

Prepared by and return to:
Murphy McMillan
Baker, Donelson, Bearman,
Caldwell & Berkowitz, PC
420 20th Street North, Suite 1600
Birmingham, AL 35203

QUITCLAIM ASSIGNMENT AND ASSUMPTION OF DECLARANT RIGHTS

THIS QUITCLAIM ASSIGNMENT AND ASSUMPTION OF DECLARANT RIGHTS ("Assignment") is entered into and effective as of the 28th day of August, 2013, by and between **RL REGI ALABAMA, LLC**, an Alabama limited liability company ("Assignor") and **BOEX, LLC**, a Florida limited liability company ("Assignee").

RECITALS

A. Contemporaneous with the giving of this Assignment, Assignee was conveyed fee simple title to a certain tract of real property more particularly described on **Exhibit A** attached hereto and incorporated herein (the "Property") by Assignor pursuant to a Statutory Warranty Deed (the "Deed");

B. In connection with Assignor's sale of the Property to Assignee, Assignor has agreed to quitclaim and assign to Assignee, all of Assignor's right, title and interest, if any, in and to the following (collectively, the "Declarant Rights"):

- (i) Any and all declarant or development rights relating to the Property, if any, to the extent any exist and Assignor has any interest in them; and
- (ii) Any and all rights, obligations, privileges and powers applicable to the Property, if any, under the Declaration, and the Articles of Incorporation and Bylaws (if any) of homeowners' association with governance over any portion of the Property (if any), to the extent Assignor holds any such rights.

NOW, THEREFORE, in consideration of Ten Dollars (\$10.00) in hand paid and other good and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, and as a condition of the sale of the Property from Assignor to Assignee, Assignor and Assignee, intending to be legally bound, agree as follows:

1. **Assignment and Assumption of Certain Declarant Rights.** Assignor does hereby quitclaim, remise, release and assign to Assignee all of its right, title and interest, if any, in the Declarant Rights to the extent Assignor holds any of the Declarant Rights or has the right or power to assign such rights by virtue of the rights it acquired through its foreclosure. Assignee does hereby assume the Declarant Rights assigned in this Assignment, from and after the date of the Deed.

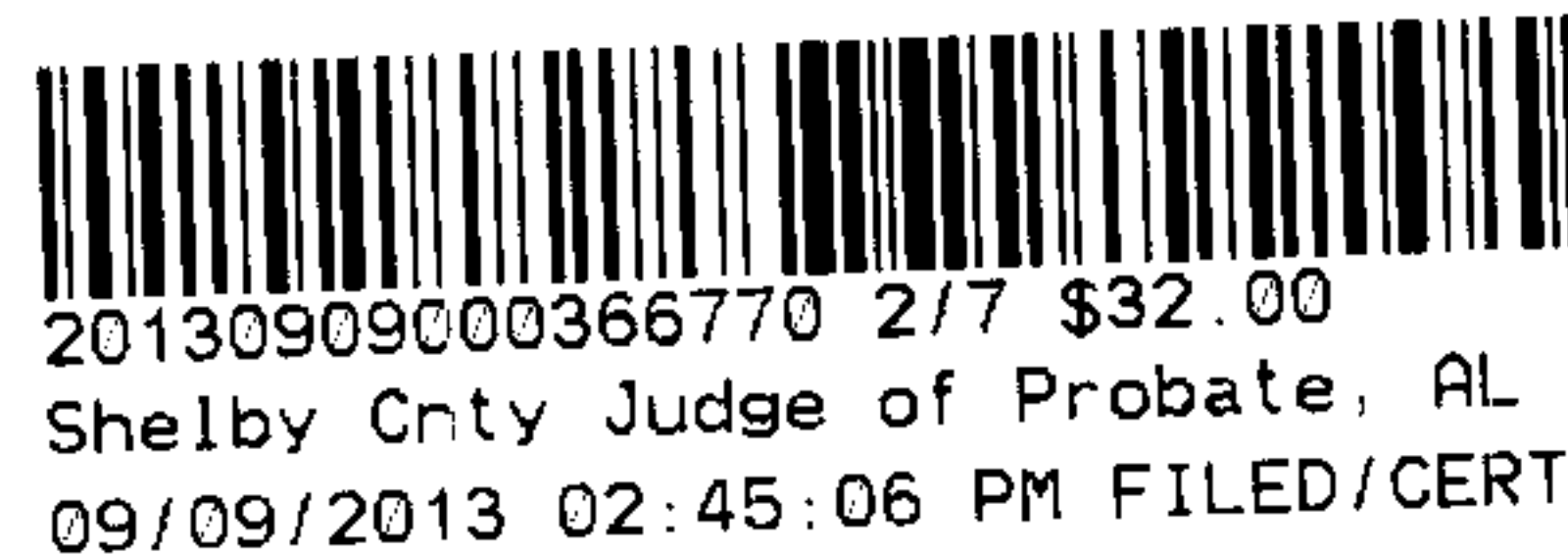
2. **No Prior Assignment.** Assignor has not previously assigned the rights assigned herein.

3. **No Representation.** Assignor has not previously exercised any of the Declarant Rights, has no liability or responsibility of any nature as Declarant, or otherwise, under or with respect to the Declarant Rights or the Declaration resulting from the execution of this Assignment, and shall not, at any time prior to or after the date of this Assignment, be deemed to be the Declarant under the Declaration as a result of the execution of this Assignment. THIS ASSIGNMENT IS MADE BY ASSIGNOR WITHOUT RECOURSE OR REPRESENTATION OR WARRANTY, EXPRESS, IMPLIED OR BY OPERATION OF LAW, OF ANY KIND AND NATURE WHATSOEVER.

4. **Interpretation.** It is the intention of the parties that this Assignment and Assumption of Declarant Rights be interpreted as part of the same transaction as the Deed from Assignor to Assignee, whether the Deed is recorded prior to, after, or simultaneously with this Assignment and Assumption of Declarant Rights.

TO HAVE AND TO HOLD, the Declarant Rights, to the extent they are assigned by this Assignment, and all privileges and appurtenances thereto belonging unto Assignee and its successors and assigns.

[Signatures appear on the following page.]



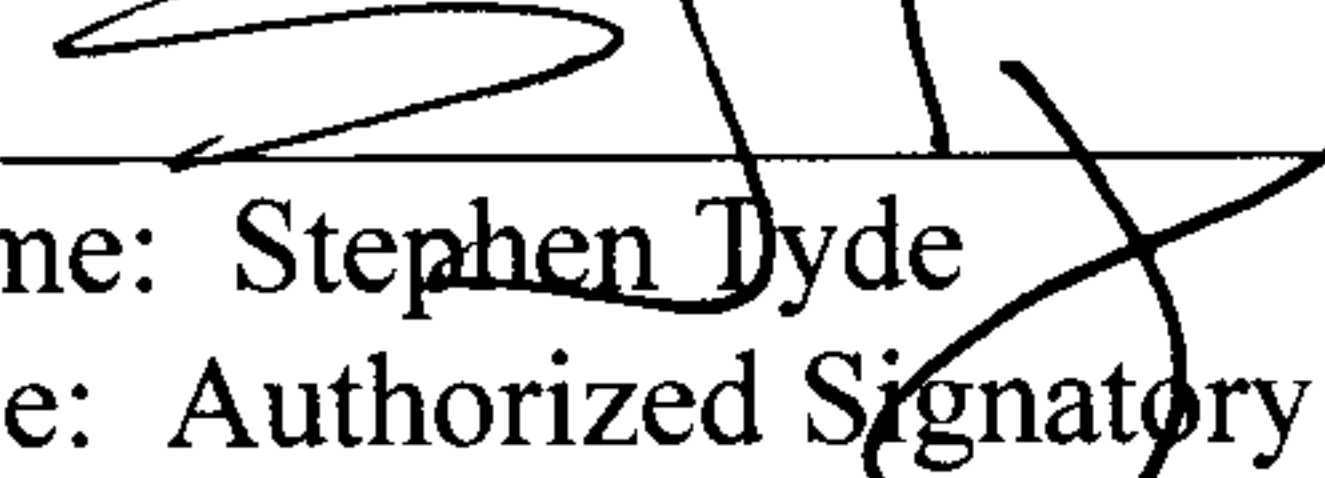
IN WITNESS WHEREOF, Assignor and Assignee have caused this Assignment to be duly signed on the day and year first written above.

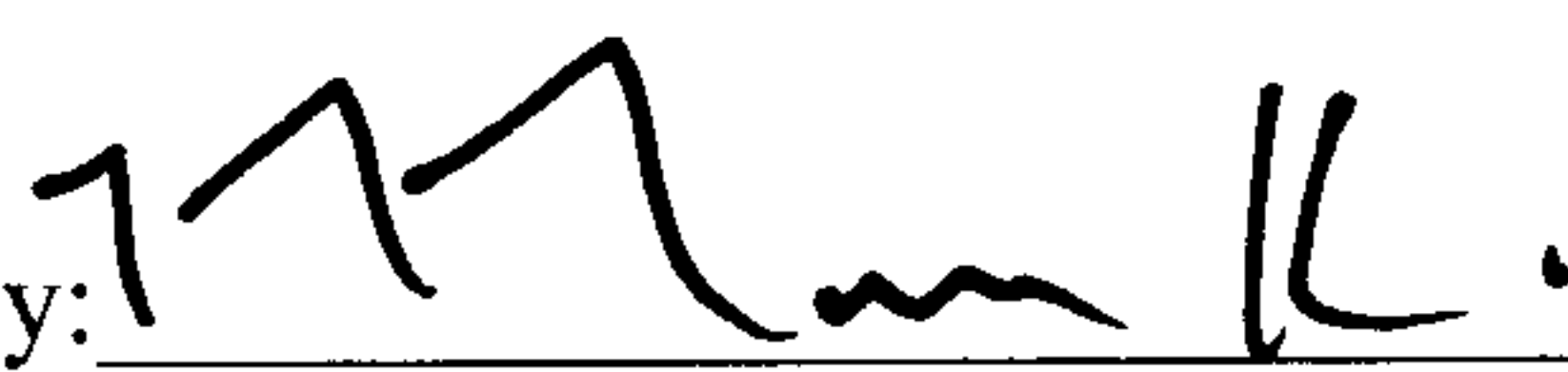
ASSIGNOR:


RL REGI Alabama, LLC, an Alabama Limited Liability Company

By: RL REGI Financial, LLC, a Florida Limited Liability Company, its Sole Member

By: Rialto Capital Advisors, LLC, a Delaware Limited Liability Company, as its attorney-in-fact


By: 
Name: Stephen Tyde
Title: Authorized Signatory

By: 
Name: Mark King
Title: Authorized Signatory


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Shelby Cnty Judge of Probate, AL
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ASSIGNEE:

BOEX, LLC, a Florida limited liability company

By: 
Name: **James M. DuRant, Jr., as**
Trustee of the Capitol Capital
Title: **Irrevocable Trust,**
dated January 12, 2011
Manager

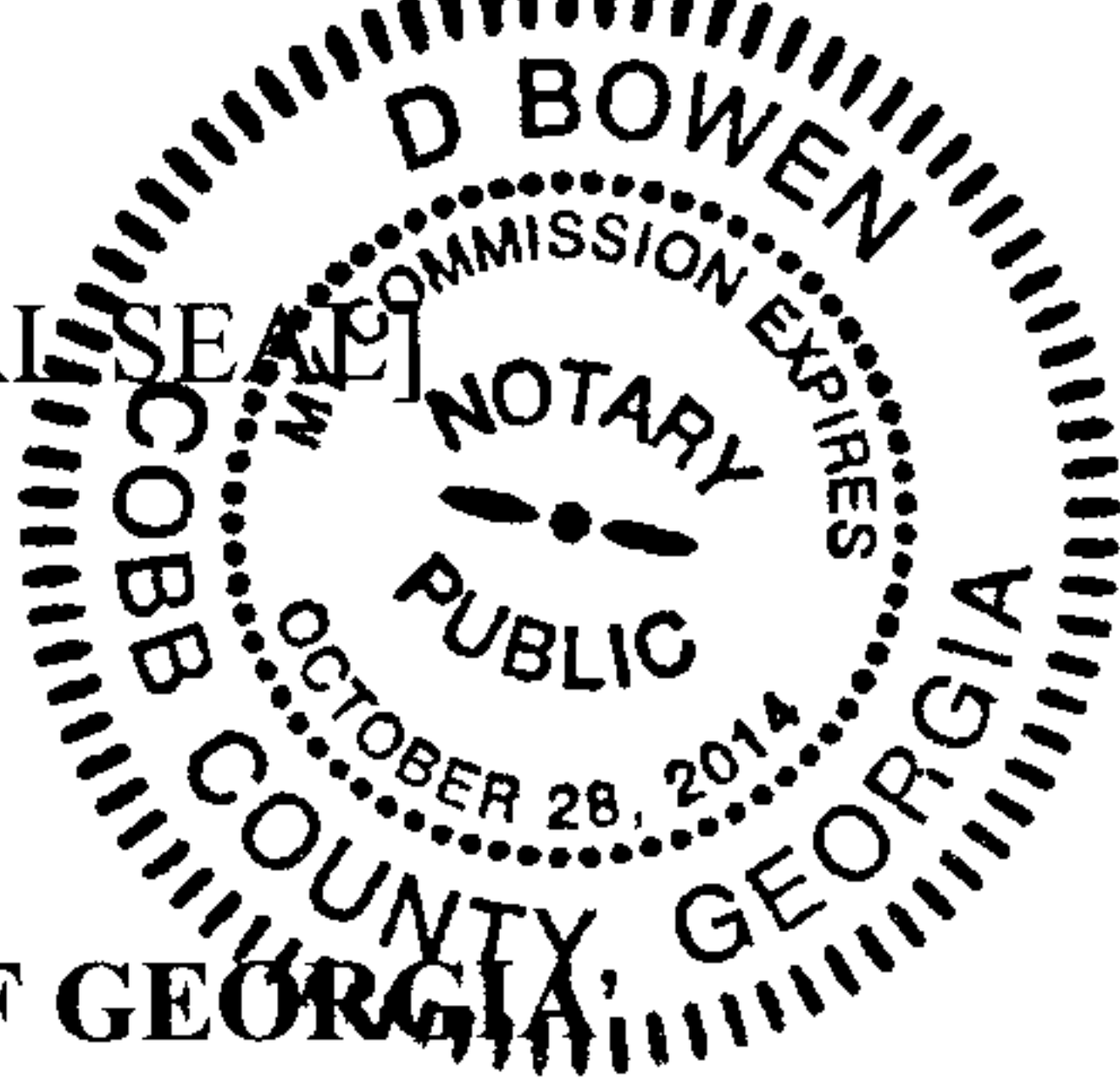
STATE OF GEORGIA)

FULTON COUNTY)

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Stephen Tyde, whose name as Authorized Signatory of Rialto Capital Advisors, LLC, a Delaware limited liability company, as attorney-in-fact of RL REGI FINANCIAL, LLC, a Florida limited liability company, as sole member of **RL REGI ALABAMA, 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 Instrument, he, as such Authorized Signatory and with full authority, executed the same voluntarily for and as the act of said limited liability company on the day the same bears date.

Given under my hand this the 28th day of August, 2013.

[NOTARIAL SEAL]



D. Bowen

Notary Public

My Commission Expires: 10/28/14

STATE OF GEORGIA)

FULTON COUNTY)

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Mark King, whose name as Authorized Signatory of Rialto Capital Advisors, LLC, a Delaware limited liability company, as attorney-in-fact of RL REGI FINANCIAL, LLC, a Florida limited liability company, as sole member of **RL REGI ALABAMA, 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 Instrument, he, as such Authorized Signatory and with full authority, executed the same voluntarily for and as the act of said limited liability company on the day the same bears date.

Given under my hand this the 28th day of August, 2013.

[NOTARIAL SEAL]



D. Bowen

Notary Public

My Commission Expires: 10/28/14



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Shelby Cnty Judge of Probate, AL
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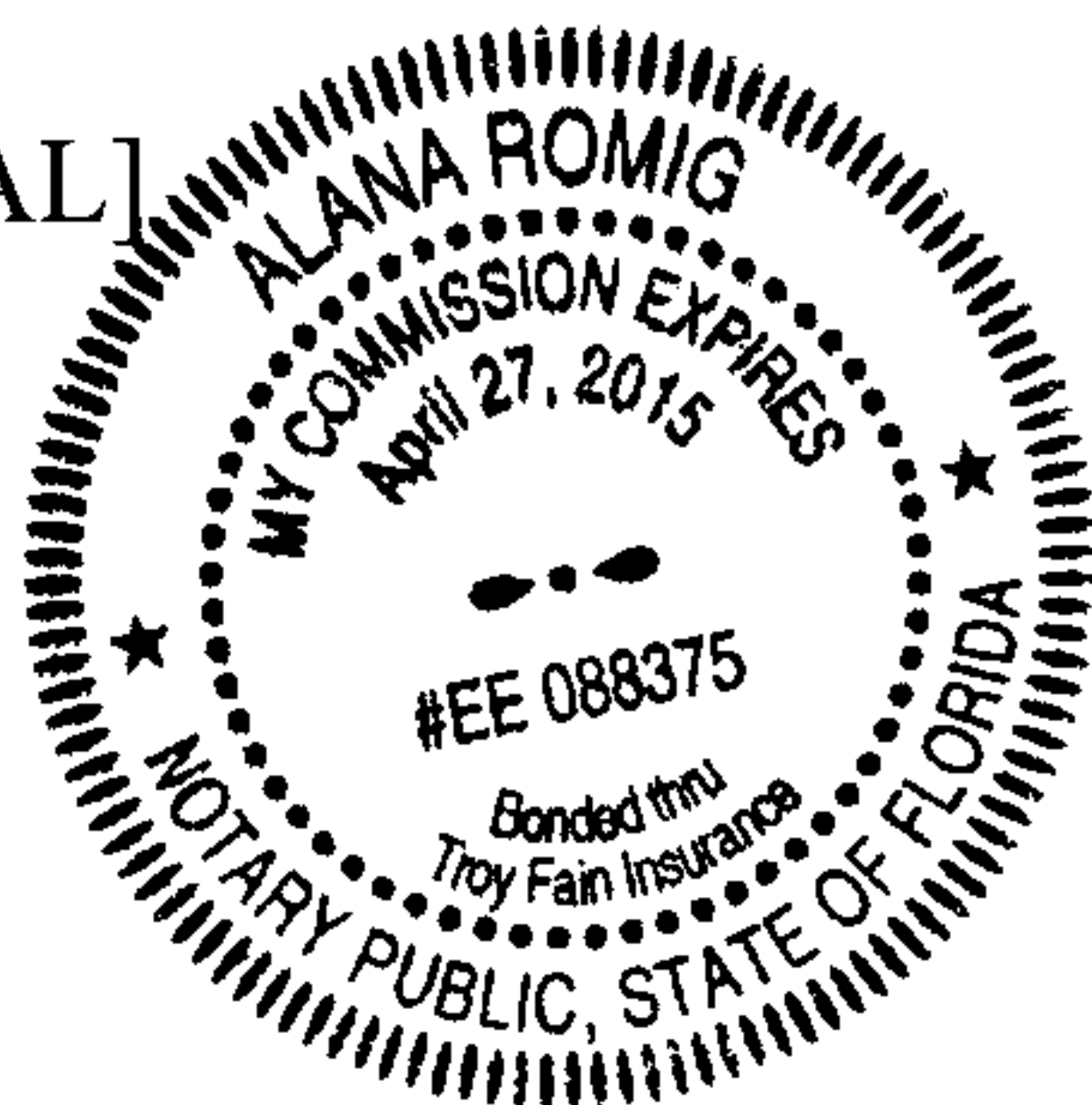
STATE OF Florida)
)
Leon COUNTY)

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that James M. Durant Jr. whose name as Manager of BOEX, LLC, a Florida limited liability company, is signed to the foregoing Quitclaim Assignment and Assumption of Declarant Rights and who is known to me, acknowledged before me on this day that, being informed of the contents of said Quitclaim Assignment and Assumption of Declarant Rights, executed the same voluntarily for and as the act of said limited liability company, on the day the same bears date.

Given under my hand and seal this the 30th day of August, 2013.

Alana Romig
Notary Public
My Commission Expires: 4/27/2015

[NOTARIAL SEAL]



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Shelby Cnty Judge of Probate, AL
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EXHIBIT A

LEGAL DESCRIPTION

A part of the North $\frac{1}{2}$ of the Northeast $\frac{1}{4}$, Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ and East $\frac{1}{2}$ of Northwest $\frac{1}{4}$ of Section 11, Township 22 South, Range 3 West, being more particularly described as follows:

Beginning at the Northeast corner of Section 11, Township 22 South, Range 3 West, Shelby County, Alabama, and run thence South 00 degrees 01 minutes 35 seconds West along the East line of said $\frac{1}{4}$ $\frac{1}{4}$ section a distance of 913.89 feet to a found capped rebar corner; thence run South 79 degrees 39 minutes 59 seconds West a distance of 1,327.75 feet to a found capped rebar corner; thence run South 62 degrees 38 minutes 45 seconds West a distance of 254.66 feet to a set rebar corner; thence run South 65 degrees 08 minutes 18 seconds west a distance of 106.17 feet to a set rebar corner; thence run South 65 degrees 08 minutes 17 seconds West a distance of 163.29 feet to a set rebar corner; thence run South 69 degrees 36 minutes 37 seconds West a distance of 259.20 feet to a found capped rebar corner; thence run North 57 degrees 56 minutes 45 seconds West a distance of 922.84 feet to a found capped rebar corner; thence run North 67 degrees 27 minutes 08 seconds West a distance of 257.18 feet to a found capped rebar corner on the Easterly margin of Alex Mill Road, a chert surfaced public road in a curve to the left having a central angle of 10 degrees 46 minutes 43 seconds and a radius of 400.05 feet; thence run Northerly along the arc of said road an arc distance of 75.26 feet to the P. O. R. C. of a curve to the right having a central angle of 10 degrees 35 minutes 42 seconds and a radius of 780.00 feet; thence run Northerly along the arc of said curve an arc distance of 144.24 feet to the P. T. of said curves; thence run North 09 degrees 59 minutes 25 seconds East along the same said Easterly margin of same said Alex Mill Road a distance of 421.12 feet to the intersection of the Easterly right of way of Alex Mill Road with the Easterly right of way of Alabama Highway No. 119 on a curve to the right having a central angle of 10 degrees 53 minutes 52 seconds and a radius of 1,574.14 feet; thence run Northerly along the arc of said curve an arc distance of 300.16 feet to the P. T. of said curve and a set rebar corner; thence run a tangent distance along said Easterly right of way of said Highway 119 on a bearing of North 06 degrees 03 minutes 05 seconds East a distance of 70.29 feet to a found capped rebar corner; thence run South 88 degrees 18 minutes 10 seconds East a distance of 297.09 feet to a set rebar corner; thence run South 87 degrees 42 minutes 12 seconds East a distance of 2,586.51 feet to the point of beginning, being situated in Shelby County, Alabama.

LESS AND EXCEPT THE FOLLOWING DESCRIBED PROPERTIES:

Lots 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 112, 113, 114, 115, 116, 117, 118, 119, 120, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, and 187, Common Area A and Common Area B, according to the map of Heritage Trace, Phase I, Sector I, as recorded in Map Book 34, Page 114 in the Probate Office of Shelby County, Alabama.

Lots 79, 80, 81, 82, 83, 109, 110, and 111, according to the survey of Heritage Trace, Phase I, Sector 2, as recorded in Map Book 35, Page 81 in the Probate Office of Shelby County, Alabama.

Lots 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, and 62 according to the survey of Heritage Trace, Phase 2 as recorded in Map Book 36, Page 71 in the Probate Office of Shelby County, Alabama.

Lots 167, 168, 169, and 170 according to the survey of Heritage Trace, Phase 3 as recorded in Map Book 39, Page 17 in the Probate Office of Shelby County, Alabama.

Lot 1 according to the map of Alex Mill Farms as recorded in Map Book 35, Page 80 in the Probate Office of Shelby County, Alabama.

