

This Instrument Prepared By:

Alton B. Parker, Jr.
Spain & Gillon, LLC
2117 Second Avenue North
Birmingham, AL 35203



20080520000685170 1/3
Bk: LR200806 Pg:12711
Jefferson County, Alabama
I certify this instrument filed on
05/20/2008 02:16:01 PM D
Judge of Probate- Alan L. King



20080521000207080 1/3 \$18.00
Shelby Cnty Judge of Probate, AL
05/21/2008 10:57:08AM FILED/CERT

QUITCLAIM DEED, TERMINATION AND RELEASE

STATE OF ALABAMA)
JEFFERSON COUNTY)

WHEREAS, on March 19, 1984, The Harbert-Equitable Joint Venture ("HEJV") conveyed to Chace Lake Country Club, Inc. (the "Grantee"), certain real property situated in Jefferson County pursuant to that deed recorded at Real 2479, Page 268 in the Probate Office of Jefferson County, Alabama, Birmingham Division (the "Deed"), which Deed contained certain restrictions, rights, reservations, agreements, rights of first of refusal and rights to repurchase; and,

WHEREAS, on May 26, 1971, Bill L. Harbert and Edwin M. Dixon as Trustees under that certain Declaration of Trust dated September 18, 1968, which Declaration of Trust is recorded at Real 144, Page 761 in the Probate Office of Jefferson County, Alabama, conveyed to Grantee an easement set forth in instrument recorded in Real Volume 714, Page 458 in the Probate Office of Jefferson County, Alabama, Birmingham Division and in Deed Book 268, Page 171 in the Probate Office of Shelby County, Alabama, and which was extended in Book 48, Page 695 in the Probate Office of Shelby County, Alabama, and amended and replaced by that certain Agreement by and between HEJV and Grantee in Real Volume 2430, Page 493, re-filed in Real Volume 512, Page 628 in the Probate Office of Jefferson County, Alabama, Bessemer Division, and re-filed in Deed Book 54, Page 658 in the Probate Office of Shelby County, Alabama, and further amended in Real 2582, Page 595 in the Probate Office of Jefferson County, Alabama, Birmingham Division, re-filed in Real 543, Page 691 Probate Office of Jefferson County, Alabama, Bessemer Division, and re-filed in Book 10, Page 34 in the Probate Office of Shelby County, Alabama, further amended in Real 2769, Page 551 in the Probate Office of Jefferson County, Alabama, with Notice of Address Change regarding the Easement and Water Rights Agreement recorded in Instrument Number 9613/9589 in the Probate Office of Jefferson County, Alabama, Birmingham Division, re-filed in Instrument Number 9662/9946 in the Probate Office of Jefferson County, Alabama, Bessemer Division, and re-filed in Instrument 1996/39683 in the Probate Office of Shelby County, Alabama (collectively the "Easement and Water Rights Agreement"), which Easement and Water Rights Agreement contained certain restrictions, water rights, easements, and other conditions and agreements; and,

WHEREAS, the Deed provides that the covenants and restrictions contained in the Paragraph 5 of the Deed may be modified or rescinded by HEJV, and to the extent not otherwise terminated or rescinded, the HEJV may hold rights under the Easement and Water Rights Agreement; and,

WHEREAS, HEJV filed its Statement of Dissolution with the Probate Office of Shelby County, Alabama in Instrument Number 20031028000718350 on October 28, 2003 and Harbert Properties Corporation and The Equitable Life Assurance Society of the United States were the two General Partners of HEJV at the time of its dissolution and are the successors in interest to the rights and interests of HEJV; and,

WHEREAS, Grantee has requested that Harbert Properties Corporation and The Equitable Life Assurance Society of the United States rescind the covenants and restrictions contained in the Deed and any remaining restrictions in the Easement and Water Rights Agreement, and Harbert Properties Corporation and The Equitable Life Assurance Society of the United States wish to grant, convey and quitclaim to Grantee any and all right title and interest in and to the real property described on the attached Exhibit "A," for purposes of

the rescission of all restrictions which may exist by virtue of the Deed and the Easement and Water Rights Agreement.

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS, that in consideration of the sum of Ten Dollars (\$10.00), cash in hand paid, together with other good and valuable consideration, the receipt of all of which is hereby acknowledged, Harbert Properties Corporation, an Alabama corporation, and The Equitable Life Assurance Society of the United States, a New York corporation (herein the "Grantors") do hereby:

1. Grant, convey and quitclaim unto Chace Lake Country Club, Inc. (herein the "Grantee") all of Grantors' right, title and interest in and to that certain real estate situated in Jefferson County, Alabama and partly in Shelby County, Alabama described on Exhibit "A" hereto; and,

2. Terminate, rescind, waive and release, to the full extent of Grantors' right, title and interest, the restrictions, rights, reservations, agreements, rights of first of refusal and rights to repurchase in the Deed and in the Easement and Water Rights Agreement as defined above.

In witness whereof, the undersigned have set their hands and seals this the 14th day of May, 2008.

**HARBERT PROPERTIES CORPORATION, an
Alabama corporation**

By: David Boutwell
Its: VICE PRESIDENT

STATE OF ALABAMA)
JEFFERSON COUNTY)

I, Betta Ann Faulkner, a Notary Public in and for said County in said State, hereby certify that DAVID BOUTWELL, whose name as VP of Harbert Properties 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 the instrument, he, as such VP, and with full authority, executed the same voluntarily for and as the act of said trust.

Given under my hand and seal, this 14 day of May, 2008.

(SEAL)

Betta Ann Faulkner
NOTARY PUBLIC
My Commission Expires: 12/05/08

20080521000207080 3/3 \$18.00
Shelby Cnty Judge of Probate, AL
05/21/2008 10:57:08AM FILED/CERT

**THE EQUITABLE LIFE ASSURANCE SOCIETY OF
THE UNITED STATES, a New York corporation**

By: _____
Its: _____

STATE OF _____)
_____ COUNTY)

I, _____, a Notary Public in and for said
County in said State, hereby certify that _____, whose name as _____ of The
Equitable Life Assurance Society of the United States 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
_____, and with full authority, executed the same voluntarily for and as the act of said trust.

Given under my hand and seal, this ___ day of _____, 2008.

(SEAL)

NOTARY PUBLIC
My Commission Expires: _____

20080520000685170 3/3
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Jefferson County, Alabama
05/20/2008 02:16:01 PM D
Fee - \$9.50
Deed Tax - \$.50
Total of Fees and Taxes-\$10.00
LYNN