A"

PARCEL A:

Part of the SW  $\frac{1}{4}$  of NE  $\frac{1}{4}$  and part of the SE  $\frac{1}{4}$  of NW  $\frac{1}{4}$  of Section 12, Township 20 South, Range 3 West, Shelby County, Alabama, said parts being more particularly described as follows:

From the Northwest corner of said SW  $\frac{1}{4}$  of NE  $\frac{1}{4}$ , run East along the North line thereof for 881.83 feet, more or less, to a point on the West line of the right of way of U.S. Highway 31; thence turn at an angle to the right of  $115^{\circ}53'$  and run Southwesterly along said West right of way line for a distance of 944.93 feet to a point; thence turn at an angle to the right of  $65^{\circ}01'$  and run Westerly for a distance of 137.90 feet to the point of beginning; thence continue along the same course for 346.76 feet to the center of the Old Montgomery Highway; thence turn at an angle to the right of  $111^{\circ}06'$  and run Northeasterly along the center of the old highway for a distance of 279.14 feet; thence turn at an angle to the right of  $93^{\circ}53'$  and run Easterly 333.22 feet; thence turn at an angle to the right of  $90^{\circ}00'$  and run Southwesterly for a distance of 132.00 feet to the point of beginning.

PARCEL B:

Part of the SW  $\frac{1}{4}$  of NE  $\frac{1}{4}$  of Section 12, Township 20 South, Range 3 West, Shelby County, Alabama, said part being more particularly described as follows:

From the Northwest corner of said SW  $\frac{1}{4}$  of NE  $\frac{1}{4}$ , run East along the North line thereof for 881.83 feet, more or less to a point on the West line of the right of way of U.S. Highway 31; thence turn at an angle to the right of  $115^{\circ}53'$  and run Southwesterly along said West right of way line for a distance of 288.99 feet to a point of beginning; thence continue Southwesterly along said West right of way line for a distance of 103.82 feet; thence turn at an angle to the right of  $90^{\circ}00'$  and run Westerly for a distance of 80 feet; thence turn at an angle to the right of  $90^{\circ}00'$  and run Northerly for a distance of 65 feet; thence turn at an angle to the right of  $64^{\circ}07'$  and run Easterly for a distance of 88.92 feet to the point of beginning.

PARCEL C:

Part of the SW  $\frac{1}{4}$  of NE  $\frac{1}{4}$  of Section 12, Township 20 South, Range 3 West, Shelby County, Alabama, said part being more particularly described as follows:

From the Northwest corner of said SW  $\frac{1}{4}$  of NE  $\frac{1}{4}$  run East along the North line thereof for 881.83 feet, more or less, to a point on the West line of the right of way of U.S. Highway 31; thence turn at an angle to the right  $115^{\circ}53'$  and run Southwesterly along said West right of way line for a distance of 853.17 feet to the point of beginning; thence continue Southwesterly along said West right of way line for a distance of 91.76 feet; thence turn at an angle to the right of  $65^{\circ}01'$  and run Westerly for a distance of 137.90 feet; thence turn at an angle to the right of  $114^{\circ}59'$  and run Northeasterly for a distance of 150.00 feet; thence turn at an angle to the right of  $90^{\circ}00'$  and run Easterly 125.0 feet to the point of beginning.

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