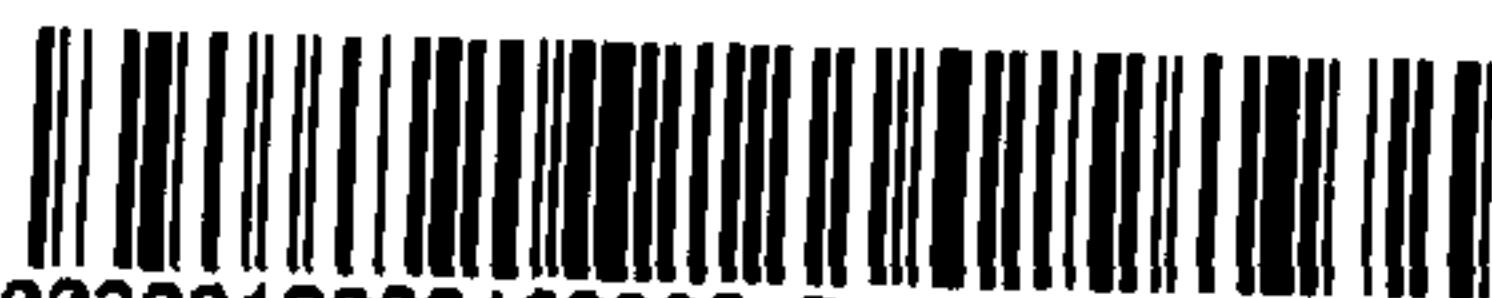


This Document Was Prepared by:

F. Don Siegal
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600 North 20th Street, Suite 400
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Send Tax Notice to:

Developers Diversified of Alabama
3300 Enterprise Parkway
Beachwood, OH 44122


20030318000163390 Pg 1/12 10,669.00
Shelby Cnty Judge of Probate, AL
03/18/2003 13:38:00 FILED/CERTIFIED

STATUTORY WARRANTY DEED

STATE OF ALABAMA)

SHELBY COUNTY)

KNOW ALL MEN BY THESE PRESENTS, That in consideration of One Hundred and No/100 Dollars (\$100.00) and other good and valuable consideration, in hand paid by the Grantee herein, the receipt of which is hereby acknowledged, DEVELOPERS DIVERSIFIED OF ALABAMA, INC., an Alabama corporation (hereinafter referred to as "Grantor"), does hereby grant, bargain, sell and convey unto GS II BROOK HIGHLAND, LLC, a Delaware limited liability company (hereinafter referred to as "Grantee"), the following described real estate, situated in Shelby County, Alabama, to-wit:

See Exhibit "A" which is attached hereto and incorporated herein by reference.

This conveyance is made subject to:

1. Ad Valorem taxes for the year 2003 and subsequent years not yet due and payable.
2. Matters set forth on Exhibit "B", which is attached hereto and incorporated herein by reference.

TO HAVE AND TO HOLD, to the said Grantee, its successors and assigns forever.

IN WITNESS WHEREOF, the said Grantor has caused this Statutory Warranty Deed to be executed by its duly authorized officer on this _____ day of March, 2003.

GRANTOR:

DEVELOPERS DIVERSIFIED OF ALABAMA, INC.

By: Joan U. Allgood
Its: Vice President

STATE OF Ohio)
COUNTY OF Cuyahoga

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Joan U. Allgood, whose name as Vice President of DEVELOPERS DIVERSIFIED OF ALABAMA, INC., 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 thereof, she, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation.

Given under my hand and official seal this 7th day of March, 2003.

Paul Jones
Notary Public
My Commission Expires: Jan. 11, 2004

PAUL JONES, Notary Public
State of Ohio, Cuyahoga County
My Commission Expires Jan. 11, 2004



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204447 A
(page 1 of 3)

EXHIBIT "A" (PHASE 1)

The Land referred to in this Commitment is described as follows:

PARCEL 1

LOTS 1, 1A, 2, 2A, ACCORDING TO THE BROOK HIGHLAND PLAZA RESURVEY, AS RECORD IN MAP BOOK 18M PAGE 99 IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA, BEING SITUATED IN SHELBY COUNTY, ALABAMA.

TOGETHER WITH ALL FO THE BENEFICIAL RIGHTS AND INTERESTS IN THE EASEMENT UNDER THE FOLLOWING INSTRUMENTS:

1). DECLARATION OF EASEMENTS AND RESTRICTIONS CONVENATS (BROOK HIGHLAND DEVELOPMENT-1.35 ACRES OUT PARCEL) BY AMSOUTH BANK N.A. AS ANCILLARY TRUSTEE FOR NBNC NATIONAL BANK OF NORTH CAROLINA, AS TRUSTEE FOR THE PUBLIC EMPLOYEES RETIREMENT SYSTEM OF OHIO, DATED AUGUST 29, 1990, AND RECORDED IN REAL 307, PAGE 985, IN SAID PROBATE OFFICE.

2.) EASEMENT AGREEMENT DATED OCTOBER 12, 1993, BY AN BETWEEN AMSOUTH BANK N.A., AS ANCILLARY TRUSTEE FOR NATIONS BANK OF NORTH CAROLINA, N.A. AS TRUSTEE FOR THE PUBLIC EMPLOYEES RETIREMENT SYSTEM OF OHIO, AND BROOK HIGHLAND LIMITED PARTNERSHIP, A GEORGIA LIMITED PARTNERSHIP RECORDED AS INSTRUMENT # 1993-32515 IN SAID PROBATE OFFICE.

PARCEL 2

ALL BENEFICIAL RIGHTS IN EASEMENTS GRANTED TO DEVELOPERS DIVERSIFIED OF ALABAMA CORP., BY THE EASEMENT AGREEMENT DATED DECEMBER 30, 1994, BY AND BETWEEN BROOK HIGHLAND LIMITED PARTNERSHIP AND DEVELOPERS DIVERSIFIED OF ALABAMA., AS RECORDED AS RECORDED AS INSTRUMENT NO. 1994-37773 IN PROBATE OFFICE OF SHELBY COUNTY, ALABAMA.

ALL BEING SITUATED IN SHELBY COUNTY, ALABAMA.

**THENCE RUN NORTH 64° 18'36" WEST A DISTANCE OF 37.79 FEET TO A POINT;
THENCE RUN NORTH 73°31'00" WEST A DISTANCE OF 110.98 FEET TO A POINT;
THENCE RUN NORTH 56 °07'21" WEST A DISTANCE OF 73.40 FEET TO A POINT;
LOCATED ON THE TO A POINT LOCATED ON THE EASTERLY RIGHT OF WAY
LINE OF BROOK-HIGHLAND PARKWAY (RIGHT OF WAY VARIES);
THENCE RUN ALONG AND COINCIDENT WITH THE EASTERLY RIGHT OF WAY
LINE OF BROOK HIGHLAND PARKWAY NORTH 16°29'00" EAST A DISTANCE OF
206.74 FEET TO A POINT;
THENCE RUN ALONG THE COINCIDENT WITH THE EASTERLY RIGHT OF WAY
LINE FO BROOK HIGHLAND PARKWAY NORTH 73°31'00" WEST A DISTANCE OF
12.00 FEET TO A POINT; THENCE RUN ALONG AND COINCIDENT WITH THE
EASTERLY RIGHT OF WAY LINE OF BROOK HIGHLAND PARKWAY, ALONG**



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EXHIBIT "A" (Phase II)
(page 2 of 3)

The Land referred to in this Commitment is described as follows:

**ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN SECTION 31 ,
TOWNSHIP 18 SOUTH RANGE 1 WEST, SHELBY COUNTY, ALABAMA BEING
MORE PARTICULARLY DESCRIBED AS FOLLOWS;**

**BEGINNING AT THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER
OF SECTION 31, TOWNSHIP 18 SOUTH, RANGE 1 WEST, SHELBY COUNTY,
ALABAMA BEING SOUTH 89° 31'51" WEST A DISTANCE OF 848.96 FEET FROM
THE NORTHEAST CORNER OF LOT 1, BROOK HIGHLAND PLAZA RESURVEY
(MAP BOOK 18, PAGE 99);**

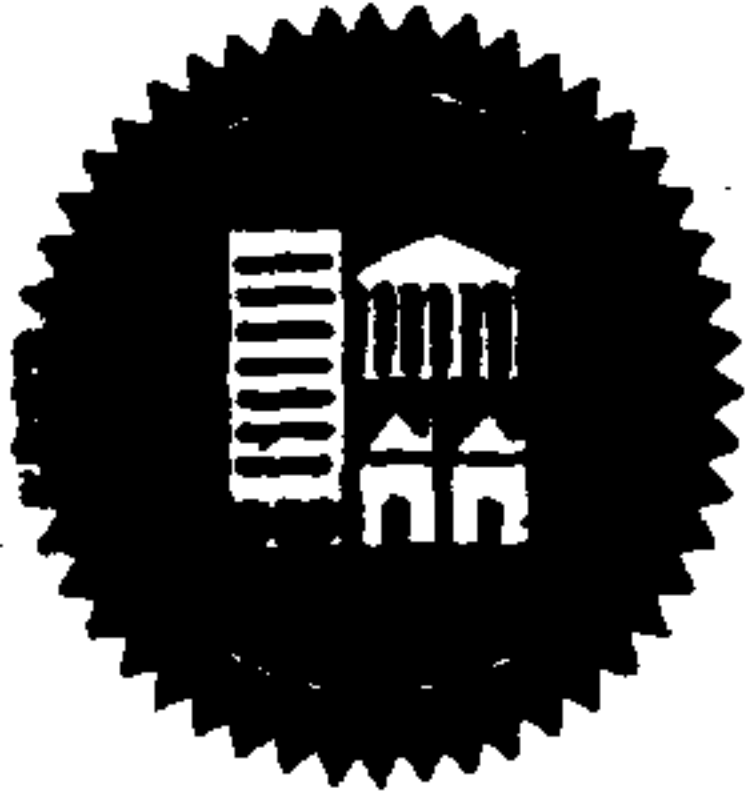
**THENCE RUN SOUTH 89°31'51" WEST A DISTANCE OF 50.00 FEET TO A POINT.
THENCE RUN SOUTH 00°38'38" EAST A DISTANCE OF 300.00 FEET TO A POINT;
THENCE RUN NORTH 89° 37'51" EAST A DISTANCE OF 20.00 FEET TO A POINT;
THENCE RUN SOUTH 01° 36'53" EAST A DISTANCE OF 295.07 FEET TO A POINT;
THENCE RUN SOUTH 89°31'51" WEST A DISTANCE OF 225.00 FEET TO A POINT;
THENCE RUN SOUTH 00°38'38" EAST A DISTANCE OF 145.41 FEET TO A POINT;
THENCE RUN SOUTH 88°24'44" WEST A DISTANCE OF 150.94 FEET TO A POINT;
THENCE RUN ALONG THE ARC OF A CURVE AN ARC DISTANCE OF 325.14 FEET
(SAID CURVE HAVING A RADIUS OF 910.27 FEET A CHORD BEARING OF NORTH
81°24'44" WEST A CHORD DISTANCE OF 323.42 FEET) TO A POINT;
THENCE RUN NORTH 71°10'44" WEST A DISTANCE OF 90.62 FEET TO A POINT;
THENCE RUN NORTH 64° 18'36" WEST A DISTANCE OF 37.79 FEET TO A POINT;
THENCE RUN NORTH 73°31'00" WEST A DISTANCE OF 110.98 FEET TO A POINT;
THENCE RUN NORTH 56 °07'21" WEST A DISTANCE OF 73.40 FEET TO A POINT;
LOCATED ON THE TO A POINT LOCATED ON THE EASTERLY RIGHT OF WAY
LINE OF BROOK-HIGHLAND PARKWAY (RIGHT OF WAY VARIES);
THENCE RUN ALONG AND COINCIDENT WITH THE EASTERLY RIGHT OF WAY
LINE OF BROOK HIGHLAND PARKWAY NORTH 16°29'00" EAST A DISTANCE OF
206.74 FEET TO A POINT;
THENCE RUN ALONG THE COINCIDENT WITH THE EASTERLY RIGHT OF WAY
LINE FO BROOK HIGHLAND PARKWAY NORTH 73°31'00" WEST A DISTANCE OF
12.00 FEET TO A POINT; THENCE RUN ALONG AND COINCIDENT WITH THE
EASTERLY RIGHT OF WAY LINE OF BROOK HIGHLAND PARKWAY, ALONG**



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**THE ARC OF A CURVE AN ARC DISTANCE OF 254.68 FEET (SAID CURVE HAVING A RADIUS OF 310.47 FEET, A CHORD BEARING OF NORTH 39°59'00" EAST, AND A CHORD DISTANCE OF 247.60 FEET) TO A POINT;
THENCE RUN ALONG AND COINCIDENT WITH THE EASTERLY RIGHT OF WAY LINE OF BROOK HIGHLAND PARKWAY NORTH 26°31'00" WEST A DISTANCE OF 12.00 FEET TO A POINT;
THENCE RUN ALONG AND COINCIDENT WITH THE EASTERLY RIGHT OF WAY LINE OF BROOK HIGHLAND PARKWAY NORTH 63°29'00" A DISTANCE OF 518.37 FEET TO A POINT; THENCE RUN ALONG AND COINCIDENT WITH THE EASTERLY RIGHT OF WAY LINE OF BROOK HIGHLAND PARKWAY 29°31'00" WEST A DISTANCE OF 20.00 FEET TO A POINT;
THENCE RUN ALONG AND COINCIDENT WITH THE EASTERLY RIGHT OF WAY LINE OF BROOK HIGHLAND PARKWAY, ALONG THE ARC OF A CURVE AN ARC DISTANCE OF 501.28 FEET (SAID CURVE HAVING A RADIUS OF 635.12 FEET, A CHORD BEARING OF NORTH 40°52'21" EAST, A CHORD DISTANCE OF 488.37 FEET) TO A POINT; THENCE LEAVING THE RIGHT OF WAY LINE OF BROOK HIGHLAND PARKWAY RUN SOUTH 89°50'48" EAST, A DISTANCE OF 85.21 FEET TO A POINT; THENCE RUN SOUTH 00°38'38" EAST, A DISTANCE OF 355.06 FEET TO A POINT; SAID POINT BEING THE POINT OF BEGINNING.**

SAID TRACT BEING DESIGNATED AS PROPOSED "PHASE II" ON THAT CERTAIN SURVEY FOR A.B. SHOPPING CENTERS PROPERTIES, PREPARED BY CARR & ASSOCIATES ENGINEERS, INC., BEARING THE SEAL AND CERTIFICATION OF BARTON F. CARR, REGISTERED PROFESSIONAL LAND SURVEYOR NO 16685, DATED NOVEMBER 25, 1994, LAST REVISED DECEMBER 21, 1994.



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**SCHEDULE B - SECTION II
(Exceptions)**

6. **EASEMENT TO D & D WATER SYSTEMS, INC., AS SHOWN BY
INSTRUMENT RECORDED IN REAL 107, PAGE 968 AND MAP BOOK 16
PAGE 102 IN PROBATE OFFICE AND ENCROACHMENT OF WAL-MART
GARDEN CENTER INTO SAID EASEMENT AS SHOWN IN SURVEY BY
CARR & ASSOCIATES ENGINEERS, INC., DATED 12/21/94.**



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- 7. RIGHTS OF ALABAMA STATE LAND CO. AND ITS SUCCESSORS AND ASSIGNS IN AND TO THE MINERAL RIGHTS WITHIN AND UNDERLYING THE INSURED PREMISES, AS MORE PARTICULARLY SET OUT IN DEED BOOK 28, PAGE 581 IN PROBATE OFFICE.**
- 8. BROOK HIGHLAND COMMON PROPERTY DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS, RECORDED IN REAL 307 PAGE 950 IN PROBATE OFFICE. THE EASEMENTS CONTAINED THERETO BEING SHOWN ON SURVEY OF CARR & ASSOCIATES ENGINEERS, INC., DATED 12/21 94.**
- 9. RESTRICTIONS, COVENANTS AND CONDITIONS AS SET OUT IN AGREEMENT BETWEEN AMSOUTH BANK N.A., AS ANCILLARY TRUSTEE FOR NCNB NATIONAL BANK OF NORTH CAROLINA, AS TRUSTEE FOR THE PUBLIC EMPLOYEES RETIREMENT SYSTEM OF OHIO, AND WOMAN'S MISSIONARY AUXILIARY TO SOUTHERN BAPTIST CONVENTION DATED AUGUST 31, 1990, AND RECORDED IN THE PROBATE OFFICE IN REAL BOOK 309 PAGE 317 AND AS SHOWN ON SURVEY OF CARR & ASSOCIATES ENGINEERS INC., DATED 12/21/94 AS AMENDED BY AMENDMENT DATED APRIL 26, 1993, RECORDED AS INSTRUMENT NO 1993-32510 IN PROBATE OFFICE.**
- 10. TRANSMISSION LINE PERMIT TO ALABAMA POWER CO. RECORDED IN DEED 112, PAGE 134, AS AMENDED BY THE CONTAINMENT CERTIFICATION LETTER FROM ALABAMA POWER CO., DATED OCTOBER 14, 1993.**
- 11. DECLARATION OF EASEMENTS AND RESTRICTIVE COVENANTS (BROOK HIGHLAND DEVELOPMENT – 1.35 ACRE OUT PARCEL) BY AMSOUTH BANK N.A. AS ANCILLARY TRUSTEE FOR NCNB NATIONAL BANK OF NORTH CAROLINA, AS TRUSTEE FOR THE PUBLIC EMPLOYEES RETIREMENT SYSTEM OF OHIO, DATED AUGUST 29, 1990 AND RECORDED IN REAL 307 PAGE 985 IN PROBATE OFFICE; AS SHOWN ON SURVEY OF CARR & ASSOCIATES ENGINEERS, INC., DATED 12/21/94.**
- 12. DECLARATION OF PROTECTIVE COVENANTS, WHICH RELATE TO THE WATERSHED PROPERTY AND THE MAINTENANCE THEREOF, AS SET OUT BY INSTRUMENT RECORDED IN REAL 194 PAGE 54.**



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13. **PERMIT TO SOUTH CENTRAL BELL TELEPHONE CO., RECORDED IN DEED 349, PAGE 865 IN PROBATE OFFICE, AS SHOWN ON SURVEY OF CARR & ASSOC. ENGINEERS, INC DATED 12/21/94.**
14. **RESTRICTIONS AND CONDITIONS AS SET OUT IN STATUTORY WARRANTY DEED RECORDED IN REAL 308, PAGE 1, REAL 220, 339, AND AS INSTRUMENT NO., 1992-14567 IN PROBATE OFFICE.**
15. **SIGN EASEMENT AGREEMENT DATED OCTOBER 13, 1993, BY BROOK HIGHLAND LIMITED PARTNERSHIP IN FAVOR OF AMSOUTH BANK N. A. AS TRUSTEE FOR THE PUBLIC EMPLOYEES SYSTEM OF OHIO, (AMSOUTH/NATIONSBANK), RECORDED AS INSTRUMENT NO 1993-32519 IN PROBATE OFFICE AND AS SOWN ON SURVEY OF CARR & ASSOC., INC., DATED 12/21/94.**
16. **SEWER EASEMENT AGREEMENT DATED OCTOBER 12, 1993, BY BROOK HIGHLAND LIMITED PARTNERSHIP AN AMSOUTH/NATIONSBANK, RECORDED AS INSTRUMENT NO. 1993-32518 IN PROBATE OFFICE SHOWN ON SURVEY OF CARR & ASSOC., ENGINEERS, INC., DATED 12/21/94.**
17. **DECLARATION OF SIGN EASEMENT DATED OCTOBER 13, 1993, BY BROOK HIGHLAND LIMITED PARTNERSHIP, RECORDED AS INSTRUMENT NO. 1993-32516 IN PROBATE OFFICE; AS SHOWN ON SURVEY OF CARR & ASSOC., ENGINEERS, INC., DATED 12/21/94.**
18. **EASEMENT IN INSTRUMENT FROM BROOK HIGHLAND LIMITED PARTNERSHIP TO THE WATER WORKS AND SEWER BOARD OF THE CITY OF BIRMINGHAM DATED OCTOBER 14, 1993, RECORDED AS INSTRUMENT NO., 1993-32517 IN PROBATE OFFICE; AS SHOWN ON SURVEY OF CARR & ASSOC., ENGINEERS INC., DATED 12/21/94.**
19. **RESTRICTIONS SET OUT IN THE DEED FROM AMSOUTH BANK N.A. AS ANCILLARY TRUSTEE TO BROOK HIGHLAND LIMITED PARTNERSHIP, A GEORGIA LIMITED PARTNERSHIP, DATED OCTOBER 12, 1993, RECORDED AS INSTRUMENT NO 1993-32511 IN PROBATE OFFICE.**



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- 20. REQUIRED APPROVALS BY ARCHITECTURAL REVIEW COMMITTEE
RECORDED AS INSTRUMENT NO 1993-32514 IN PROBATE OFFICE.**
- 21. REQUIRED APPROVALS BY ARCHITECTURAL REVIEW COMMITTEE
RECORDED AS INSTRUMENT NO 1993-32513 IN PROBATE OFFICE.**
- 22. SHORT FORM LEASE BY AND BETWEEN BROOK HIGHLAND LIMITED
PARTNERSHIP AND WINN-DIXIE MONTGOMERY, INC., DATED
SEPTEMBER 20, 1993 AS INSTRUMENT 1993-32898 IN PROBATE OFFICE.**
- 23. CONVENANT AND RESTRICTIONS, BUILDING SETBACK LINE, REAR-
YARD SETBACK LINE, UTILITIES EASEMENTS, MAINTENANCE
EASEMENTS, ACCESS EASEMENT, ALL AS SHOWN AN SET OUT ON THE
MAP AND PLAT OF THE BROOK HIGHLAND PLAZA RESURVEY, A
RESURVEY OF LOTS 1 AND 2, BROOK HIGHLAND PLAZA AS RECORDED
IN MAP BOOK 18 AT PAGE 99, IN PROBATE OFFICE OF SHELBY COUNTY,
ALABAMA AND ON SURVEY OF CARR & ASSOC., ENGINEERS, INC.,
DATED 12/21/94.**
- 24. SHORT FORM LEASE BY AND BETWEEN BROOK HIGHLAND LIMITED
PARTNERSHIP AND WAL-MART STORES, INC., DATED MAY 11, 1994 AS
INSTRUMENT NO. 1994-20695 IN THE PROBATE OFFICE.**
- 25. EASEMENT AGREEMENT BETWEEN AMSOUTH BANK/NATIONSBANK
AND BROOK HIGHLAND LIMITED PARTNERSHIP DATED OCTOBER 12,
1993 AS INSTRUMENT NO 1993-32515 IN THE PROBATE OFFICE.**
- 26. MATTERS SHOWN ALTA SURVEY PREPARED FOR A.B. SHOPPING
CENTER PROPERTIES, PREPARED BY CARR & ASSOCIATES ENGINEERS,
BEARING SEAL AND CERTIFICATION OF BARTON F. CARR, REGISTERED
LAND SURVEYOR NO. 16685, DATED NOVEMBER 25, 1994, LAST REVISED
DECEMBER 21, 1994.**
- 27. INTENTIONALLY DELETED.**
- 28. LEASE AGREEMENT BY AND BETWEEN BROOK HIGHLAND LIMITED
PARTNERSHIP, A GEORGIA LIMITED PARTNERSHIP AND WINGS OF
INVERNESS, INC., AND RECORDED AS INSTRUMENT NO 1994-36744.**



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of New York**

29. **MEMORANDUM OF LEASE BY AND BETWEEN BROOK HIGHLAND LIMITED PARTNERSHIP, A GEORGIA LIMITED PARTNERSHIP AND BIG B, INC., AN ALABAMA CORP. DATED DECEMBER 6, 1994 AND RECORDED AS INSTRUMENT NO 1994-37215.**
30. **THE NON-BENEFICIAL COVENANTS, EASEMENTS RIGHTS, DUTIES AND BURDENS AS TO THE INSURED (S) HEREIN, AS SET OUT IN THE EASEMENT AGREEMENT DATED DECEMBER 30, 1994-37773.**
31. **EASEMENT AGREEMENT WAS RERECORDED ON SEPTEMBER 25, 1995 AS INSTRUMENT NO., 1995-27233.**
32. **REQUIRED APPROVALS BY ARCHITECTURAL REVIEW COMMITTEE RECORDED AS INSTRUMENT NO. 1993-32513 IN PROBATE OFFICE.**
33. **EASEMENT AGREEMENT DATED DECEMBER 30, 1994 BY AND BETWEEN BROOK HIGHLAND LIMITED PARTNERSHIP AND DEVELOPERS DIVERSIFIED OF ALABAMA, INC., RECORDED IN AS INSTRUMENT NO. 1994-37770, AND RERECORDED ON FEBRUARY 3, 1995, AS INSTRUMENT NO. 1995-03022.**
34. **MATTERS SHOWN AND SET OUT ON THE MAP AND PLAT OF THE BROOK HIGHLAND PLAZA RESURVEY, A RESURVEY OF LOTS 1 AND 2 , BROOK HIGHLAND PLAZA AS RECORDED IN MAP BOOK 18, PAGE 99 IN PROBATE OFFICE.**
35. **SEWER EASEMENT BETWEEN DEVELOPERS DIVERSIFIED OF ALABAMA, INC., AND THE STATE OF ALABAMA, RECORDED MARCH 10,1995, AND RECORDED AS INSTRUMENT NO. 1995-06233 IN PROBATE OFFICE.**
36. **RESTRICTIONS AGREEMENT BETWEEN BROOK HIGHLAND LIMITED PARTNERSHIP, AND DEVELOPERS DIVERSIFIED OF ALABAMA, INC., RECORDED, SEPTEMBER 27, 1995 AS INSTRUMENT NO. 1995-27235.**
37. **RESTRICTIONS AGREEMENT BETWEEN BROOK HIGHLAND LIMITED PARTNERSHIP, AND DEVELOPERS DIVERSIFIED OF ALABAMA, INC., RECORDED, SEPTEMBER 27, 1995 AS INSTRUMENT NO. 1995-27236.**



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- 38. RESTRICTIONS AGREEMENT BETWEEN BROOK HIGHLAND LIMITED PARTNERSHIP, AND DEVELOPERS DIVERSIFIED OF ALABAMA, INC., RECORDED, SEPTEMBER 27, 1995 AS INSTRUMENT NO. 1995-27237.**
- 39. RESTRICTIONS AGREEMENT BETWEEN BROOK HIGHLAND LIMITED PARTNERSHIP, AND DEVELOPERS DIVERSIFIED OF ALABAMA, INC., RECORDED, SEPTEMBER 27, 1995 AS INSTRUMENT NO. 1995-27238.**
- 40. RESTRICTIONS AGREEMENT BETWEEN BROOK HIGHLAND LIMITED PARTNERSHIP, AND DEVELOPERS DIVERSIFIED OF ALABAMA, INC., RECORDED, SEPTEMBER 27, 1995 AS INSTRUMENT NO. 1995-27239.**
- 41. FIRST AMENDMENT TO RESTRICTION AGREEMENT BETWEEN BROOK HIGHLAND LIMITED PARTNERSHIP AND DEVELOPERS DIVERSIFIED OF ALABAMA, RECORDED NOVEMBER 28, 1998 AS INSTRUMENT NO. 1998 46411.**
- 42. CONSENT AND AGREEMENT BETWEEN WAL-MART REAL ESTATE BUSINESS TRUST AND DEVELOPERS DIVERSIFIED OF ALABAMA, INC., RECORDED ON JUNE 8, 1999, AS INSTRUMENT NO., 1999-23930.**
- 43. CONVENANTS, CONDITIONS AND RESTRICTIONS BETWEEN DEVELOPERS DIVERSIFIED OF ALABAMA, INC., AND LOWS HOME CENTERS, INC., RECORDED ON AUGUST 9, 2002 AS INSTRUMENT NO., 20020809000378390, IN PROBATE OFFICE.**
- 44. MEMORANDUM OF GROUND LEASE (PAD A) BETWEEN DEVELOPERS DIVERSIFIED OF ALABAMA, INC, AND BROOK HIGHLAND LIMITED PARTNERSHIP, RECORDED ON SEPTEMBER 27, 1995, AS INSTRUMENT NO., 1995-27243 IN PROBATE OFFICE.**
- 45. MEMORANDUM OF NET GROUND LEASE (PAD B) BETWEEN DEVELOPERS DIVERSIFIED OF ALABAMA, INC, AND BROOK HIGHLAND LIMITED PARTNERSHIP, RECORDED ON SEPTEMBER 27, 1995, AS INSTRUMENT NO., 1995-27244 IN PROBATE OFFICE.**



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46. **SHORT FORM MEMORANDUM TERMINATION OF LEASE AGREEMENT BETWEEN WAL-MART REAL ESTATE BUSINESS TRUST AND DEVELOPERS DIVERSIFIED OF ALABAMA, INC., RECORDED ON MARCH 8, 2002 AS INSTRUMENT NO., 2002-11202 IN PROBATE OFFICE.**
47. **MEMORANDUM OF GROUND LEASE BETWEEN DEVELOPERS DIVERSIFIED ALABAMA, INC., AND LOWES HOME CENTERS, INC., RECORDED AUGUST 9, 2002, AS INSTRUMENT NO, 20020809000378380 IN PROBATE OFFICE.**
48. **RIGHT OF WAY BETWEEN THE WATER WORKS AND SEWER BOARD OF THE CITY OF BIRMINGHAM AND DEVELOPERS DIVERSIFIED OF ALABAMA, INC., RECORDED OCTOBER 28, 2002 AS INSTRUMENT NO. 20021028000531270 IN PROBATE OFFICE.**
49. **NOTICE OF TERMINATION EXCLUSIVES BETWEEN DEVELOPERS DIVERSIFIED OF ALABAMA, INC., AND BROOK HIGHLAND LIMITED PARTNERSHIP, RECORDED FEBRUARY 7, 2003, AS INSTRUMENT NO., 20030207000076420 IN PROBATE OFFICE.**
50. **RIGHT OF WAY BETWEEN DEVELOPERS DIVERSIFIED REALTY CORP., AND THE WATER WORKS AND SEWER BOARD OF THE CITY OF BIRMINGHAM, RECORD SEPTEMBER 27, 2002 AS INSTRUMENT NO. 20020827000466140 IN PROBATE OFFICE.**
51. **MEMORANDUM OF NET GROUND LEASE, BETWEEN DEVELOPERS DIVERSIFIED OF ALABAMA, INC., AND BROOK HIGHLAND LIMITED PARTNERSHIP, RECORDED FEBRUARY 3, 1995, AS INSTRUMENT NO. 1995-03023. (Phase II Only)**
52. **MEMORANDUM OF NET GROUND LEASE, BETWEEN DEVELOPERS DIVERSIFIED OF ALABAMA, INC., AND BROOK HIGHLAND LIMITED PARTNERSHIP, RECORDED FEBRUARY 3, 1995, AS INSTRUMENT NO. 1995-03025. (Phase I Only)**