

STATE OF ALABAMA     )  
COUNTY OF SHELBY    )

**RELEASE OF RIGHT OF FIRST REFUSAL AND RESTRICTIONS**

This Release of Right of First Refusal and Restrictions, by and among Stephen H. Lee, Gerald W. Cummings, Jimmy Ruth Cummings, Delane Ross, formerly known as DeLane Abernathy, and Willard E. Ross, is dated this 8<sup>th</sup> day of September, 2009.

**WHEREAS**, by deed dated April 12, 2001, and recorded in Instrument #2001-14644 ("Deed A"), Stephen H. Lee, conveyed to Gerald W. Cummings, Jimmy Ruth Cummings and Delane Abernathy a certain tract of land described in Deed A, a copy of which is attached as Exhibit "A" (the "Property"); and

**WHEREAS**, Deed A reserved a right of first refusal ("Right of First Refusal") and imposed certain conditions regarding the use of the Property and the construction of improvements thereon, including, but not limited to the following ("Restrictions"):

Property is not to be sold as commercial property.  
Any residence built on this property must have plans approved by Steve Lee.  
Minimum square footage for any residence constructed on this property is 1700 square feet with 3 sides brick;  
and

**WHEREAS**, Gerald W. Cummings, Jimmy Ruth Cummings, Delane Abernathy subdivided the Property by instrument recorded in Map Book 29, at Page 22, in the Probate Office of Shelby County, Alabama (the "Alex Mill Family Subdivision, Plat No. 1"); and

**WHEREAS**, by deed dated November 15, 2001, and recorded Instrument #2001-50168, in the Probate Office of Shelby County, Alabama, Gerald W. Cummings, Jimmy Ruth Cummings, Delane Abernathy conveyed Lot 1, according to the Survey of Alex Mill Family Subdivision, to Gerald W. Cummings and Jimmie Ruth Cummings; and

**WHEREAS**, by deed dated November 15, 2001, and recorded in Instrument #2001-50167, in the Probate Office of Shelby County, Alabama, Gerald W. Cummings, Jimmy Ruth Cummings, Delane Abernathy conveyed Lot 2, according to the Survey of Alex Mill Family Subdivision, to Delane Abernathy; and

**WHEREAS**, by deed dated March 6, 2009, and recorded in Instrument #20090311000089280, in the Probate Office of Shelby County, Alabama, DeLane Abernathy, conveyed Lot 2, according to the Survey of Alex Mill Family Subdivision, to Delane Ross, formerly known as DeLane Abernathy, and Willard E. Ross; and

**WHEREAS**, All of the conveyances referred to hereinabove, and the Survey of Alex Mill Family Subdivision, as well, refer to and carry forward the Right of First Refusal and Restrictions; and

**WHEREAS**, Stephen H. Lee wishes now to renounce and release his Right of First Refusal;  
and

**WHEREAS**, Stephen H. Lee, Gerald W. Cummings, Jimmy Ruth Cummings, Delane Ross, formerly known as DeLane Abernathy, and Willard E. Ross wish now to remove and release the above stated Restrictions set out above.

**NOW, THEREFORE**, in consideration of the premises, (1) Stephen H. Lee hereby renounces and removes his Right of First Refusal, and (2) the undersigned hereby release, remove, vacate and otherwise annul the Restrictions in all respects and declare the Property free and clear of the Restrictions.

**IN WITNESS WHEREOF**, the undersigned have executed this Release of Restrictions as of the day and year first set forth above.

Anne P. Marshall  
Witness

Candy M. Lambert  
Witness

Candy M. Lambert  
Witness

Daniel Thayer  
Witness

Daniel Thayer  
Witness

Stephen H. Lee  
Stephen H. Lee

Gerald W. Cummings  
Gerald W. Cummings

Jimmy Ruth Cummings  
Jimmy Ruth Cummings

Delane Ross  
Delane Ross, formerly known as Delane Abernathy

Willard E. Ross  
Willard W. Ross  
E.

STATE OF ALABAMA )  
COUNTY OF SHELBY )

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Stephen H. Lee, whose name 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 executed the same voluntarily on the day the same bears date.

Given under my hand and seal this 8<sup>th</sup> day of September, 2009.

My Commission Expires: 3/12/2011

Anne P. Marshall  
Notary Public



STATE OF ALABAMA )  
COUNTY OF SHELBY )

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Gerald W. Cummings, whose name 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 executed the same voluntarily on the day the same bears date.

Given under my hand and seal this 8<sup>th</sup> day of September, 2009.

  
Savannah R. Rogers

Notary Public

NOTARY PUBLIC STATE OF ALABAMA AT LARGE  
MY COMMISSION EXPIRES: June 13, 2010  
BONDED THRU NOTARY PUBLIC UNDERWRITERS

My Commission Expires: \_\_\_\_\_

STATE OF ALABAMA )  
COUNTY OF SHELBY )

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Jimmie Ruth Cummings, whose name 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, she executed the same voluntarily on the day the same bears date.

Given under my hand and seal this 8<sup>th</sup> day of September, 2009.

  
Savannah R. Rogers

Notary Public

NOTARY PUBLIC STATE OF ALABAMA AT LARGE  
MY COMMISSION EXPIRES: June 13, 2010  
BONDED THRU NOTARY PUBLIC UNDERWRITERS

My Commission Expires: \_\_\_\_\_

STATE OF ALABAMA )  
COUNTY OF SHELBY )

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Delane Ross, formerly known as Delane Abernathy, whose name 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, she executed the same voluntarily on the day the same bears date.

Given under my hand and seal this 8<sup>th</sup> day of September, 2009.

  
Savannah R. Rogers

Notary Public

NOTARY PUBLIC STATE OF ALABAMA AT LARGE  
MY COMMISSION EXPIRES: June 13, 2010  
BONDED THRU NOTARY PUBLIC UNDERWRITERS

My Commission Expires: \_\_\_\_\_



20090923000362880 3/6 \$34.00  
Shelby Cnty Judge of Probate, AL  
09/23/2009 12:41:08 PM FILED/CERT

STATE OF ALABAMA  
COUNTY OF SHELBY

)  
)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Willard E. Ross, whose name 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 executed the same voluntarily on the day the same bears date.

Given under my hand and seal this 8<sup>th</sup> day of September, 2009.

Josanna R. Thompson  
Notary Public

NOTARY PUBLIC STATE OF ALABAMA AT LARGE  
MY COMMISSION EXPIRES: June 13, 2011  
BONDED THRU NOTARY PUBLIC UNDERWRITERS

My Commission Expires:                     

This instrument prepared by:  
James J. Odom, Jr., Esq.  
Post Office Box 11244  
Birmingham, AL 35202-1244





THIS INSTRUMENT PREPARED BY:  
Courtney Mason & Associates, P.C.  
1904 Indian Lake Drive, Suite 100  
Birmingham, Alabama 35244  
STATE OF ALABAMA )

GRANTEE'S ADDRESS:  
Gerald W. Cummings  
PO BOX 562  
Alabaster, AL 35007

COUNTY OF SHELBY )

**JOINT SURVIVORSHIP DEED**

KNOW ALL MEN BY THESE PRESENTS: That, for and in consideration of Eighty-Four Thousand Four Hundred Sixty and 00/100 (\$84,460.00) DOLLARS, and other good and valuable consideration, this day in hand paid to the undersigned GRANTOR, **Stephen H. Lee, a married individual** (hereinafter referred to as GRANTOR), the receipt whereof is hereby acknowledged, the GRANTOR does hereby give, grant, bargain, sell and convey unto the GRANTEES, **Gerald W. Cummings, Jimmie Ruth Cummings and DeLane Abernathy**, (hereinafter referred to as GRANTEES), for and during their joint lives and upon the death of either, then to the survivor of them in fee simple, together with every contingent remainder and right of reversion, the following described Real Estate, lying and being in the County of SHELBY, State of Alabama, to-wit:

See Attached Exhibit A for Legal Description


Subject to existing easements, current taxes, restrictions and covenants, set-back lines and rights of way, if any, of record.

**Subject property does not constitute the homestead of the Grantor, as defined by the Code of Alabama.**

Grantor reserves the right of first refusal should this property be sold.

The following restrictions are to run with the land:

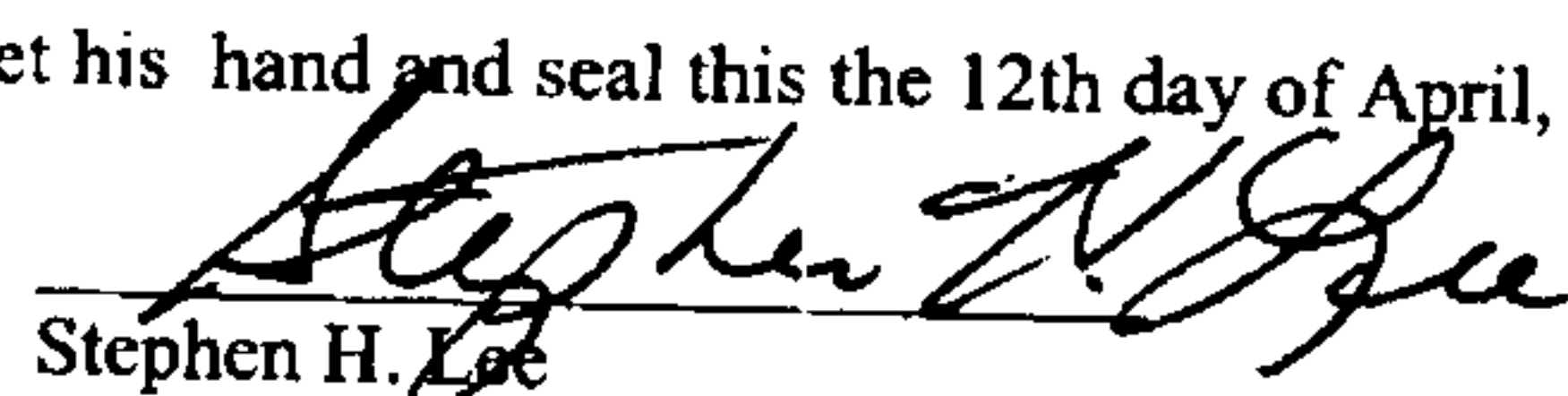
1. Property is not to be sold as commercial property.
2. Any residence built on this property must have plans approved by Steve Lee.
3. Minimum square footage for any residence constructed on this property is 1700 square feet with 3 sides brick..
4. No mobile homes or manufactured homes to be located on property.

  
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Shelby Cnty Judge of Probate, AL  
09/23/2009 12:41:08 PM FILED/CERT

TO HAVE AND TO HOLD, the tract or parcel of land above described together with all and singular the rights, privileges, tenements, appurtenances, and improvements unto the said GRANTEES, as joint tenants, with right of survivorship, their heirs and assigns forever; it being the intention of the parties to this conveyance, that (unless the joint tenancy hereby created is severed or terminated during the joint lives of the GRANTEES herein) in the event one grantee herein survives the other, the entire interest in fee simple shall pass to the surviving grantee, and, if one does not survive the other, then the heirs and assigns of the GRANTEES herein shall take as tenants in common, forever.

AND SAID GRANTOR, for said GRANTOR, GRANTOR'S heirs, successors, executors and administrators, covenants with GRANTEES, and with GRANTEES' heirs and assigns, that GRANTOR are lawfully seized in fee simple of the said Real Estate; that said Real Estate is free and clear from all Liens and Encumbrances, except as hereinabove set forth, and except for taxes due for the current and subsequent years, and except for any Restrictions pertaining to the Real Estate of record in the Probate Office of said County; and that GRANTOR will, and GRANTOR'S heirs, executors and administrators shall, warrant and defend the same to said GRANTEES, and GRANTEES' heirs and assigns, forever against the lawful claims of all persons.

IN WITNESS WHEREOF, said GRANTOR has hereunto set his hand and seal this the 12th day of April, 2001.

  
Stephen H. Lee

STATE OF ALABAMA )

COUNTY OF SHELBY )

04/17/2001-14644  
10:16 AM CERTIFIED  
Shelby Co. J.P.  
002 MB 90.50

I, the undersigned, a Notary Public, in and for said County and State, hereby certify that Stephen H. Lee, a married individual whose name 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 Instrument signed his name voluntarily on the day the same bears date.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this the 12th day of April, 2001.

  
NOTARY PUBLIC

My Commission Expires: 3/5/03

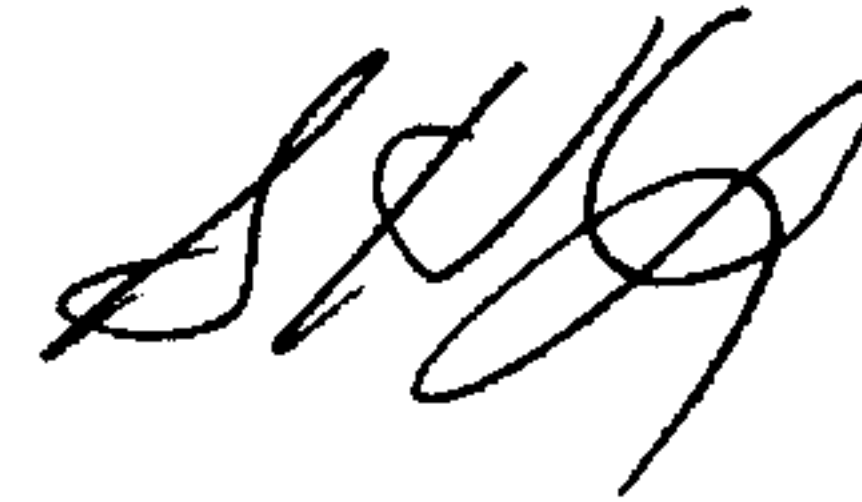
COURTNEY H. MASON, JR.  
MY COMMISSION EXPIRES MARCH 5, 2003

Exhibit A

Inst # 2001-14644

Exhibit A

Commence at the NE corner of Section 11, Township 22 South, Range 3 West, Shelby County, Alabama and run along the East section line south 915.00 feet; thence S 79 deg. 41 min. 13 sec. W 1328.09 feet; thence S 62 deg. 43 min. 49 sec. W 253.00 feet; thence S 65 deg. 08 min. 18 sec. W 106.17 feet; thence S 45 deg. 08 min. 17 sec. W 163.29 feet; thence S 89 deg. 33 min. 33 sec. W 259.87 feet; thence S 69 deg. 23 min. 57 sec. W 251.20 feet to a point on the East right of way of Alex Mill Road; thence along said east right of way N 57 deg. 50 min. 02 sec. W 560.00 feet to the point of beginning; thence continue along said right of way N 57 deg. 50 min. 02 sec. W 57.00 feet; thence in a curve concave to the left having a radius of 170.00 feet at a chord N 65 deg. 34 min. 09 sec. W 45.76 feet; thence N 73 deg. 18 min. 16 sec. W 163.83 feet; thence continue along said east right of way in a curve concave right having a radius of 97.96 feet at a chord N 51 deg. 07 min. 29 sec. W 73.96 feet; thence N 28 deg. 56 min. 42 sec. W 115.62 feet to a intersection of said east right of way and the east right of way of Old Alexander Mill Road; thence along the East right of way of Old Alexander Mill Road in a curve concave left having a radius of 400.05 feet at a chord N 20 deg. 31 min. 15 sec. E 144.97 feet; thence leaving said east right of way S 87 deg. 21 min. 42 sec. E 256.70 feet; thence S 56 deg. 17 min. 42 sec. E 211.28 feet; thence S 32 deg. 13 min. 53 sec. W 200.82 feet to the point of beginning; All lying in the N 1/2 Section 11 Township 22 South Range 3 West, Shelby County, Alabama. being situated in Shelby County, Alabama.



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Shelby Cnty Judge of Probate, AL  
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002 MB 98.56