

## DECLARATION OF TERMINATION OF COVENANT

STATE OF ALABAMA

KNOW ALL MEN BY THESE PRESENTS

COUNTY OF SHELBY

This Termination of prior Declaration of Covenant between DOUGLAS S. DICKINSON AND BARBARA G. DICKINSON (Declarant), whose mailing address is 2020 Lake Heather Drive, Birmingham, Al. 35242 and Freehold Capital Partners and the Declaration of Covenant dated & recorded September 11, 2009 in Shelby County Judge of Probate , Alabama 20090911000349390, p. 1/15 to 15/15 .

WITNESSETH:

WHEREAS, Declarant is the owner of that certain real property ("property") located in Shelby County, State of Alabama, described as follows:


**The real property described in Exhibit "A" attached hereto and incorporated herein for all purposes.**

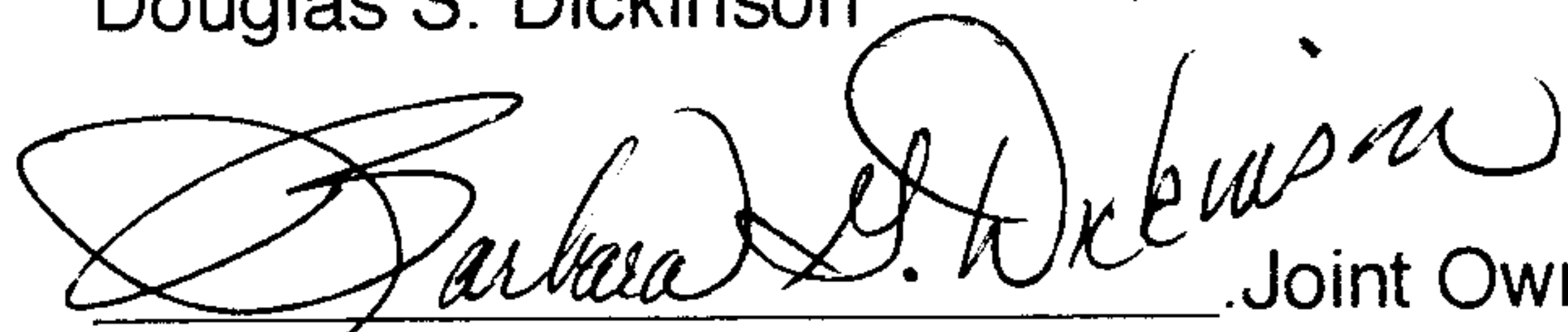
Now therefore, Declarant hereby declares that it is exercising it's option to Terminate (make null & void and of no force and effect in it's entirety) it's previous Declaration of Covenant pertaining to a Conveyance Instrument or Conveyance regarding any portion the "Property" (as per Sect. 25. page 10/15 "Declarant's Right to Terminate" ),dated & recorded Sept. 11,2009 in Shelby County Judge of Probate 20090911000349390, p.1/15 to 15/15 between DOUGLAS S. DICKINSON AND BARBARA G. DICKINSON and Freehold Capital Partners & it's Licenser & Trustee (National Covenant Clearing House , Attn: Rjon Robins, Esq., 6300 NW 5'th Way, Ft. Lauderdale, Fl. 33309) & Successors (jointly and severally the "Affected Parties"). With recording of this Declaration of Termination of Covenant, the legal description of the Property , for purposes of the previous Declaration (Sept. 11,2009 in Shelby County, as referenced above), shall be deemed amended to exclude that Released Property from that previous Declaration. Declarant requests the Trustee and Affected Parties to execute any document{s} necessary to effectuate this Termination of Covenant pertaining to that previous Conveyance Instrument or Conveyance, dated Sept. 11, 2009.

APPLICABLE LAW. this Declaration shall be construed according to the laws of the State of Alabama as they exist at the time of filing of this Declaration, providing that should a later created law , ordinance or regulation related to the subject matter of this Declaration provide additional grounds for enforcement of this Declaration then same shall apply. If any provision of this Declaration is found to be in violation or conflict with

applicable law then said provision shall be amended only to the extent necessary to comply with the applicable law, but shall otherwise remain in full force and effect.  
IN WITNESS WHEREOF, this Declaration is executed on the date indicated below.

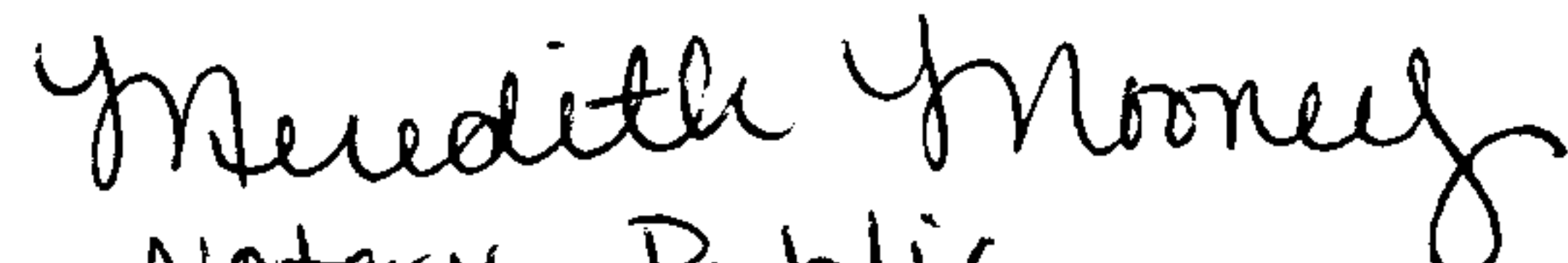
DECLARANT

  
\_\_\_\_\_  
Douglas S. Dickinson

  
\_\_\_\_\_  
Barbara G. Dickinson Joint Owner

STATE OF Alabama  
COUNTY OF Shelby

ACKNOWLEDGMENT

  
Meredith Y. Moore  
Notary Public  
My Commission Expires: 1/20/2013



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**EXHIBIT "A"**

### Parcel I

The S ½ of SE ¼ and the SE ¼ of SW ¼, in Section 33, Township 17 South, Range 1 East.

## Parcel II

The SE ¼ of NW ¼; the S ½ of NE ¼; the SE ¼, less a strip 251.78 feet in width evenly off South side of SW ¼ of SE ¼; the SW ¼, in Section 34, Township 17 South, Range 1 East less and except the following: (i) that part lying South of the North line of the plat of Isbell Estates; (ii) that part lying South of the North right of way line of Shelby County Highway 474; (iii) that part sold to Dewey and Sarah Isbell as described in Deed Book 272, Page 919, in Probate Office of Shelby County, Alabama and (iv) that part sold to William E. Alexander as described in Deed Book 242, Page 197, in the Probate Office of Shelby County, Alabama.

### Parcel III

The NW  $\frac{1}{4}$ ; and the W  $\frac{1}{2}$  of NE  $\frac{1}{4}$ , in Section 2, Township 18 South, Range 1 East, Shelby County, Alabama.

### Parcel IV

The NE ¼ of NE ¼; and a parcel in SE ¼ of NE ¼ described as: Begin at NE corner of ¼ - ¼; thence run West 550 feet; thence left 90 degrees 300 feet; thence left 30 degrees 370 feet; thence left 34 degrees 397 feet to the East line of forty; thence left 117 degrees 50 minutes along forty line to the point of beginning. All in Section 3, Township 18 South, Range 1 East, Shelby County, Alabama.

### Parcel V

The SW ¼ of NW ¼; that part of the N ½ of the NW ¼ lying South and West of Shelby County Highways 101 and 41, and the SW ¼ of SW ¼, all in Section 35, Township 17 South, Range 1 East, Shelby County, Alabama.

SAID PARCEL I – V BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at the Southeast corner of Section 33, go North 88°54'24" West along the South boundary of said Section 33 for 3990.09 feet to an existing iron pin and the Southwest corner of the Southeast ¼ of the Southwest ¼ of said Section 33; thence North 00°09'38" East along the West boundary of said ¼ - ¼ Section for 1278.86 feet to an existing iron pin and the Northwest corner of the Southeast ¼ of the Southwest ¼ of said Section 33; thence South 88°43'37" East along the North boundary of the Southeast ¼ of the Southwest ¼ and the North boundary of the South ½ of the Southeast ¼ of said Section 33 for 3999.62 feet to an existing iron pin and the Southwest corner of the Northwest ¼ of the Southwest ¼ of said Section 34; thence North

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00°33'38" East along the West boundary of said  $\frac{1}{4}$  -  $\frac{1}{4}$  Section for 1320.82 feet to an existing iron pin and the Northwest corner of said  $\frac{1}{4}$  -  $\frac{1}{4}$  Section; thence South 89°25'27" East along the North boundary of said  $\frac{1}{4}$  -  $\frac{1}{4}$  Section for 1319.15 feet to an existing iron pin and the Southwest corner of the Southeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of said Section 34; thence North 00°28'27" East for 1319.51 feet along the West boundary of said  $\frac{1}{4}$  -  $\frac{1}{4}$  Section to an existing iron pin and the Northwest corner of said  $\frac{1}{4}$  -  $\frac{1}{4}$  Section; thence South 89°31'48" East along the North boundary of the Southeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$ , the North boundary of the Southwest  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  and the North boundary of the Southeast  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of said Section 34 for 3977.76 feet to an existing iron pin and the Southwest corner of the Northwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of said Section 35; thence North 00°00'53" West along the West boundary of said  $\frac{1}{4}$  -  $\frac{1}{4}$  Section for 995.42 feet to an existing iron pin on the South boundary of Shelby County Highway No. 101; thence North 82°31'34" East along the South boundary of said Highway No. 101 for 591.65 feet to an existing concrete monument and the beginning of a curve to the right, said curve having a Central Angle of 23°54'22" and a radius of 1869.86 feet; thence Easterly along said curve for 780.18 feet to an existing concrete monument and the Point of Tangent; thence South 73°31'10" East along the South boundary of said Highway No. 101 for 238.92 feet to an existing concrete monument and the beginning of a curve to the right, said curve having a Central Angle of 64°05'50" and a radius of 676.20 feet; thence Southeasterly along said curve for 756.47 feet to an existing concrete monument and the Point of Tangent; thence South 09°23'59" East along the West boundary of Highway No. 41 for 403.37 feet to the South boundary of the Northeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of said Section 35; thence South 88°04'16" West along the South boundary of said  $\frac{1}{4}$  -  $\frac{1}{4}$  Section for 787.71 feet to an existing iron pin and the Northeast corner of the Southwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of said Section 35; thence South 00°04'47" West along the East boundary of said  $\frac{1}{4}$  -  $\frac{1}{4}$  Section for 1300.96 feet to an existing iron pin and the Southeast corner of said  $\frac{1}{4}$  -  $\frac{1}{4}$  Section; thence North 89°39'14" West along the South boundary of said  $\frac{1}{4}$  -  $\frac{1}{4}$  Section for 1341.31 feet to an existing iron pin and the Northeast corner of the Northeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of said Section 34; thence South 00°00'50" West along the East boundary of said  $\frac{1}{4}$  -  $\frac{1}{4}$  Section for 1317.45 feet to the Northwest corner of the Southwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of said Section 35, said point being an existing railroad spike in Highway No. 41; thence South 89°00'16" East along the North boundary of said  $\frac{1}{4}$  -  $\frac{1}{4}$  Section for 1333.60 feet to an existing iron pin and the Northeast corner of said  $\frac{1}{4}$  -  $\frac{1}{4}$  Section; thence South 00°05'02" West along the East boundary of said  $\frac{1}{4}$  -  $\frac{1}{4}$  Section for 1316.58 feet to an existing iron pin and the Northwest corner of the Northeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of said Section 2; thence South 89°09'28" East along the North boundary of the Northeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  and the North boundary of the West  $\frac{1}{2}$  of the Northeast  $\frac{1}{4}$  of said Section 2 for 2645.48 feet to an existing iron pin and the Northeast corner of the West  $\frac{1}{2}$  of the Northeast  $\frac{1}{4}$  of said Section 2; thence South 00°19'10" East along the East boundary of the West  $\frac{1}{2}$  of the Northeast  $\frac{1}{4}$  of said Section 2 for 2639.03 feet to an existing iron pin and the Southeast corner of the West  $\frac{1}{2}$  of the Northeast  $\frac{1}{4}$  of said Section 2; thence South 89°31'48" West along the South boundary of the West  $\frac{1}{2}$  of the Northeast  $\frac{1}{4}$  of said Section 2 for 1301.98 feet to an existing iron pin and the Southeast corner of the Northwest  $\frac{1}{4}$  of said Section 2; thence North 88°48'27" West along the South boundary of the Northwest  $\frac{1}{4}$  of said Section 2 for 2660.62 feet to an existing iron pin and the Southwest corner of the Northwest  $\frac{1}{4}$  of said Section 2; thence North 00°38'52" West along the West boundary of said  $\frac{1}{4}$  Section for 552.57 feet; thence North 62°53'00" West along an existing fence for 397.00 feet; thence North 34°43'00" West along an existing fence for 370.00 feet; thence North 01°02'00" East along an existing fence for 300.00 feet to the South boundary of the



Northeast  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of said Section 3; thence North  $88^{\circ}58'00''$  West along the South boundary of said  $\frac{1}{4}$  -  $\frac{1}{4}$  Section for 785.77 feet to an existing iron pin and the Southwest corner of the Northeast  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of said Section 3; thence North  $00^{\circ}34'23''$  West along the West boundary of said  $\frac{1}{4}$  -  $\frac{1}{4}$  Section for 1324.02 feet to an existing iron pin and the Southwest corner of the Southeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of said Section 34; thence North  $00^{\circ}41'06''$  West along the West boundary of said  $\frac{1}{4}$  -  $\frac{1}{4}$  Section for 251.04 feet to an existing iron pin; thence North  $89^{\circ}01'32''$  West for 1327.03 feet to an existing iron pin on the East boundary of the Southeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of said Section 34; thence South  $01^{\circ}51'23''$  West along the East boundary of said  $\frac{1}{4}$  -  $\frac{1}{4}$  Section for 99.65 feet; thence South  $85^{\circ}41'02''$  West for 880.56 feet to an existing iron pin; thence South  $18^{\circ}52'18''$  West for 26.24 feet to the North boundary of Shelby County Highway No. 474; thence two (2) courses along the North boundary of said Highway No. 474 as follows: go North  $83^{\circ}03'26''$  West for 183.26 feet; thence South  $86^{\circ}24'46''$  West for 270.14 feet; thence North  $16^{\circ}50'47''$  West for 310.87 feet to a point on a curve to the right of the South boundary of Shelby County Highway No. 41, said curve having a Central Angle of  $16^{\circ}57'37''$  and a radius of 1105.92 feet; thence Northeasterly along said curve for 327.37 feet to the Point of Tangent; thence North  $32^{\circ}37'00''$  West for 80.00 feet to the beginning of a curve to the left on the North boundary of Shelby County Highway No. 41, said curve having a Central Angle of  $06^{\circ}41'26''$  and a radius of 1185.92 feet; thence Southwesterly along said curve for 138.48 feet to the East boundary of the Southwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of said Section 34; thence North  $00^{\circ}08'08''$  East along the East boundary of said  $\frac{1}{4}$  -  $\frac{1}{4}$  Section for 293.56 feet to an existing iron pin; thence North  $89^{\circ}21'00''$  West for 150.00 feet to an existing iron pin; thence South  $00^{\circ}08'08''$  West for 433.17 feet to a point on a curve to the left on the North boundary of Shelby County Highway No. 41 said curve having a Central Angle of  $08^{\circ}23'52''$  and a radius of 1185.92 feet; thence Southwesterly along said curve for 173.82 feet to the Point of Tangent; thence South  $33^{\circ}40'00''$  West along the North boundary of said Highway No. 41 for 79.20 feet to the beginning of a curve to the right, said curve having a Central Angle of  $05^{\circ}13'26''$  and a radius of 2251.83 feet; thence Southwesterly along said curve for 205.31 feet to an existing fence; thence South  $89^{\circ}16'18''$  West along said fence for 913.49 feet to the Point of Beginning.

**Save and Except the following**  
(which was deeded to Hidden Meadows, Ltd., by Warranty Deed  
dated on or about October 1, 2007)

The SW  $\frac{1}{4}$  of SW  $\frac{1}{4}$ , in Section 35, Township 17 South, Range 1 East Shelby County Alabama.

The NE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$ , and a parcel in SE  $\frac{1}{4}$  of NE  $\frac{1}{4}$  described as: Begin at NE corner of  $\frac{1}{4}$  -  $\frac{1}{4}$ ; thence run West 550 feet; thence left 90 degrees 300 feet; thence left 30 degrees 370 feet; thence left 34 degrees 397 feet to the East line of forty; thence left 117 degrees 50 minutes along forty line to the point of beginning. All in Section 3, Township 18 South, Range 1 East, Shelby County, Alabama.

The NW  $\frac{1}{4}$ ; and the W  $\frac{1}{2}$  of NE  $\frac{1}{4}$ , in Section 2, Township 18 South, Range 1 East, Shelby County, Alabama.



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That part of the South  $\frac{1}{2}$  of the SE  $\frac{1}{4}$  lying South of Shelby County Highway 41, less a strip 251.78 feet in width evenly off South side of SW  $\frac{1}{4}$  of SE  $\frac{1}{4}$ , in Section 34, Township 17 South, Range 1 East.

That part of the South  $\frac{1}{2}$  of the SW  $\frac{1}{4}$  lying South of Shelby County Highway 41 in Section 34, Township 17 South, Range 1 East, less and except the following: (i) that part lying south of the North line of the plat of Isbell Estates; (ii) that part lying South of the North right of way line of Shelby County Highway 474; (iii) that part sold to Dewy and Sarah Isbell as described in Deed Book 272, Page 919, in Probate Office of Shelby County, Alabama and (iv) that part sold to William E. Alexander as described in Deed Book 242, Page 197, in the Probate Office of Shelby County, Alabama.

[The above described property being a portion of the property sold to Douglas S. Dickinson and wife, Barbara G. Dickinson, as described in Inst # 1996-26657 in the Probate Office of Shelby County, Alabama; specifically being the same property described in said deed as (i) that portion of Parcel II lying South of Shelby County Highway 41 in the South  $\frac{1}{2}$  of the SW  $\frac{1}{4}$  and in the South  $\frac{1}{2}$  of the SE  $\frac{1}{4}$ , in Section 34, Township 17 South, Range 1 East, (ii) Parcel III, (iii) Parcel IV, and (iv) that part of Parcel V lying in the SW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Section 35, Township 17 South, Range 1 East.]



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