

STATE OF ALABAMA     )  
                                  :  
COUNTY OF SHELBY    )

**CLARIFICATION REGARDING CURB-CUTS BETWEEN OUTPARCEL 2 AND  
THE SHOPPING CENTER TRACT**

KNOW ALL MEN BY THESE PRESENTS; that

WHEREAS, Alabaster Retail Property, L.L.C., an Alabama limited liability company ("Declarant"), executed and caused to be recorded that certain Declaration of Restrictions, Covenants and Conditions and Grant of Easements (White Stone Shopping Center) dated November 14, 2003, recorded in the Office of the Judge of Probate of Shelby County, Alabama, as Instrument No. 20031124000768400 ("Declaration"); and

WHEREAS, Paragraph 6.1 of the Declaration provides, in part, for certain non-exclusive easements for vehicular and pedestrian access, ingress and egress upon the Common Area of the Shopping Center Tract in favor of each of Outparcels 1 thru 5, both inclusive, and Future Development Area #2 (capitalized terms in this instrument not otherwise defined shall have the same meaning ascribed to such terms in the Declaration); and

WHEREAS, a sentence within Paragraph 6.1 of the Declaration provides as follows:

"Notwithstanding anything contained herein to the contrary, Outparcels 1 thru 5, both inclusive, and Future Development Area #2 shall not have any curb-cut or entrance into or from the Shopping Center Tract except as shown on the Site Plan or otherwise expressly approved in advance in writing by the owner of the Shopping Center Tract."; and

WHEREAS, SouthTrust Bank, an Alabama banking corporation ("SouthTrust"), is purchasing Outparcel 2 from Declarant, and Declarant and SouthTrust desire to clarify their rights with respect to the curb-cuts and entrances into and from the Shopping Center Tract and Outparcel 2 that are shown on the Site Plan.

NOW, THEREFORE, in consideration of One Dollar (\$1.00) and other good and valuable consideration, receipt and sufficiency of which are hereby acknowledged, and in furtherance of intended provisions of the Declaration, Declarant and SouthTrust do hereby execute this instrument for the sole purpose of clarifying and confirming that both SouthTrust, and its successors and assigns in and to the Outparcel 2, and Declarant, and its successors and assigns in and to the Shopping Center Tract, shall have the right to use pursuant to Paragraph 6.1 of the Declaration the two (2) curb-cuts that are shown to exist between Outparcel 2 and the Shopping Center Tract, as shown on the Site Plan.

IN WITNESS WHEREOF, Declarant and SouthTrust have caused this instrument to be executed as of this 23<sup>rd</sup> day of March, 2004.

ALABASTER RETAIL PROPERTY, L.L.C.,  
an Alabama limited liability company

By: SC Management, Inc.,  
an Alabama corporation  
Its Manager

By: [Signature]  
Its: President

SOUTHTRUST BANK,  
an Alabama banking corporation

By: [Signature]  
Its: Asst. Vice President

STATE OF ALABAMA                    )  
  :  
COUNTY OF MONTGOMERY        )

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Mike F. Aronow whose name as President of SC Management, Inc., an Alabama corporation, acting as Manager of Alabaster Retail Property, L.L.C., an Alabama 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 the instrument, he, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation acting as Manager of said limited liability company.

Given under my hand and official seal this 23<sup>rd</sup> day of March, 2004.

(SEAL)

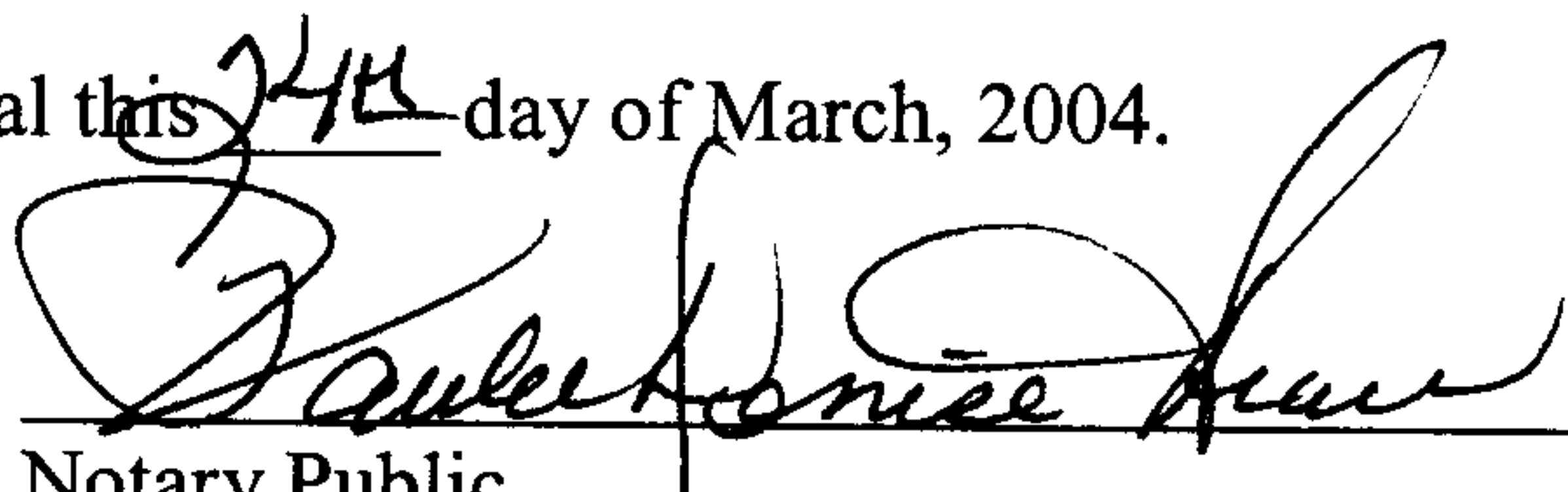
[Signature]  
Notary Public  
My commission expires: 9-29-2007

[ACKNOWLEDGEMENT CONTINUES NEXT PAGE]

STATE OF ALABAMA )  
COUNTY OF Jefferson )

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that DAVE KINDER, whose name as ASST. VICE PRESIDENT of SouthTrust Bank, an Alabama banking 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, 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 24th day of March, 2004.

  
\_\_\_\_\_  
Notary Public  
My commission expires: 7-26-05

(SEAL)

This instrument was prepared by:  
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Aronov\Alabaster\Shopping Center Clarification\Clarification Regarding Curb-Cuts (2-18-04)  
2940-0289  
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