

STATE OF ALABAMA                     )  
  :  
COUNTY OF SHELBY                    )

**AMENDMENT TO RESTRICTIVE AGREEMENT**

THIS AMENDMENT TO RESTRICTIVE AGREEMENT (this "Amendment") is made and entered into as of the 21<sup>st</sup> day of March 2002 by and between BROOK HIGHLAND HIGHWAY, L.L.C., a Delaware limited liability company ("Grantor"), and DANIEL REALTY COMPANY, an Alabama general partnership ("Grantee").

**RECITALS:**

Grantor has heretofore executed and delivered to Grantee a Statutory Warranty Deed dated December 17, 1999 (the "Deed") which has been recorded as Instrument # 1999-51735 in the Office of the Judge of Probate of Shelby County, Alabama conveying to Grantee that certain real property (the "Property") situated in Shelby County, Alabama which is more particularly described as follows:

Lot 3B, according to the Survey of Brook Highland Commercial Resurvey No. 1, as recorded in Map Book 23, Page 89 in the Office of the Judge of Probate of Shelby County, Alabama.

The second paragraph of the Deed subjected the Property to the Restrictive Agreement (the "Restrictive Agreement") attached as Exhibit C to the Deed.

Grantor and Grantee desire to amend Section 3.1 of the Restrictive Agreement to further clarify the permitted uses for the Property.

NOW, THEREFORE, in consideration of the premises and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor and Grantee do hereby agree as follows:

1.     **Permitted Uses.** Section 3.1 of the Restrictive Agreement is deleted in its entirety and the following is substituted in lieu thereof:

      "3.1   **Permitted Uses.** The Property may be improved, maintained and occupied solely for office, retail, commercial and /or residential condominium uses, subject to the remaining terms and provisions of this Agreement."

2.     **Full Force and Effect.** Except as expressly modified and amended herein, all of the terms and provisions of the Restrictive Agreement shall remain in full force and effect and are hereby ratified and confirmed by Grantor and Grantee.

IN WITNESS WHEREOF, Grantor and Grantee have caused this Amendment to be executed as of the day and year first above written.

**BROOK HIGHLAND HIGHWAY, L.L.C.,**  
a Delaware limited liability company

By: [Signature]  
Name: John B. Detwiler  
Its: VP

**DANIEL REALTY COMPANY,** an Alabama  
general partnership

By: Daniel Equity Partners Limited Partnership, a  
Virginia limited partnership, Its Managing  
Partner

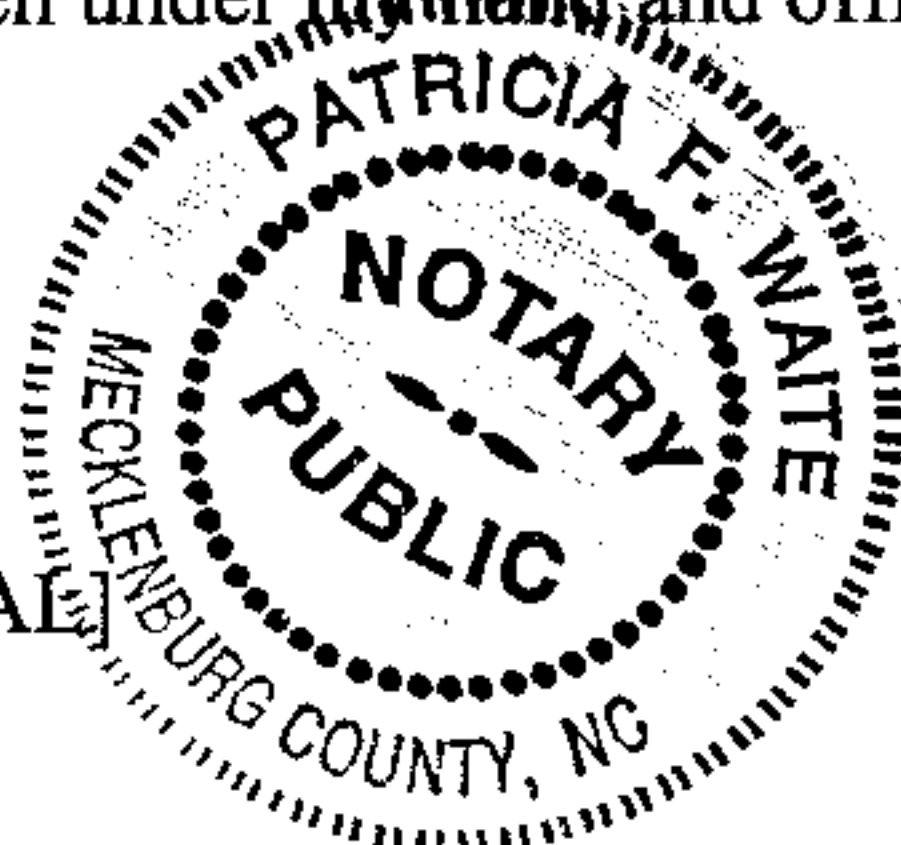
By: Daniel Equity Corporation I, a  
Virginia corporation, Its General  
Partner

By: [Signature]  
Its: SA Vice Pres.

STATE OF NORTH CAROLINA                     )  
  :  
COUNTY OF MECKLENBURG                    )

I, the undersigned, a notary public in and for said county in said state, hereby certify that John B. Detwiler, whose name as VP of Brook Highland Highway, L.L.C., a Delaware limited liability company, 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, as such VP and with full authority, executed the same voluntarily for and as the act of said limited liability company.

Given under my hand and official seal this 14<sup>th</sup> day of March, 2002.



[Signature]  
Notary Public


[NOTARIAL SEAL]

My commission expires: 6-22-2005

STATE OF ALABAMA                    )  
  :  
SHELBY COUNTY                        )

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Charles T. Carlisle, Jr., whose name as Sr. Vice President of Daniel Equity Corporation I, a Virginia corporation, as General Partner of Daniel Equity Partners Limited Partnership, a Virginia limited partnership, as Managing Partner of DANIEL REALTY COMPANY, an Alabama general 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 said instrument, he, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation in its capacity as general partner as aforesaid.

Given under my hand and official seal this the 21<sup>st</sup> day of March, 2002.

  
\_\_\_\_\_  
Notary Public  
My Commission Expires: 7-14-04

[NOTARIAL SEAL]

This instrument prepared by and  
upon recording should be returned to:

Stephen R. Monk, Esq.  
Bradley Arant Rose & White LLP  
2001 Park Place, Suite 1400  
Birmingham, Alabama 35203  
(205) 521-8429  
1/909780.1

Inst # 2002-13482

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SHELBY COUNTY JUDGE OF PROBATE  
003 MSB 20.00

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