

When Recorded Return To:

Propst Alabaster, LLC
401 Meridian Street
Suite 300
Huntsville, AL 35801


20121026000411170 1/2 \$17.00
Shelby Cnty Judge of Probate, AL
10/26/2012 08:18:05 AM FILED/CERT

STATE OF ALABAMA)
)
COUNTY OF SHELBY)

NOTICE STATEMENT

This Notice Statement is made as of the 24 day of October, 2012, by **PROPST ALABASTER, LLC**, an Alabama limited liability company ("Propst") in its capacity as owner in fee simple of the property known as Lots 1 and 3, according to the survey of Colonial Promenade, Alabaster Survey, as recorded in Map Book 35, page 102A and 102B, in the Probate Office of Shelby County, Alabama (the "Propst Lots").

WITNESSETH:

WHEREAS, Wal-Mart Real Estate Business Trust ("Wal-Mart"), McWhorter Properties - Alabaster, L. L. C., Colonial Realty Limited Partnership and Colonial Properties Services, Inc., entered into that certain Easements with Covenants and Restrictions Affecting Land recorded in Instrument 20040507000243250 and First Amendment thereto (each, collectively "ECR") recorded in Instrument 20040507000043260, in the Probate Office of Shelby County, Alabama; and

WHEREAS, by General Warranty Deed dated October 24, 2012, from COLONIAL REALTY LIMITED PARTNERSHIP, a Delaware limited partnership (by virtue of merger by and between OZ/CLP Alabaster LLC, a Delaware limited liability company and Colonial Realty Limited Partnership, as indicated by that certain Certificate of Merger filed with the Delaware Secretary of State on July 15, 2011) as recorded on October 26, 2012, in Deed Book 20121026, Page 000411160, in the Probate Office of Shelby County, Alabama, the Propst Lots were conveyed to Propst; and

WHEREAS, Section 19 of the ECR provides that upon acquisition of a fee interest in any tract subject to the ECR, the acquiring party shall execute and file a Notice Statement setting forth certain information about the acquiring party.

NOW, THEREFORE, in consideration of the premises hereinabove set forth and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Propst hereby acknowledges and confirms that as of the date hereof:

1. Propst is the owner in fee simple of the Propst Lots.

2. The address of Propst to which all notices for the purposes of the ECR may be sent is:

Propst Alabaster, LLC
401 Meridian Street
Suite 300
Huntsville, AL 35801

IN WITNESS WHEREOF, Propst has executed this Notice Statement the day and year first above written.

PROPST ALABASTER, LLC,
an Alabama limited liability company

By: John N. Hughey
Printed Name: John N. Hughey

Title: Manager

STATE OF ALABAMA)
)
COUNTY OF Madison)

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that John N. Hughey, whose name as Manager of Propst Alabaster, LLC, an Alabama limited liability 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 foregoing instrument, (s)he, as such officer and with full authority, executed the same voluntarily for and as the act of the said limited liability company.

Given under my hand and official seal on the 24 day of October, 2012.

[SEAL]



Y. Albert Moore
Notary Public
My Commission Expires: 6-1-15

THIS INSTRUMENT PREPARED BY:
Y. ALBERT MOORE, III
LANIER FORD SHAVER & PAYNE P.C.

2101 West Clinton Avenue, Suite 102, Huntsville, Alabama 35801. (256) 535-1100
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File No. 12-0671

