

STATE OF ALABAMA

COUNTY OF SHELBY

**ARCHITECTURAL REVIEW COMMITTEE APPROVAL**

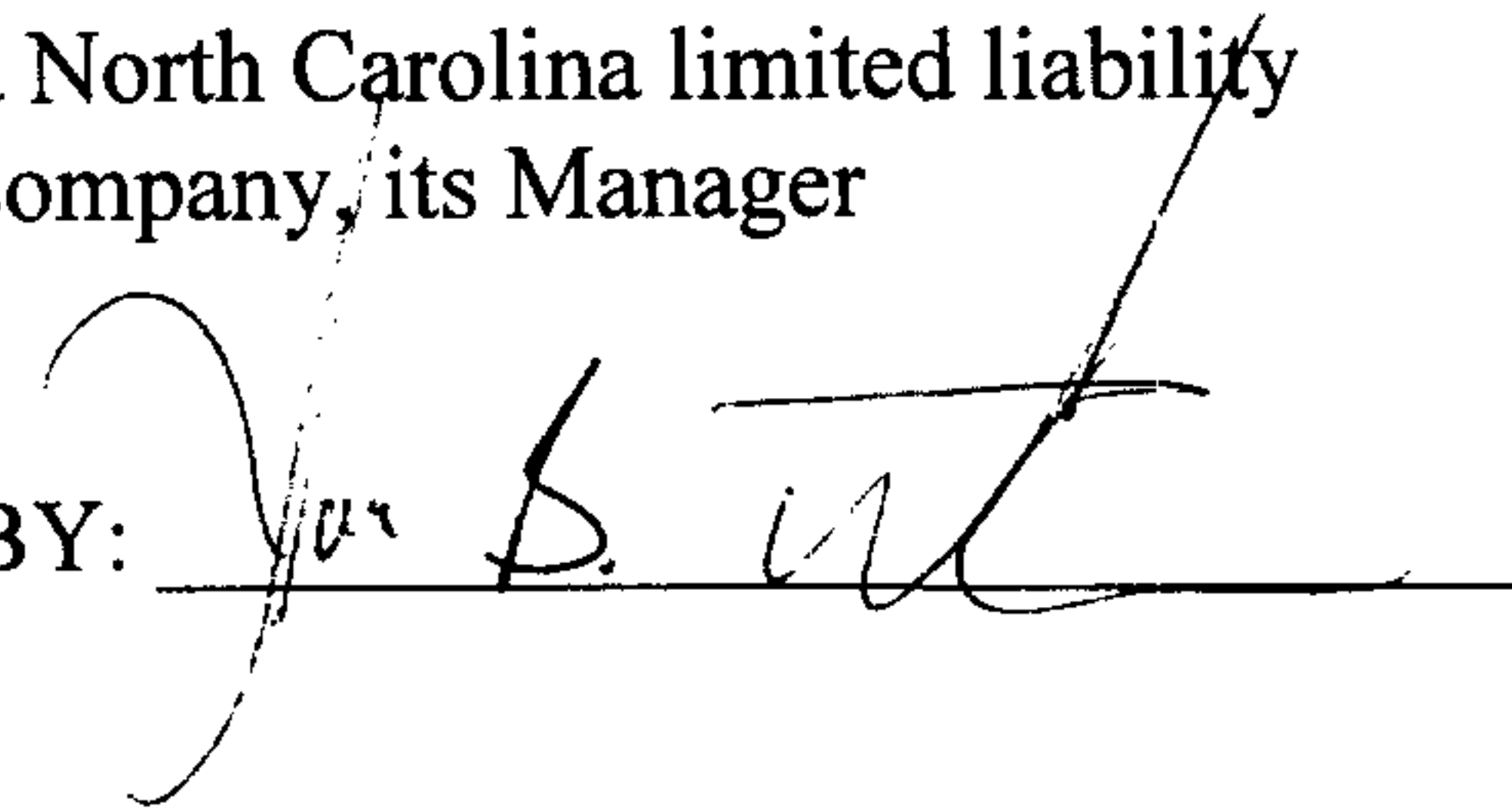
The undersigned Architectural Review Committee (the "ARC"), established under that certain Restrictive Agreement attached as Exhibit C to Statutory Warranty Deed dated October 12, 1993, by and between AmSouth Bank, N.A., as Ancillary Trustee for NationsBank of North Carolina, N.A. (formerly NCNB National Bank of North Carolina), as Trustee for the Public Employees Retirement System of Ohio and Brook Highland Limited Partnership, and recorded in Book 1993, Page 32511 in the Office of the Probate Records of Shelby County, Alabama (the "Restrictive Agreement"), hereby acknowledges that McWhorter Properties-Birmingham, L.L.C. and Lowe's Home Centers, Inc. ("Lowe's"), as developer and tenant, respectively, of that certain property more particularly described on Exhibit A attached hereto (the "Property"), said property being a portion of the property encumbered by the Restrictive Agreement, have completed the improvements planned for the Property to the satisfaction of the ARC and in substantial compliance with the plans and specifications previously approved by the ARC.

FURTHER, the undersigned certify that they are the duly appointed members of the ARC and have the required authority to execute the foregoing instrument as of this the 1<sup>st</sup> day of May, 2003.

**ARCHITECTURAL REVIEW COMMITTEE:**

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

By: Faison & Associates, L.L.C.,  
a North Carolina limited liability  
company, its Manager

BY: 

PREPARED BY AND UPON  
RECORDATION RETURN TO:  
McGuire Woods, LLP  
7 Saint Paul Street, Suite 100  
Baltimore, MD 21202  
Attention: Patrick Shelley



## **EXHIBIT A**

### **LEGAL DESCRIPTION OF THE PROPERTY**

#### **Parcel I:**

Lot 2-A, according to the Map of Lowe's Addition to Brook Highland Plaza as recorded in Map Book 30, page 11, in the office of the Judge of Probate Office of Shelby County, Alabama.

Said parcel being more particularly described as follows:

Parts of Lot 1 and Lot 2, Brook Highland Plaza Resurvey, Map Book 18, Page 99 as recorded in the Probate Office of Shelby County, Alabama and particularly described as follows:

Begin at the Southeast corner of said Lot 2 and run in a northwesterly direction along the east boundary line of said Lot and the west right of way line of Shelby County Highway 495 for a distance of 621.02 feet; thence turn an interior angle of 90 degrees 06 minutes 26 seconds to the right and run in a southwesterly direction for a distance 471.63 feet; thence turn an interior angle of 166 degrees 31 minutes 24 seconds to the right and run in a southwesterly direction for a distance of 28.54 feet; thence turn an interior angle of 193 degrees 28 minutes 36 seconds to the right and run in a southwesterly direction for a distance of 210.00 feet; thence turn an interior angle of 90 degrees 00 minutes 00 seconds to the right and run in a southeasterly direction for a distance of 46.00 feet; thence turn an interior angle of 270 degrees 00 minutes 00 seconds to the right and run in a southwesterly direction for a distance of 184.32 feet; thence turn an interior angle of 90 degrees 00 minutes 00 seconds to the right and run in a southeasterly direction for a distance of 340.80 feet; thence turn an interior angle of 270 degrees 00 minutes 00 seconds to the right and run in a southwesterly direction for a distance of 51.74 feet to a point on a curve to the right with a radius of 314.45 feet, a central angle of 20 degrees 15 minutes 22 seconds and a chord length of 110.59 feet; thence turn an interior angle to chord of said curve 74 degrees 14 minutes 15 seconds to the right and run along the arc of said curve in a southeasterly direction for a distance of 111.17 feet; thence continue in a southeasterly direction along the tangent extended from said curve for a distance of 204.03 feet; thence turn an interior angle of 51 degrees 17 minutes 18 seconds to the right and run in a northeasterly direction for a distance of 31.72 feet; thence turn an interior angle of 224 degrees 36 minutes 27 seconds to the right and run in a northeasterly direction for a distance of 566.01 feet; thence turn an interior angle of 89 degrees 59 minutes 13 seconds to the right and run in a northwesterly direction for a distance of 63.64 feet; thence turn an interior angle of 270 degrees 00 minutes 00 seconds to the right and run in a northeasterly direction for a distance of 307.56 feet to the Point of Beginning. Said lot containing 585,903 square feet or 13.450 acres more or less.

#### **Parcel II:**

Together with the non exclusive easements and rights of ingress and egress, parking, utility and other purposes pursuant to that certain Declaration of Easements and Restrictive Covenants as recorded in Real Volume 307, page 985 and that certain Easement Agreement recorded under Instrument 1994-37773 re-executed under Instrument Number 1995-27233.

ALSO:

Together with beneficial rights and interests as created by the Covenants, Conditions and Restrictions by and between Developers Diversified of Alabama, Inc. and Lowe's Home Centers, Inc., recorded or intended to be recorded on the date of the Ground Lease.