

STATE OF ALABAMA §
§
SHELBY COUNTY §

RELEASE OF A RESTRICTIVE COVENANT RUNNING WITH THE LAND

KNOW ALL MEN BY THESE PRESENTS AS FOLLOWS:

WHEREAS, Jack J. hall and his wife, Diane Hall, who is now deceased, executed a Warranty Deed transferring certain property in Shelby County to one William J. Junkins, B.J. Jackson, and J.H. Daily, on or about the first day of November, 1983; and

WHEREAS, said Warranty Deed is attached hereto as Exhibit A and made a part hereof as if fully set out herein; and

WHEREAS, in that said Warranty Deed, there was a purported Restriction, Limitation, or restrictive covenant running with the land, which was set forth as follows:

"It is distinctly understood and agreed by the parties that the property herewith conveyed as above described shall not be strip mined or used for any surface mining operation. It is further agreed that this covenant is to run with the land"; and

WHEREAS, the parties hereto, Jack J. Hall, and the current owners of the subject property, William W. Smith, Jan Smith, Rick Junkins and Robert Junkins have entered into an agreement with reference to the feasibility of marketing the property the subject of which is set forth in a letter from William W. Smith to Jack J. Hall's attorney, Michael Atchison dated April 9, 2010, now.

THEREFORE, for One and no/100 (\$1.00) Dollar and other good and valuable consideration it is agreed as follows:

1. That the said Jack J. Hall, now a widower, hereby releases and extinguishes the above referred to "covenant running with the land" with reference to said deed executed on the aforesaid date and the occasion November 1, 1983 which is set out in Deed Book 351, Page 175 in the Probate Office of Shelby County, Alabama.

RECORDER'S MEMORANDUM
At the time of recordation, this instrument was found to be inadequate for the best photographic reproduction.

2. Accordingly, William W. Smith and wife, Jan G. Smith, who now own approximately one-half (1/2) of the above described property along with Rick Junkins and his brother, Robert Junkins, who now own the other half, are hereby relieved of any obligations with reference to the aforesaid restrictions, covenants, and or conditions and are free to transfer said property or otherwise grant, bargain, or sell for mining purposes or any other purposes consistent with the laws of the State of Alabama.

IN WITNESS WHEREOF, this the 13 day of April, 2010.

Jack J. Hall (SEAL)
Jack J. Hall

CURRENT OWNERS OF THE LAND:

William W. Smith
William W. Smith

Jan G. Smith
Jan G. Smith

Rick Junkins
Rick Junkins

Robert Junkins
Robert Junkins

STATE OF ALABAMA §
§
SHELBY COUNTY §

GENERAL ACKNOWLEDGEMENT

I, the undersigned authority, a Notary Public, in and for said County, in said State, hereby certify that Jack J. Hall, whose name is known to me, acknowledged before me on this day that being informed of the contents of the conveyance, he executed the same voluntarily on the day of the same bears date.



20100414000113370 3/5 \$23.00
Shelby Cnty Judge of Probate, AL
04/14/2010 10:58:12 AM FILED/CERT

Given under my hand and official seal, this the 13th day of April, 2010.

Delwark H. Castleberry
Notary Public

My Commission Expires: August 4, 2012

PREPARED BY:

WILLIAM W. SMITH
4501 OLD BROOKWAY
BIRMINGHAM, AL 35243

Witnessed and prepared by:

Courtney H. Mason, Jr.

7/23

This form furnished by

P.O. Box 1207, Alabaster, AL

Shelby Title, Inc.

Highway 31 South at Valleydale Road

P.O. Box 388

Prichard, Alabama 36122

William J. Jenkins
2166 - Hwy 31 S
Prichard, AL 36122

Policy Issuing Agent for
Safeco Title Insurance Co.

TELEPHONE: 336-5600

WARRANTY DEED

SHELBY

COUNTY

Know all men by these presents that

THIRTY THOUSAND AND NO/100TH (\$30,000.00) and other good and
valuable consideration

has been paid to the said

WILLIAM J. JENKINS, B. G. JACKSON, and M. H. GARLEY

SHELBY

WE HEREBY CERTIFY THAT

ALL OF THE FOREGOING DEEDS, AGREEMENTS AND RESTRICTIONS OF RECORD.

It is distinctly understood and agreed by the parties that the property herewith
conveyed as above described shall not be strip mined or used for any surface
mining operation. It is further agreed that this covenant is to run with the
land.

IN WITNESS WHEREOF, the said parties, after being duly sworn and assisted forever:

William J. Jenkins, B. G. Jackson, and M. H. Garley, the said parties, have hereunto
set their hands and seals at the County of Shelby, State of Alabama, this 1st day of
November, 1933.

Witnessed and prepared by me, Courtney H. Mason, Jr., Notary Public for the County of Shelby, Alabama.

November

1933

SEAL

JACK J. HALL

SEAL

SEAL

DIANE HALL

SEAL

SEAL

ALABAMA

SHELBY

Notary Public

Jack J. Hall and wife, Diane Hall

Notary Public for the County of Shelby, Alabama

I, Courtney H. Mason, Jr., Notary Public for the County of Shelby, Alabama, do hereby certify that the foregoing deed and other documents were acknowledged before me on this day of November, 1933, and that the same were acknowledged voluntarily on the day that same were filed.

Witnessed and prepared by me, Courtney H. Mason, Jr., Notary Public for the County of Shelby, Alabama.

November

Notary Public



20100414000113370 4/5 \$23.00
Shelby Cnty Judge of Probate, AL
04/14/2010 10:58:12 AM FILED/CERT

351 OCT 175

