

Please Index Under:

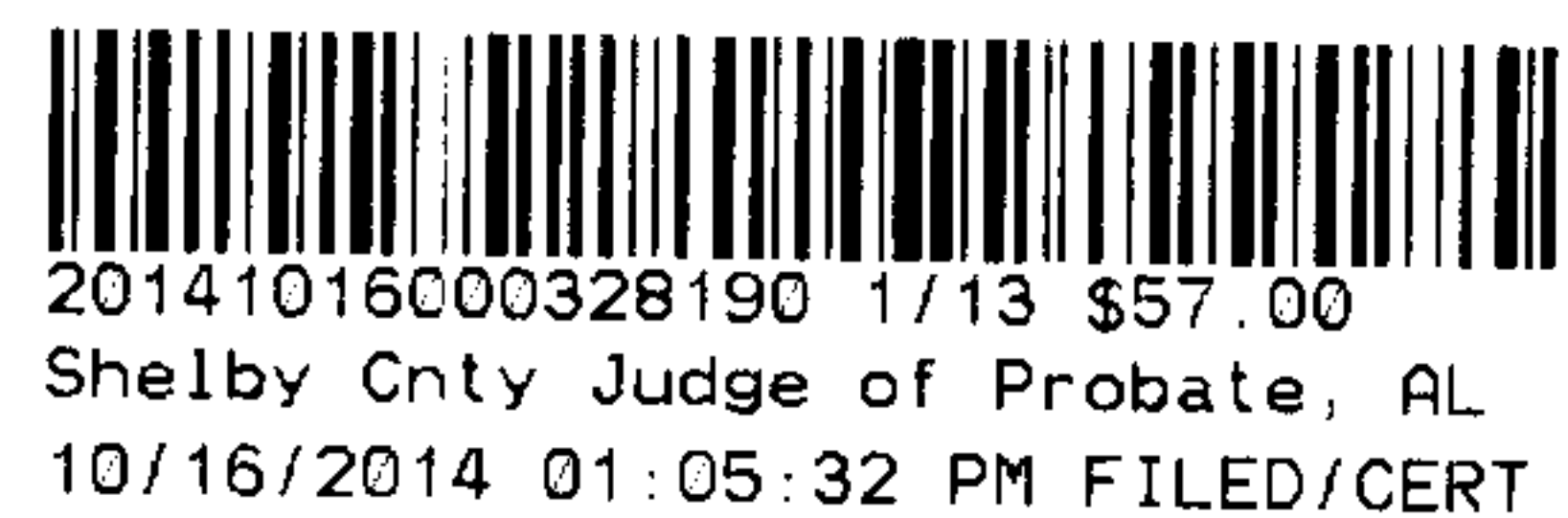
Grantors:

- John E. Van Valkenburgh,
- Carl D. Panattoni,
- Carl D. Panattoni, Yolanda Panattoni, Leonard Panattoni, Christine Kowalski, and Elaine Schaedler, as co-trustees of the P-GST Trust dated December 26, 1989
- Pebble Partners, LLP (hereinafter "Pebble Partners")

Grantee: Dotry Enterprises, LLC

**AGREEMENT**

STATE OF ALABAMA  
COUNTY OF SHELBY



**THIS AGREEMENT** (hereinafter the "Agreement") pertains to that certain Deed dated September 5, 2001 recorded in the Office of the Judge of Probate of Shelby County, Alabama, in Instrument # 2001-38805 (hereinafter referred to as the "Deed") by and between **John E. Van Valkenburgh** (hereinafter "Van Valkenburgh"), **Carl D. Panattoni** (hereinafter "Panattoni"), **Carl D. Panattoni, Yolanda Panattoni, Leonard Panattoni, Christine Kowalski, and Elaine Schaedler, as co-trustees of the P-GST Trust dated December 26, 1989** (hereinafter the "Trust") and **Pebble Partners, LLP** (hereinafter "Pebble Partners") (hereinafter Van Valkenburgh, Panattoni, the Trust and Pebble Partners jointly, severally and collectively referred to as the "Grantors") and **Dotry Enterprises, LLC** (hereinafter referred to as the "Grantee").

**WHEREAS**, by and through the Deed, Grantors deeded certain real estate situated in Shelby County, Alabama described on Exhibit "A" attached hereto and made a part hereof (hereinafter the "Property") to Grantee.

**WHEREAS**, Grantors subjected Grantee to certain covenants and restrictions set forth in the body of the Deed which specifically prohibit the Grantee from constructing, installing, locating or permitting any building, structure, fence, paving, landscaping or other improvement on the Property without the prior written consent of Grantors (hereinafter the "Restrictions").

**WHEREAS**, the Restrictions specifically appoint Pebble Partners to act for all of the Grantors with respect to certification to any interested person of whether compliance may have been had with the Restrictions.

**WHEREAS**, Pebble Partners was cancelled on February 27, 2004 according to records maintained by the Alabama Secretary of State shown on Exhibit "B" attached hereto and made a part hereof.

**WHEREAS**, Grantee has erected certain improvements on the Property which were consented to by all the Grantors and those improvements are not in violation of the Restrictions.

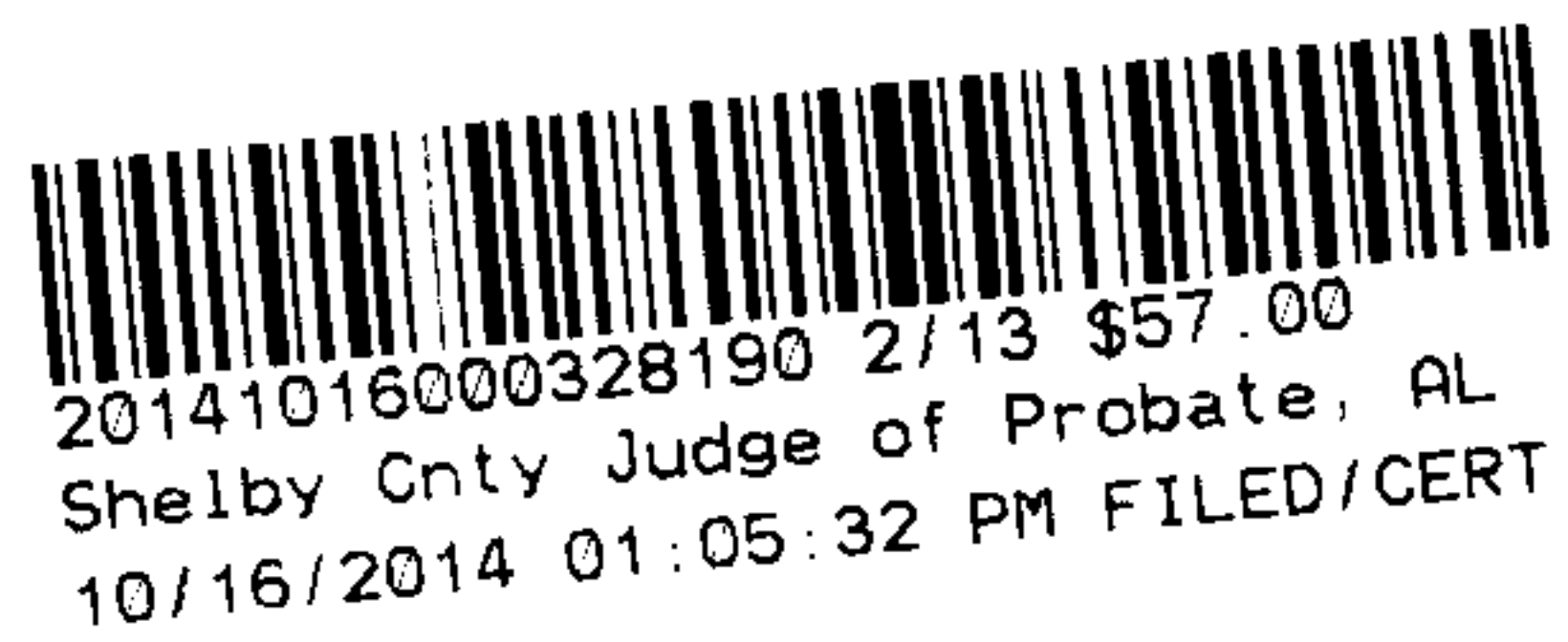
**WHEREAS,** Grantee desires to be able to make any improvements to the Property that Grantee sees fit in its sole discretion.

**WHEREAS,** for the consideration stated herein, Grantors agree to remove and strike the Restrictions from the Deed so that the Property will no longer be encumbered by the Restrictions.

**NOW, THEREFORE,** for Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by each party hereto, Grantee and Grantors agree as follows:

1. Grantee and Grantors hereby agree and declare that the improvements are not in violation of the Restrictions as set forth in the Deed.
2. The Grantors hereby remove and strike the Restrictions from the Deed. Henceforth the Property shall no longer be encumbered by the Restrictions.
3. This Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original and all of which, when taken together, shall constitute one and the same instrument.
4. Pebble Partners cannot and shall not be required to execute this document as Pebble Partners was cancelled on February 27, 2004.

*[Signature Lines and Notary Acknowledgments on Following Pages]*



IN WITNESS WHEREOF, the parties hereto have executed this Plan effective as of the 14th day of May, 2014.

**P-GST TRUST**

BY: *Yolanda M. Panattoni*  
Yolanda Panattoni as co-trustee of the P-GST Trust  
dated December 26, 1989


BY: *Carl D. Panattoni*  
Carl D. Panattoni as co-trustee of the P-GST Trust dated  
December 26, 1989

BY: *Leonard Panattoni*  
Leonard Panattoni as co-trustee of the P-GST Trust  
dated December 26, 1989

BY: *Christine Kowalski*  
Christine Kowalski as co-trustee of the P-GST Trust  
dated December 26, 1989

BY: *Elaine M. Schaedler*  
Elaine Schaedler as co-trustee of the P-GST Trust dated  
December 26, 1989

*[Notary Acknowledgments on Following Pages]*

  
20141016000328190 3/13 \$57.00  
Shelby Cnty Judge of Probate, AL  
10/16/2014 01:05:32 PM FILED/CERT



# CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

State of California

County of Sacramento



20141016000328190 4/13 \$57.00  
Shelby Cnty Judge of Probate: AL  
10/16/2014 01:05:32 PM FILED/CERT

On Oct 6, 2014 before me, Katina K Woodbury, Notary Public,  
(Here insert name and title of the officer)

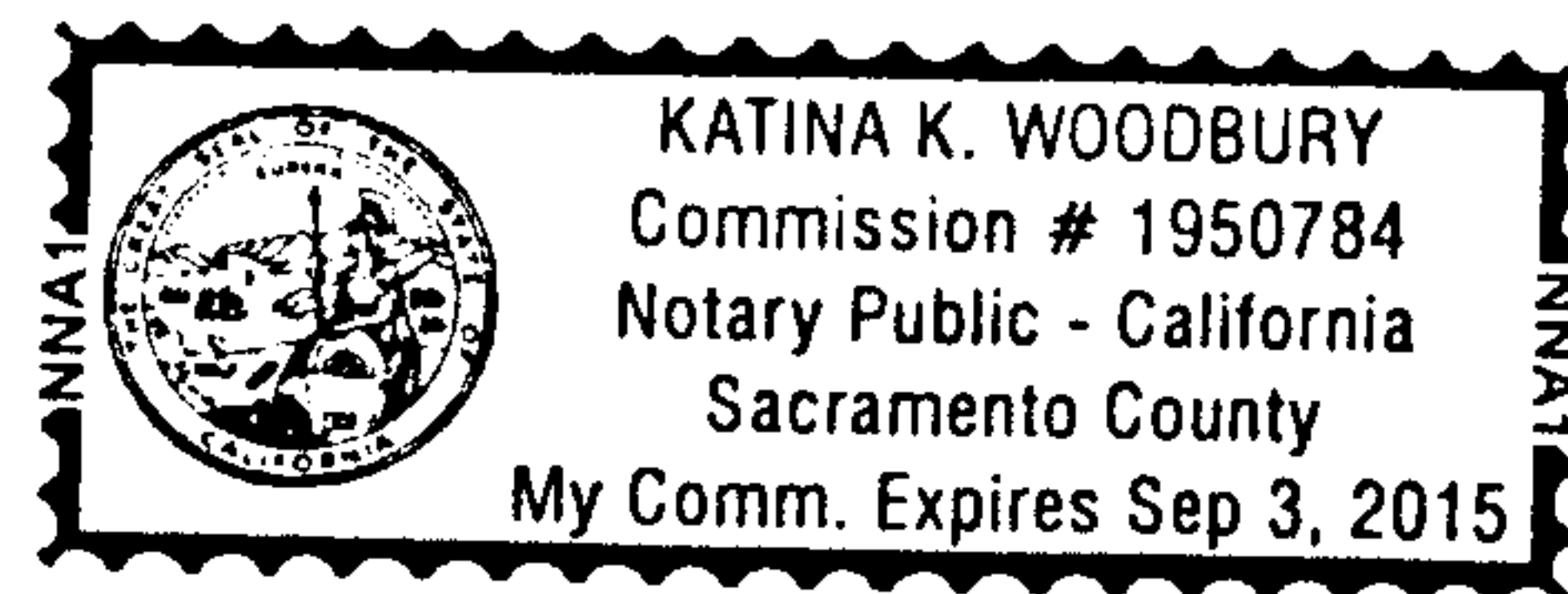
personally appeared - Yolanda Panatteni -

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Kat K Woodbury  
Signature of Notary Public



(Notary Seal)

## ADDITIONAL OPTIONAL INFORMATION

### DESCRIPTION OF THE ATTACHED DOCUMENT

(Title or description of attached document)

(Title or description of attached document continued)

Number of Pages \_\_\_\_\_ Document Date \_\_\_\_\_

(Additional information)

### CAPACITY CLAIMED BY THE SIGNER

- ☐ Individual (s)  
☐ Corporate Officer

(Title)

- ☐ Partner(s)  
☐ Attorney-in-Fact  
☐ Trustee(s)  
☐ Other \_\_\_\_\_

### INSTRUCTIONS FOR COMPLETING THIS FORM

Any acknowledgment completed in California must contain verbiage exactly as appears above in the notary section or a separate acknowledgment form must be properly completed and attached to that document. The only exception is if a document is to be recorded outside of California. In such instances, any alternative acknowledgment verbiage as may be printed on such a document so long as the verbiage does not require the notary to do something that is illegal for a notary in California (i.e. certifying the authorized capacity of the signer). Please check the document carefully for proper notarial wording and attach this form if required.

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. ~~he/she/they~~, is /~~are~~) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
  - ❖ Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
  - ❖ Indicate title or type of attached document, number of pages and date.
  - ❖ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document



# CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

State of California

County of Monterey

On May 8, 2014 before me, Janet Lay Buechner, Notary Public,  
Date Here Insert Name and Title of the Officer

personally appeared Carl D. Panattoni  
Name(s) of Signer(s)

20141016000328190 5/13 \$57.00  
Shelby Cnty Judge of Probate, AL  
10/16/2014 01:05:32 PM FILED/CERT



who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: Janet Lay Buechner  
Signature of Notary Public

Place Notary Seal Above

## OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

### Description of Attached Document

Title or Type of Document: \_\_\_\_\_

Document Date: \_\_\_\_\_ Number of Pages: \_\_\_\_\_

Signer(s) Other Than Named Above: \_\_\_\_\_

### Capacity(ies) Claimed by Signer(s)

Signer's Name: \_\_\_\_\_

- ☐ Corporate Officer — Title(s): \_\_\_\_\_
- ☐ Individual
- ☐ Partner — ☐ Limited ☐ General
- ☐ Attorney in Fact
- ☐ Trustee
- ☐ Guardian or Conservator
- ☐ Other: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_

RIGHT THUMBPRINT  
OF SIGNER

Top of thumb here

Signer's Name: \_\_\_\_\_

- ☐ Corporate Officer — Title(s): \_\_\_\_\_
- ☐ Individual
- ☐ Partner — ☐ Limited ☐ General
- ☐ Attorney in Fact
- ☐ Trustee
- ☐ Guardian or Conservator
- ☐ Other: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_

RIGHT THUMBPRINT  
OF SIGNER

Top of thumb here



# CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

State of California

County of SACRAMENTO



20141016000328190 6/13 \$57.00  
Shelby Cnty Judge of Probate, AL  
10/16/2014 01:05:32 PM FILED/CERT

On July 25, 2014 before me, Katina K Woodbury, Notary Public,  
(Here insert name and title of the officer)

personally appeared - Leonardo Panatieri

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Katina K Woodbury  
Signature of Notary Public



(Notary Seal)

## ADDITIONAL OPTIONAL INFORMATION

### DESCRIPTION OF THE ATTACHED DOCUMENT

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(Title or description of attached document continued)

Number of Pages \_\_\_\_\_ Document Date \_\_\_\_\_

(Additional information)

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- Securely attach this document to the signed document

### CAPACITY CLAIMED BY THE SIGNER

- ☐ Individual (s)  
☐ Corporate Officer

(Title)

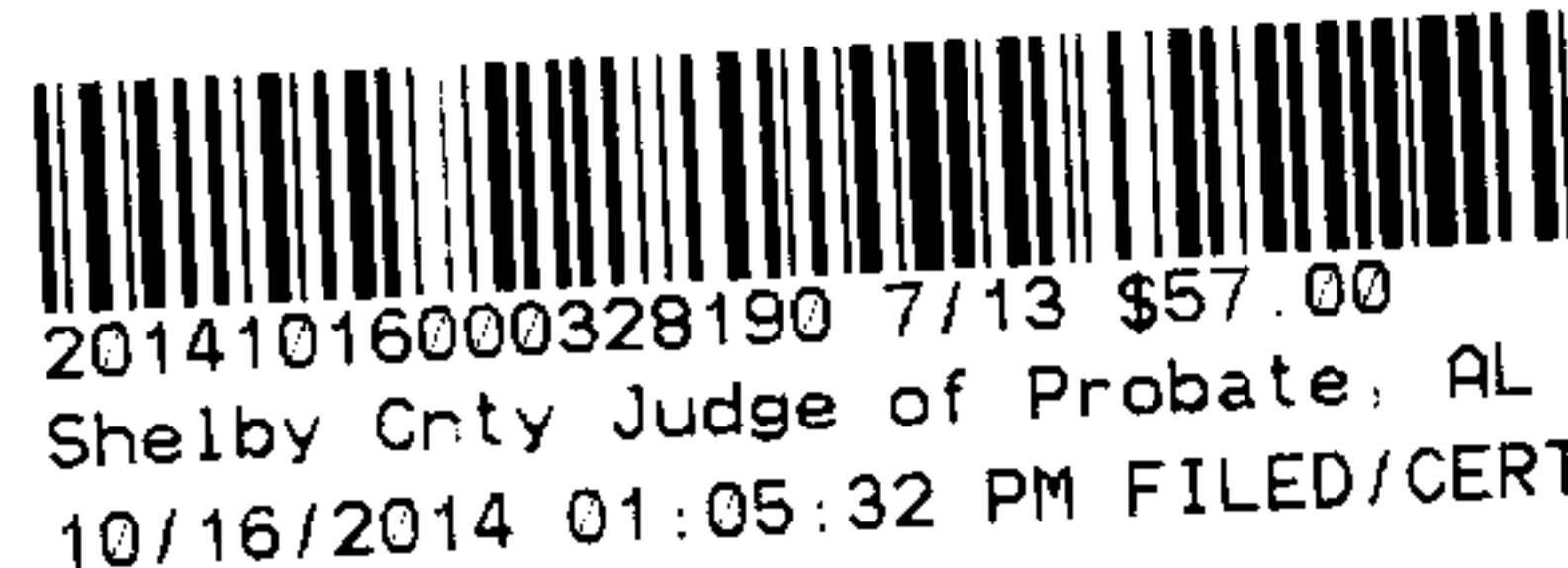
- ☐ Partner(s)  
☐ Attorney-in-Fact  
☐ Trustee(s)  
☐ Other \_\_\_\_\_



# CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

State of California

County of Sacramento



On 10-6-2014 before me, Katrina K Woodbury, Notary Public  
(Here insert name and title of the officer)

personally appeared - Christine Kowalski -

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Katrina K Woodbury

Signature of Notary Public



(Notary Seal)

## ADDITIONAL OPTIONAL INFORMATION

### DESCRIPTION OF THE ATTACHED DOCUMENT

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(Title or description of attached document continued)

Number of Pages \_\_\_\_\_ Document Date \_\_\_\_\_

(Additional information)

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☐ Corporate Officer

(Title)

- ☐ Partner(s)  
☐ Attorney-in-Fact  
☐ Trustee(s)  
☐ Other \_\_\_\_\_

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# CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

State of California

County of Sacramento



20141016000328190 8/13 \$57.00  
Shelby Cnty Judge of Probate: AL  
10/16/2014 01:05:32 PM FILED/CERT

On 10-6-2014 before me, Katina K Woodbury, Notary Public  
(Here insert name and title of the officer)

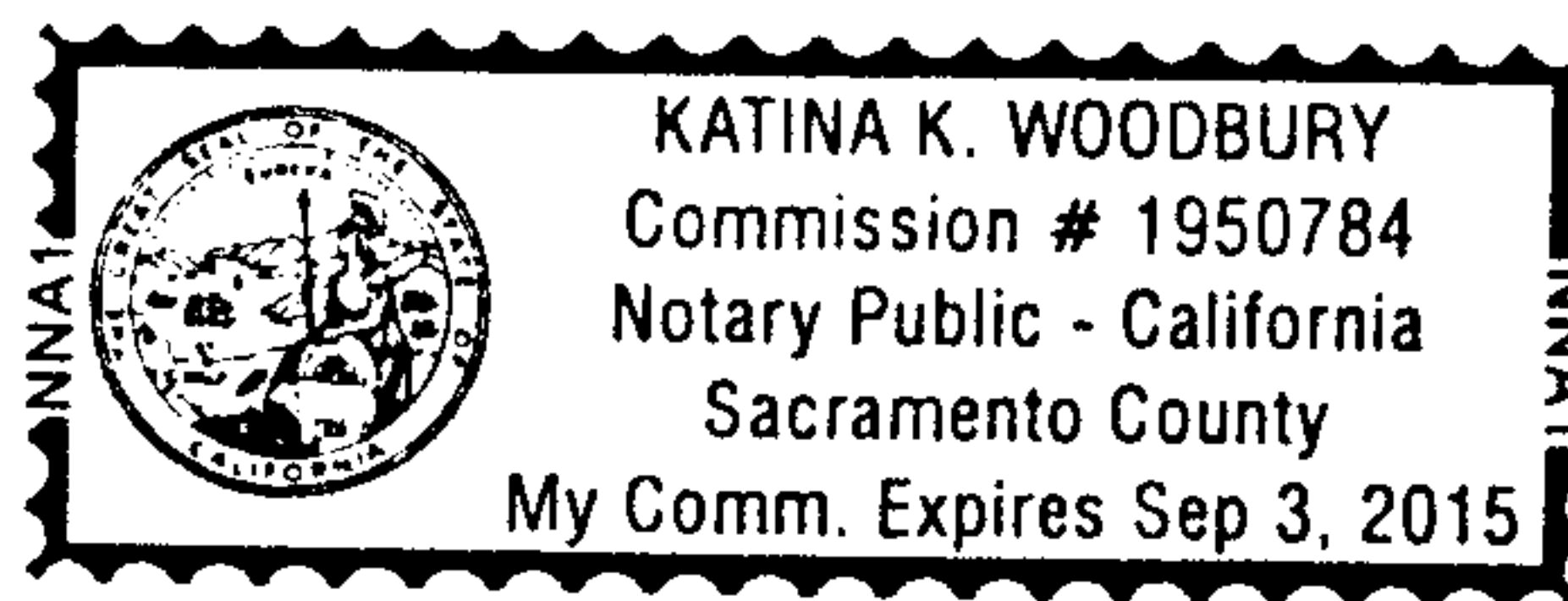
personally appeared - Elaine Schmedler -

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Kat K Woodbury  
Signature of Notary Public



(Notary Seal)

## ADDITIONAL OPTIONAL INFORMATION

### DESCRIPTION OF THE ATTACHED DOCUMENT

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(Title or description of attached document continued)

Number of Pages \_\_\_\_\_ Document Date \_\_\_\_\_

(Additional information)

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☐ Corporate Officer

(Title)

- ☐ Partner(s)  
☐ Attorney-in-Fact  
☐ Trustee(s)  
☐ Other \_\_\_\_\_

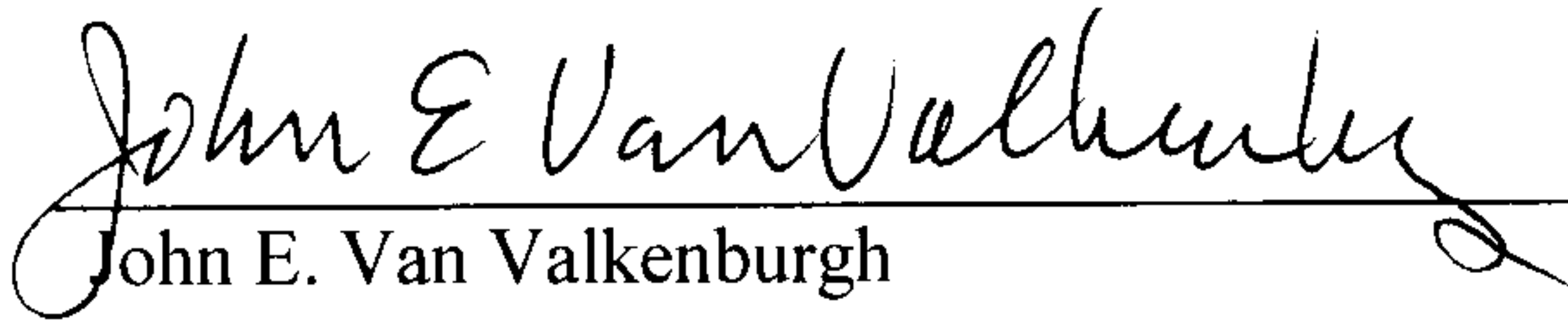
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- Securely attach this document to the signed document



IN WITNESS WHEREOF, the parties hereto have executed this Plan effective as of the 14th day of May, 2014.


  
John E. Van Valkenburgh L.S.  
(Individually)

STATE OF ALABAMA  
JEFFERSON COUNTY

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that John E. Van Valkenburgh, 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 this instrument, he executed the same voluntarily on the day the same bears date.

Given under my hand and official seal, this the \_\_\_\_ day of May, 2014.

\_\_\_\_\_  
NOTARY PUBLIC  
My Commission expires: \_\_\_\_\_

  
20141016000328190 9/13 \$57.00  
Shelby Cnty Judge of Probate: AL  
10/16/2014 01:05:32 PM FILED/CERT

# CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

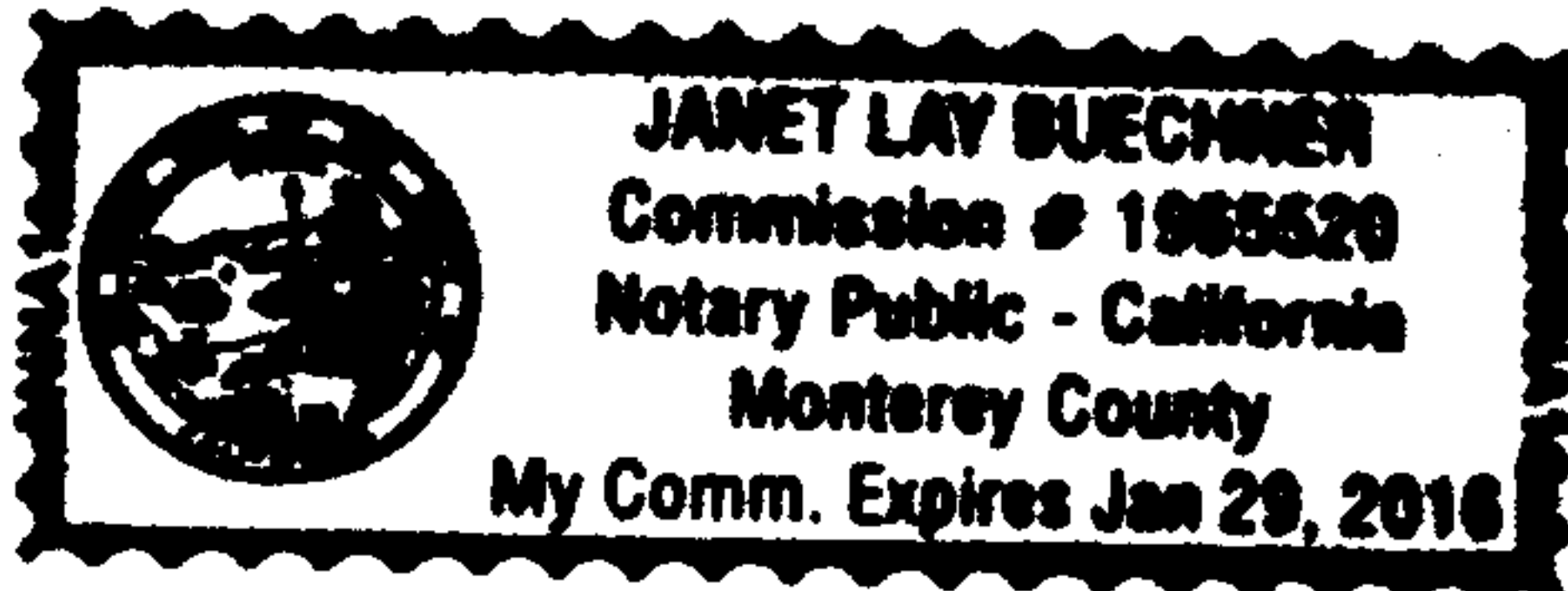
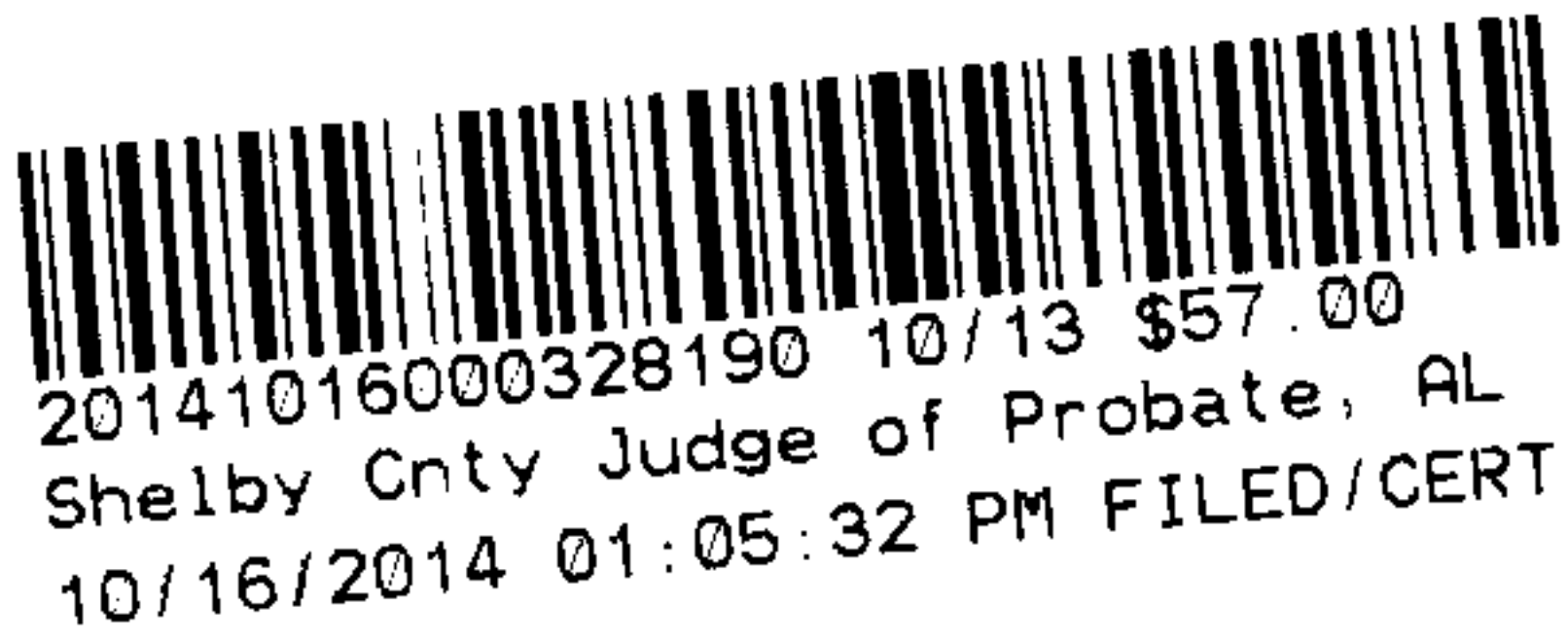
CIVIL CODE § 1189

State of California

County of Monterey

On May 8, 2014 before me, Janet Lay Buechner, Notary Public  
Date Here Insert Name and Title of the Officer

personally appeared John E Van Valkenburgh  
Name(s) of Signer(s)



who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Place Notary Seal Above

Signature: Janet Lay Buechner  
Signature of Notary Public

## OPTIONAL

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### Description of Attached Document

Title or Type of Document: \_\_\_\_\_

Document Date: \_\_\_\_\_ Number of Pages: \_\_\_\_\_

Signer(s) Other Than Named Above: \_\_\_\_\_

### Capacity(ies) Claimed by Signer(s)

Signer's Name: \_\_\_\_\_

- ☐ Corporate Officer — Title(s): \_\_\_\_\_
- ☐ Individual
- ☐ Partner — ☐ Limited ☐ General
- ☐ Attorney in Fact
- ☐ Trustee
- ☐ Guardian or Conservator
- ☐ Other: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_

RIGHT THUMBPRINT  
OF SIGNER

Top of thumb here

Signer's Name: \_\_\_\_\_

- ☐ Corporate Officer — Title(s): \_\_\_\_\_
- ☐ Individual
- ☐ Partner — ☐ Limited ☐ General
- ☐ Attorney in Fact
- ☐ Trustee
- ☐ Guardian or Conservator
- ☐ Other: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_

RIGHT THUMBPRINT  
OF SIGNER

Top of thumb here



IN WITNESS WHEREOF, the parties hereto have executed this Plan effective as of the 14th day of May, 2014.



Carl D. Panattoni

L.S.

(Individually)


STATE OF ALABAMA  
JEFFERSON COUNTY

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Carl D. Panattoni, 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 this instrument, he executed the same voluntarily on the day the same bears date.

Given under my hand and official seal, this the \_\_\_\_ day of May, 2014.

\_\_\_\_\_  
NOTARY PUBLIC

My Commission expires: \_\_\_\_\_



20141016000328190 11/13 \$57.00  
Shelby Cnty Judge of Probate, AL  
10/16/2014 01:05:32 PM FILED/CERT

# CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

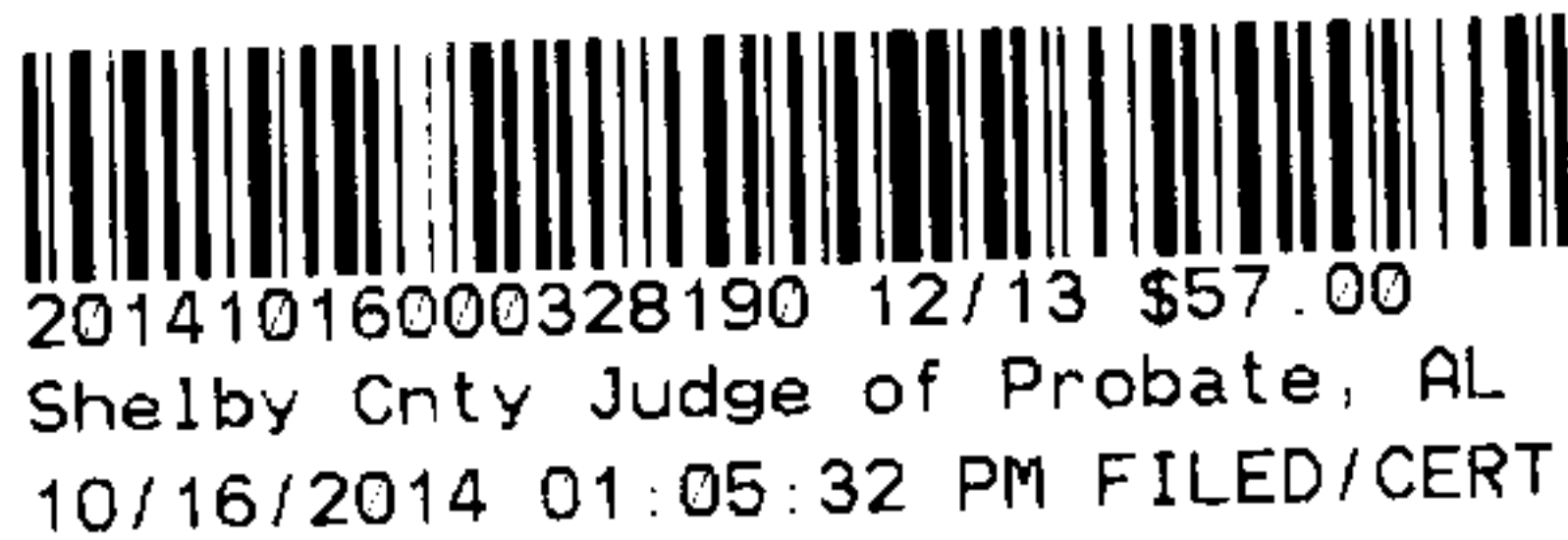
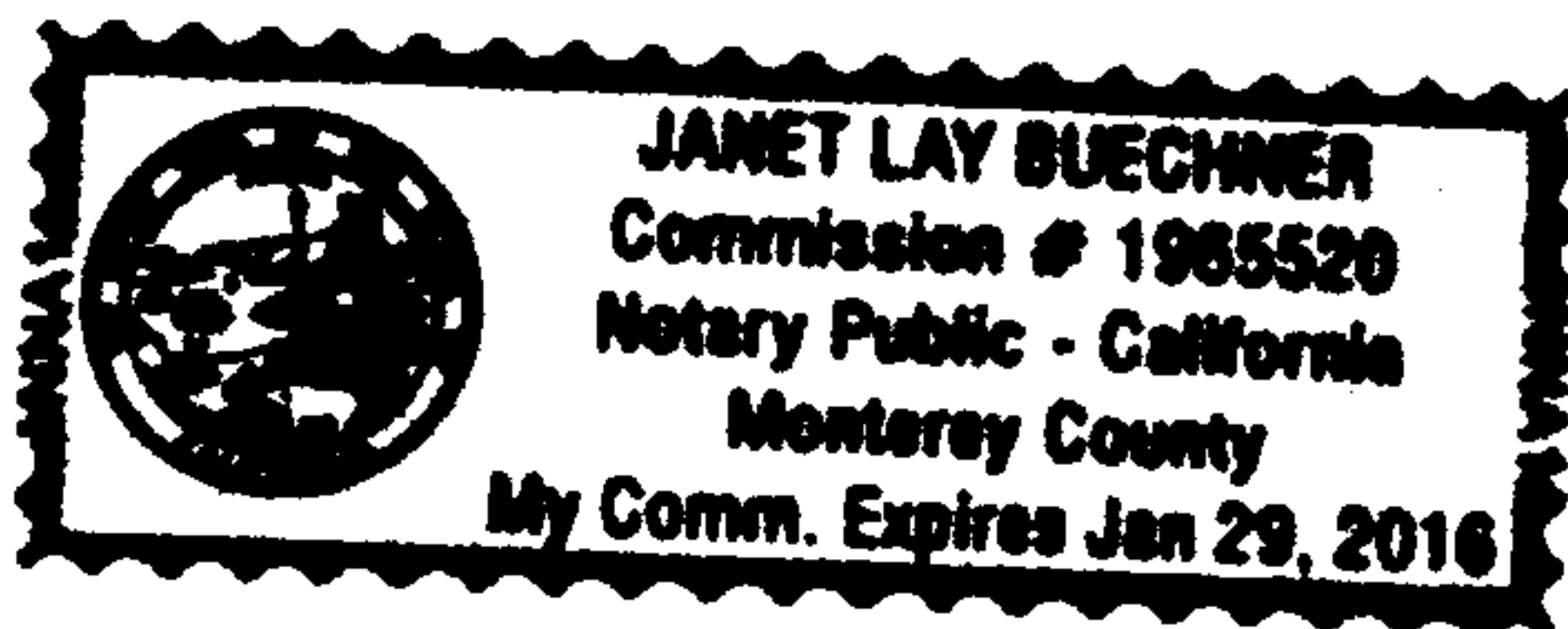
CIVIL CODE § 1189

State of California

County of Monterey

On May 8, 2014 before me, Janet Lay Buechner, Notary Public,  
Date Here Insert Name and Title of the Officer

personally appeared Carl D Panattoni  
Name(s) of Signer(s)



who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(ies), and that by his/~~her/their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: [Signature]  
Signature of Notary Public

Place Notary Seal Above

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- ☐ Attorney in Fact
- ☐ Trustee
- ☐ Guardian or Conservator
- ☐ Other: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_

RIGHT THUMBPRINT  
OF SIGNER

Top of thumb here

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RIGHT THUMBPRINT  
OF SIGNER

Top of thumb here



## **EXHIBIT "A"**

A parcel of land located in Section 31, Township 19 South, Range 2 West, Shelby County, Alabama, and being more particularly described as follows:

Commence at the Northwest corner of the Southeast quarter of Section 31, Township 19 South, Range 2 West, Shelby County, Alabama, and run in an Easterly direction along the North line of said quarter section a distance of 329.55 feet to a point, said point lying on the Southwesterly boundary line of Cahaba Valley Park North, as recorded in Map Book 13, Pages 140a and 140b, in the Office of the Judge of Probate of Shelby County, Alabama; thence turn a deflection angle of 60 degrees 17 minutes 38 seconds to the right and run in a Southeasterly direction along said boundary line of Cahaba Valley Park North a distance of 841.35 feet to a point; thence turn a deflection angle of 88 degrees 06 minutes 12 seconds and run to the right in a Southwesterly direction a distance of 577.12 feet to a point, said point being on the Westerly right of way line of Southgate Drive, as recorded in Map Book 22, Page 91, in the Probate Office of Shelby County; thence turn a deflection angle of 91 degrees 53 minutes 48 seconds and run to the right in a Northwesterly direction along the Westerly right of way line of said Southgate Drive a distance of 385.48 feet to the POINT OF BEGINNING of the parcel herein described; thence continue in the same direction as the last described course, in a Northwesterly direction, along said right of way a distance of 47.60 feet to a point and the beginning of a curve to the left; thence continue along said right of way in a Northwesterly direction, and along the arc of said curve, having a radius of 220.00 feet and a central angle of 79 degrees 07 minutes 16 seconds, an arc distance of 303.80 feet to a point; thence continue along said right of way, tangent to last described curve, in a Westerly direction a distance of 181.50 feet to a point and the beginning of a curve to the left; thence, leaving said right of way, run in a Southwesterly to Southeasterly direction, along the arc of said curve, having a radius of 35.00 feet and a central angle of 105 degrees 34 minutes 59 seconds an arc distance of 64.50 feet to a point; thence continue in a Southeasterly direction, tangent to last described curve, a distance of 42.63 feet to a point; thence turn an interior angle of 183 degrees 06 minutes 00 seconds and run to the right in a Southeasterly direction a distance of 201.40 feet to a point; thence turn an interior angle of 183 degrees 14 minutes 59 seconds and run to the right in a Southeasterly direction a distance of 29.77 feet to a point; thence turn an interior angle of 86 degrees 27 minutes 28 seconds and run to the left in a Northeasterly direction a distance of 390.14 feet to the point of beginning.

Situated in Shelby County, Alabama.

**SUBJECT TO:** i) taxes and assessments for the year 2014, a lien but not yet payable; ii) Restrictions appearing of record in Instrument # 2001-38805; iii) Easements and building line as shown on recorded map; and iv) coal, oil, gas and mineral and mining rights which are not owned by Mortgagor.