

AFFIDAVIT OF TERMINATION OF RIGHT OF FIRST REFUSAL

STATE OF ALABAMA
COUNTY OF SHELBY

RE: LOT 1442, ACCORDING TO THE RESUBDIVISION OF HIGHLAND LAKES, 14TH SECTOR, AN EDDLEMAN COMMUNITY, AS RECORDED IN MAP BOOK 30, PAGE 74 A & B, IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA; BEING SITUATED IN SHELBY COUNTY, ALABAMA.

TOGETHER WITH NONEXCLUSIVE EASEMENT TO USE THE PRIVATE ROADWAYS, COMMON AREA ALL AS MORE PARTICULARLY DESCRIBED IN THE DECLARATION OF EASEMENTS AND MASTER PROTECTIVE COVENANTS FOR HIGHLAND LAKES, A RESIDENTIAL SUBDIVISION, AS RECORDED IN INST. # 1994-07111 AND AMENDED IN INST. # 1996-17543 AND FURTHER AMENDED IN INST. # 1999-31095 IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA, AND THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR HIGHLAND LAKES, A RESIDENTIAL SUBDIVISION, 14TH SECTOR, AS RECORDED INST. NO. 20021101000539740 IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA (WHICH, TOGETHER WITH ALL AMENDMENTS THERETO, IS HEREINAFTER COLLECTIVELY REFERRED TO AS, THE "DECLARATION").

Whereas, the Undersigned Highland Lakes Development, Ltd., an Alabama limited partnership, being the grantor in that certain deed recorded in 20030102000000830 in the Probate Office of Shelby County, Alabama did retain a right of first refusal to repurchase the above described property.

Whereas, J & K Builders, Inc., the Grantee has constructed a residence in compliance with the terms set forth in that certain deed recorded in 20030102000000830; and Whereas, Highland Lakes Development, Ltd. and hereby terminates its right of first refusal to repurchase the above described property so that Carroll Enterprises, LLC convey the above described Lot 1442, free and clear of the right to repurchase.

Now Therefore, Highland Lakes Development, Ltd. hereby terminates its right of first refusal to repurchase the above described Lot 1442.

In Witness Whereof, the undersigned, Douglas D. Eddleman, as President of Eddleman Properties, Inc., has caused this termination of its right of first refusal on this the 16th day of February 2005.

HIGHLAND LAKES DEVELOPMENT, LTD. BY:
EDDLEMAN PROPERTIES, INC., ITS GENERAL
PARTNER

BY: Douglas D. Eddleman
DOUGLAS D. EDDLEMAN
PRESIDENT

STATE OF ALABAMA
COUNTY OF JEFFERSON

I, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY IN SAID STATE HEREBY CERTIFY THAT DOUGLAS D. EDDLEMAN, WHOSE NAME AS PRESIDENT OF EDDLEMAN PROPERTIES, INC., AN ALABAMA CORPORATION, WHICH IS GENERAL PARTNER OF HIGHLAND LAKES DEVELOPMENT, LTD., AN ALAMBA LIMITED PARTNERSHIP, IS SIGNED TO THE FOREGOING CONVEYANCE, AND WHO IS KNOWN TO ME, ACKNOWLEDGED BEFORE ME ON THIS DAY THAT, BEING INFORMED OF THE CONTENTS OF THE ABOVE AND FOREGOING CONVEYANCE, HE, AS SUCH OFFICER, AND WITH FULL AUTHORITY, EXECUTED THE SAME VOLUNTARILY FOR AND AS THE ACT OF SAID CORPORATION ACTING IN ITS CAPACITY AS GENERAL PARTNER OF SAID LIMITED PARTNERSHIP.

GIVEN UNDER MY HAND AND OFFICIAL SEAL THIS THE 16th DAY OF February, 2005

Donna D. Rainey
NOTARY PUBLIC
MY COMMISSION EXPIRES: _____
NOTARY PUBLIC STATE OF ALABAMA AT LARGE
MY COMMISSION EXPIRES: Dec 1, 2006
BONDED THRU NOTARY PUBLIC UNDERWRITERS

Moseley