

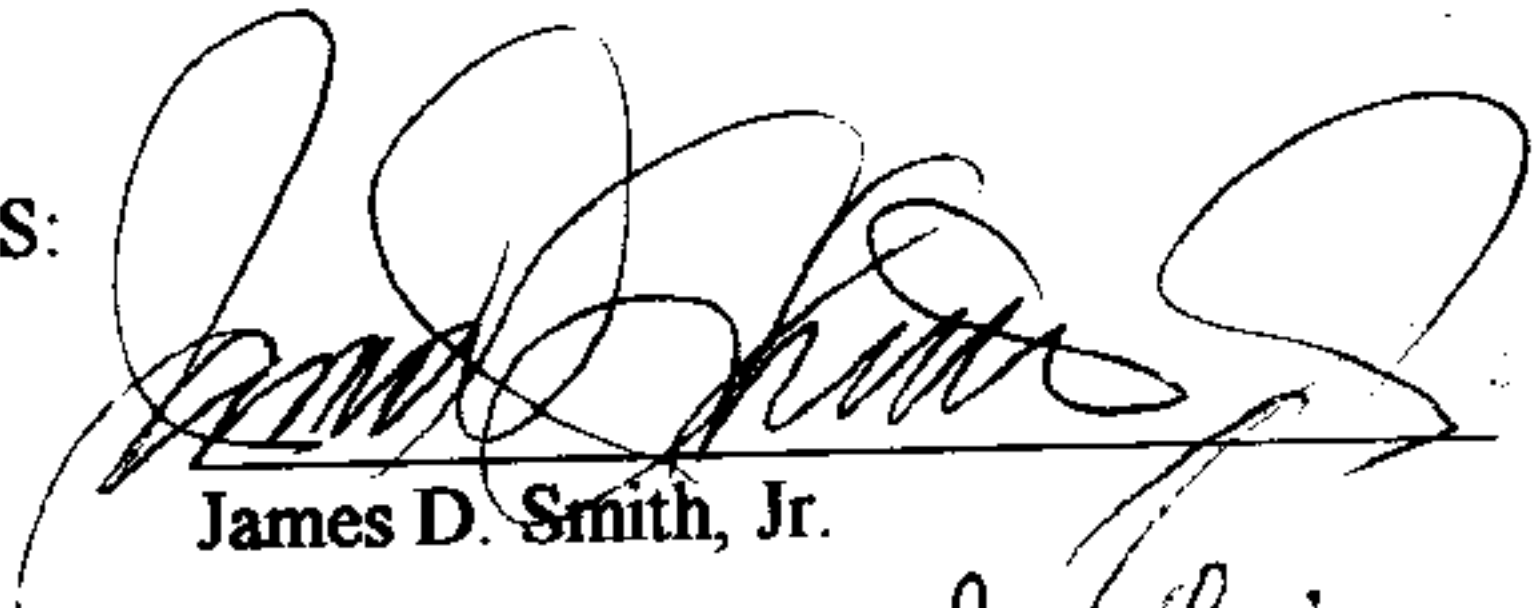
STATE OF ALABAMA)
SHELBY COUNTY)

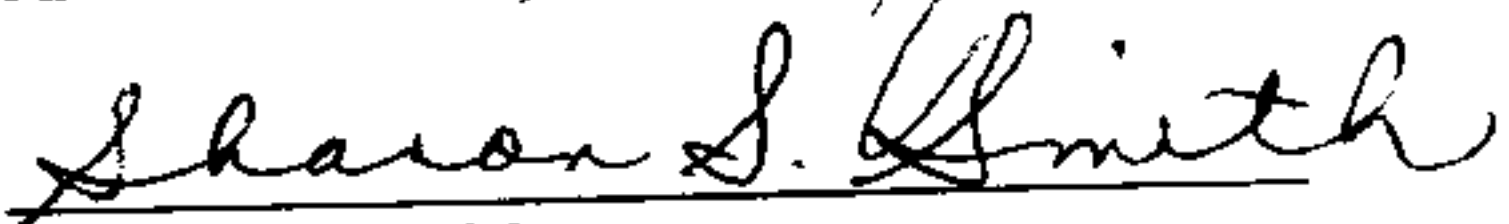
AGREEMENT TO MODIFY BUFFER

NOW COMES the undersigned James D. Smith, Jr. and Sharon S. Smith, husband and wife, hereinafter referred to as "OWNERS" and Metropolitan Life Insurance Company hereinafter referred to as "BENEFICIARY" and do agree as follows.

1. OWNERS own the property shown on the Exhibit hereto, and,
2. BENEFICIARY is a corporation which developed a significant amount of property known as Inverness and as such retains certain restrictions on owner's property on which are recorded in Shelby County Probate Court Real 152, Page 910.
3. The parties to this Agreement wish to modify the buffers which were established in the restrictions and covenants referred to above. The modification shall be the original fifty-foot buffer located on the north side of the property shall be relocated and a new seventy foot buffer shall be created on the east side of the property (as shown on Exhibit "A").
4. The original buffers were established on September 16, 1987 and provided that they would run for a period of twenty years. Owners agree that such covenants and restrictions shall now run until September 17, 2019 or until such time as the owners of the respective properties shall alter or amend them by joint agreement.

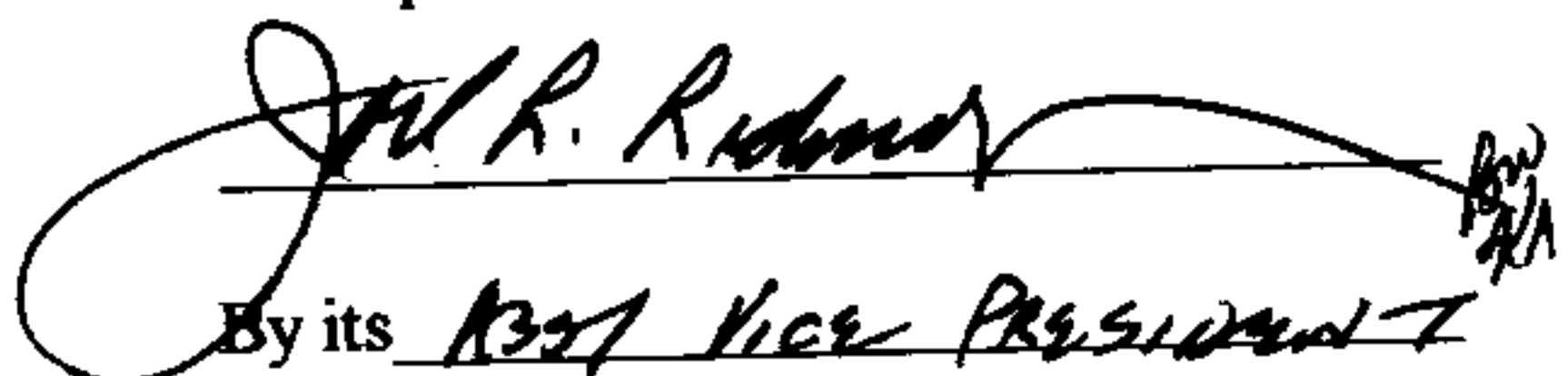
OWNERS:


James D. Smith, Jr.


Sharon S. Smith

BENEFICIARY:

Metropolitan Life Insurance Company,


By its J. R. Redmon Vice President

Inst # 1999-42398

10/12/1999-42398
03:38 PM CERTIFIED

SHELBY COUNTY JUDGE OF PROBATE

003 MMS 13.50

STATE OF ALABAMA)
JEFFERSON COUNTY)

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that JAMES D. SMITH, JR. and SHARON S. SMITH, whose names are signed to the foregoing instrument and who are known to me, acknowledged before me on this day that, being informed of the contents of said instrument, they executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this the 9th day of August, 1999.

[NOTARIAL SEAL]


Notary Public

My Commission Expires

NOTARY PUBLIC STATE OF ALABAMA AT LARGE.
MY COMMISSION EXPIRES: Apr. 7, 2001.
BONDED THRU NOTARY PUBLIC UNDERWRITERS.

~~STATE OF ALABAMA~~
~~JEFFERSON COUNTY~~
FULTON

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that Joel R. Reemon, whose name as Asst. Vice President of METROPOLITAN LIFE INSURANCE COMPANY, 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, he/she, as said officer and with full authority, executed the same voluntarily for and as the act of said corporation.

Given under my hand and seal on this the 16th day of August, 1999.

[NOTARIAL SEAL]

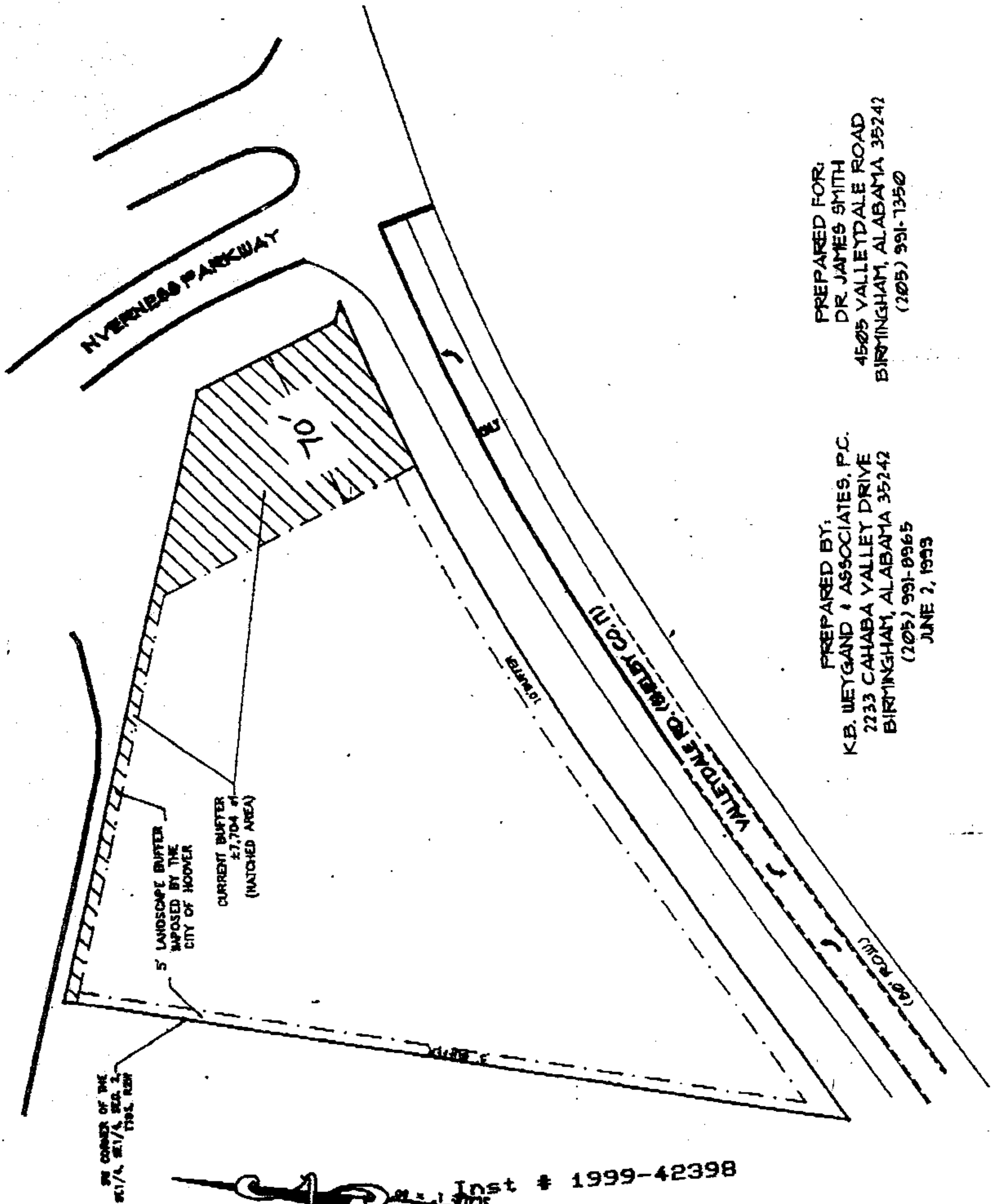

Notary Public

Tiffany A. Aubrey

Notary Public, Cobb County, Georgia

My Commission Expires: My Commission Expires March 23, 2003

EXHIBIT A



PREPARED FOR:
DR. JAMES SMITH
4505 VALLEYDALE ROAD
BIRMINGHAM, ALABAMA 35242
(205) 991-1350

PREPARED BY:
K.B. WEYGAND & ASSOCIATES, P.C.
2233 CAHABA VALLEY DRIVE
BIRMINGHAM, ALABAMA 35242
(205) 991-0965
JUNE 2, 1999

Inst # 1999-42398

10/12/1999-42398

03:38 PM CERTIFIED

SHELBY COUNTY JUDGE OF PROBATE

003 HWS 13.50