

20080915000366180 1/6 \$27.00
Shelby Cnty Judge of Probate, AL
09/15/2008 03:34:43PM FILED/CERT

This deed is being corrected to change the name of the one of the grantors from The Equitable Life Assurance Society of the United States to AXA Equitable Life Insurance Company f/k/a The Equitable Life Assurance Society of the United States, to attach the signature page of said grantor, and to attach Exhibit "A" hereto. This deed is to replace those certain deeds recorded in Book LR200806, Page 12711 in Jefferson County and Instrument 20080521000207080, in Shelby County, Alabama.

This Instrument Prepared By:

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

20080915001264100 1/6
Bk: LR200810 Pg: 15331
Jefferson County, Alabama
I certify this instrument filed on
09/15/2008 01:57:01 PM D
Judge of Probate- Alan L. King

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 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 AXA Equitable Life Insurance Company f/k/a 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 AXA Equitable Life Insurance Company f/k/a 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 AXA Equitable Life Insurance Company f/k/a 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 AXA Equitable Life Insurance Company f/k/a 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 10th day of SEPTEMBER 2008.

HARBERT PROPERTIES CORPORATION, an
Alabama corporation

By: David Boutwell
Its: VICE PRESIDENT

STATE OF ALABAMA)
JEFFERSON COUNTY)

I, Perry Given Jr., a Notary Public in and for said County in said State, hereby certify that David Boutwell, whose name as Vice President 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 Vice President, and with full authority, executed the same voluntarily for and as the act of said corporation.

Given under my hand and seal, this 10th day of September, 2008.

(SEAL)

Perry Given Jr.
NOTARY PUBLIC
My Commission Expires: 10/26/2009

AXA EQUITABLE LIFE INSURANCE COMPANY, a
New York corporation

By: Ted Klinck
Its: Investment Officer

STATE OF Georgia
Fulton COUNTY

I, Dolores Colón, a Notary Public in and for said
County in said State, hereby certify that Ted Klinck, whose name as Investment Officer of AXA
Equitable Life Insurance 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
Investment Officer, and with full authority, executed the same voluntarily for and as the act of said
corporation.

Given under my hand and seal, this 9 day of September, 2008.

(SEAL)

Dolores Colón
NOTARY PUBLIC
My Commission Expires: 12/7/08

Exhibit "A"

Parcel I

Part of the South 1/2 of the Northeast 1/4 and North 1/2 of the Southeast 1/4 of Section 24, Township 19 South, Range 3 West, situated partly in Jefferson County, and partly in Shelby County, Alabama, said parts being more particularly described as follows:

Commence at the Northeast corner of said East 1/2 of the Northwest 1/4; thence looking West along the North line of said East 1/2 of the Northwest 1/4, turn an angle to the left of 62°48' and run Southwesterly for a distance of 658.60 feet; thence turn an angle to the right of 29°03' and run Southwesterly for a distance of 165.97 feet; thence turn an angle to the left of 7°48'00" and run Southwesterly for a distance of 195.36 feet; thence turn an angle to the left of 9°06'03" and run Southwesterly for a distance of 115.47 feet; thence turn an angle to the left of 7°38'59" and run Southwesterly for a distance of 203.29 feet; thence turn an angle to the left of 7°58'50" and run Southwesterly for a distance of 155.25 feet; thence turn an angle to the left of 17°13'09" and run Southwesterly for a distance of 159.69 feet; thence turn an angle to the left of 12°09'54" and run Southerly for a distance of 199.73 feet; thence turn an angle to the left of 11°28'23" and run Southeasterly for a distance of 166.36 feet; thence turn an angle to the left of 4°43'42" and run Southeasterly for a distance of 100.39 feet; thence turn an angle to the right of 14°22'39" and run Southerly for a distance of 138.65 feet; thence turn an angle to the left of 00°46'50" and run Southerly for a distance of 54.56 feet; thence turn an angle to the left of 45°12'46" and run Southeasterly for a distance of 194.70 feet; thence turn an angle to the right of 30°21'29" and run Southeasterly for a distance of 129.55 feet; thence turn an angle to the right of 15°41'08" and run Southeasterly for a distance of 98.27 feet; thence turn an angle to the right of 18°23'03" and run Southwesterly for a distance of 101.22 feet; thence turn an angle to the right of 30°05'14" and run Southwesterly for a distance of 144.74 feet; thence turn an angle to the right of 6°47'21" and run Southwesterly for a distance of 163.75 feet; thence turn an angle to the right of 14°12'32" and run Southwesterly for a distance of 319.21 feet; thence turn an angle to the right of 5°52'22" and run Southwesterly for a distance of 235.89 feet; thence turn an angle to the right of 24°27'50" and run Westerly for a distance of 85.01 feet; thence turn an angle to the left of 14°56'15" and run Southwesterly for a distance of 136.28 feet; thence turn an angle to the right of 3°52'58" and run Southwesterly for a distance of 156.64 feet; thence turn an angle to the left of 0°31'17" and run Southwesterly for a distance of 88.54 feet; thence turn an angle to the left of 24°20'13" and run Southwesterly for a distance of 179.50 feet; thence turn an angle to the left of 3°19'25" and run Southwesterly for a distance of 243.56 feet; thence turn an angle to the left of 3°04'44" and run Southwesterly for a distance of 226.57 feet; thence turn an angle to the right of 1°46'30" and run Southwesterly for a distance of 116.45 feet; thence turn an angle to the left of 48°52'30" and run Southerly for a distance of 82.22 feet; thence turn an angle to the left of 13°10'45" and run Southeasterly for a distance of 119.70 feet; thence turn an angle to the left of 47°13'33" and run Southeasterly for a distance of 100.31 feet; thence turn an angle to the left of 2°02'00" and run Southeasterly for a distance of 143.58 feet to a point on the North Ordinary High Water Line of the Cahaba River; thence in an Easterly direction along the North Ordinary High Water Line of the Cahaba River for a distance of 4,314 feet, more or less, to the intersection of said North Ordinary High Water Line of the river with the West line of the right-of-way of U.S. Highway #31, said right-of-way being 300 feet wide, or 150 feet on each side of the centerline of said highway; thence turn an angle to the left of 117°48'44" and run Northwesterly along the West right-of-way line of said highway for a distance of 364.06 feet to the POINT OF BEGINNING of the property herein described; thence continue along last described course, in a Northwesterly direction along said West right-of-way line, for a distance of 579.02 feet to a point at which the highway right-of-way narrows to 200 feet in width, or 100 feet on each side of the centerline; thence turn an angle to the right of 89°57'35" and run Northeasterly for a distance of 50.00 feet; thence turn an angle to the left of 90°00'00" and run Northwesterly along the West side of said highway right-of-way for a distance of 842.08 feet; thence leaving said highway right-of-way turn an angle to the left of 89°48'05" and run Southwesterly for a distance of 161.05 feet; thence turn an angle to the left of 8°43'25" and run Southwesterly for a distance of 154.55 feet; thence turn an angle to the right of 1°33'52" and run Southwesterly for a distance of 170.54 feet; thence turn an angle to the left of 14°11'00" and run Southwesterly for a distance of 197.30 feet; thence turn an angle to the left of 69°48'58" and run Southeasterly for a distance of 25.80 feet; thence turn

an angle to the right of 39°46'39" and run Southwesterly for a distance of 140.47 feet; thence turn an angle to the right to 57°13'21" and run Southwesterly for a distance of 10.61 feet; thence turn an angle to the left of 85°33'17" and run Southeasterly for a distance of 367.49 feet; thence turn an angle to the right of 72°01'28" and run Southwesterly for a distance of 107.32 feet; thence turn an angle to the left of 58°03'48" and run Southerly for a distance of 130.34 feet; thence turn an angle to the left of 80°41'16" and run Southeasterly for a distance of 196.03 feet; thence turn an angle to the right of 11°19'06" and run Southeasterly for a distance of 474.62 feet; thence turn an angle to the left of 17°18'30" and run Easterly for a distance of 501.83 feet to the POINT OF BEGINNING.

Parcel II

Parts of the South 1/2 of the Northeast 1/4, East 1/2 of Northwest 1/4 and North 1/2 of South 1/2, all in Section 24, Township 19 South, Range 3 West, situated partly in Jefferson County, and partly in Shelby County, Alabama, said parts being more particularly described as follows:

From the Northeast corner of said East 1/2 of the Northwest 1/4, looking West along the North line of said East 1/2 of the Northwest 1/4, turn an angle to the left of 62°48' and run Southwesterly for a distance of 658.60 feet; thence turn an angle to the right of 29°03' and run Southwesterly for a distance of 165.97 feet to the POINT OF BEGINNING of the property herein described; thence turn an angle to the left of 7°48'00" and run Southwesterly for a distance of 195.36 feet; thence turn an angle to the left of 9°06'03" and run Southwesterly for a distance of 115.47 feet; thence turn an angle to the left of 7°38'59" and run Southwesterly for a distance of 203.29 feet; thence turn an angle to the left of 7°58'50" and run Southwesterly for a distance of 155.25 feet; thence turn an angle to the left of 17°13'09" and run Southwesterly for a distance of 159.69 feet; thence turn an angle to the left of 12°09'54" and run Southerly for a distance of 199.73 feet; thence turn an angle to the left of 11°28'23" and run Southeasterly for a distance of 166.36 feet; thence turn an angle to the left of 4°43'42" and run Southeasterly for a distance of 100.39 feet; thence turn an angle to the right of 14°22'39" and run Southerly for a distance of 138.65 feet; thence turn an angle to the left of 00°46'50" and run Southerly for a distance of 54.56 feet; thence turn an angle to the left of 45°12'46" and run Southeasterly for a distance of 194.70 feet; thence turn an angle to the right of 30°21'29" and run Southeasterly for a distance of 129.55 feet; thence turn an angle to the right of 15°41'08" and run Southeasterly for a distance of 98.27 feet; thence turn an angle to the right of 18°23'03" and run Southwesterly for a distance of 101.22 feet; thence turn an angle to the right of 30°05'14" and run Southwesterly for a distance of 144.74 feet; thence turn an angle to the right of 6°47'21" and run Southwesterly for a distance of 163.75 feet; thence turn an angle to the right of 14°12'32" and run Southwesterly for a distance of 319.21 feet; thence turn an angle to the right of 5°52'22" and run Southwesterly for a distance of 235.89 feet; thence turn an angle to the right of 24°27'50" and run Westerly for a distance of 85.01 feet; thence turn an angle to the left of 14°56'15" and run Southwesterly for a distance of 136.28 feet; thence turn an angle to the right of 3°52'58" and run Southwesterly for a distance of 156.64 feet; thence turn an angle to the left of 0°31'17" and run Southwesterly for a distance of 88.54 feet; thence turn an angle to the left of 24°20'13" and run Southwesterly for a distance of 179.50 feet; thence turn an angle to the left of 3°19'25" and run Southwesterly for a distance of 243.56 feet; thence turn an angle to the left of 3°04'44" and run Southwesterly for a distance of 226.57 feet; thence turn an angle to the right of 1°46'30" and run Southwesterly for a distance of 116.45 feet; thence turn an angle to the left of 48°52'30" and run Southerly for a distance of 82.22 feet; thence turn an angle to the left of 13°10'45" and run Southeasterly for a distance of 119.70 feet; thence turn an angle to the left of 47°13'33" and run Southeasterly for a distance of 100.31 feet; thence turn an angle to the left of 2°02'00" and run Southeasterly for a distance of 143.58 feet to a point on the North Ordinary High Water Line of the Cahaba River; thence in an Easterly direction along the North Ordinary High Water Line of the Cahaba River for a distance of 4,314 feet, more or less, to the intersection of said North Ordinary High Water Line of the river with the West line of the right-of-way of U.S. Highway #31, said right-of-way being 300 feet wide, or 150 feet on each side of the centerline of said highway; thence turn an angle to the left of 117°48'44" and run Northwesterly along the West right-of-way line of said highway for a distance of 364.06 feet; thence leaving said right-of-way line of said highway turn an angle to the left of 62°16'20" and run Westerly for a distance of 501.83 feet; thence turn an angle to the right of 17°18'30" and run Northwesterly for a distance of 474.62 feet; thence turn an angle to the left of 11°19'06" and run Westerly



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for a distance of 196.03 feet; thence turn an angle to the right of 80°41'16" and run Northerly for a distance of 130.34 feet; thence turn an angle to the right of 58°03'48" and run Northeasterly for a distance of 107.32 feet; thence turn an angle to the left of 72°01'28" and run Northwesterly for a distance of 367.49 feet; thence turn an angle to the left of 94°26'43" and run Southwesterly for a distance of 138.76 feet; thence turn an angle to the left of 90°00'00" and run Southeasterly for a distance of 36.00 feet; thence turn an angle to the right of 90°00'00" and run Southwesterly for a distance of 30.00 feet; thence turn an angle to the right of 90°00'00" and run Northwesterly for a distance of 36 feet; thence turn an angle to the left of 89°02'28" and run Southwesterly for a distance of 115.11 feet; thence turn an angle to the right of 49°09'29" and run Northwesterly for a distance of 47.11 feet; thence turn an angle to the right of 8°28'48" and run Northwesterly for a distance of 171.52 feet; thence turn an angle to the right of 4°35'33" and run Northwesterly for a distance of 130.71 feet; thence turn an angle to the right of 61°23'00" and run Northeasterly for a distance of 59.18 feet; thence turn an angle to the left of 57°38'52" and run Northwesterly for a distance of 173.48 feet; thence turn an angle to the left of 8°52'46" and run Northwesterly for a distance of 167.66 feet; thence turn an angle to the right of 21°15'33" and run Northwesterly for a distance of 58.69 feet; thence turn an angle to the left of 4°26'21" and run Northwesterly for a distance of 202.31 feet; thence turn an angle to the right of 7°29'03" and run Northwesterly for a distance of 93.64 feet; thence turn an angle to the right of 20°20'37" and run Northwesterly for a distance of 120.43 feet; thence turn an angle to the left of 0°04'35" and run Northwesterly for a distance of 101.12 feet; thence turn an angle to the right of 45°43'07" and run Northeasterly for a distance of 55.48 feet; thence turn an angle to the left of 16°44'22" and run Northeasterly for a distance of 116.66 feet; thence turn an angle to the left of 18°20'55" and run Northerly for a distance of 147.17 feet; thence turn an angle to the left of 73°23'03" and run Northwesterly for a distance of 134.40 feet; thence turn an angle to the right of 0°11'07" and run Northwesterly for a distance of 81.77 feet to the POINT OF BEGINNING.

STATE OF ALABAMA - JEFFERSON COUNTY
I hereby certify that no mortgage tax or deed tax
has been collected on this instrument.

Alan L. Fung Judge of Probate
"NO TAX COLLECTED"

20080915001264100 6/6
Bk: LR200810 Pg:15331
Jefferson County, Alabama
09/15/2008 01:57:01 PM D
Fee - \$18.00

Total of Fees and Taxes-\$18.00
JCOCKRELL