

RELEASE OF LAND FROM DECLARATION OF COVENANTS, CONDITIONS, RESERVATIONS AND RESTRICTIONS

STATE OF ALABAMA
COUNTY OF SHELBY



20161025000392550 1/5 \$27.00
Shelby Cnty Judge of Probate, AL
10/25/2016 03:00:40 PM FILED/CERT

WHEREAS, Lois Huckaby executed the Master Declaration of Covenants, Conditions, Reservations and Restrictions applicable to Indian Lake Estates dated September 26, 1995, which were filed of record in the Office of the Judge of Probate of Shelby County, Alabama, in Instrument number 1995-31865 (hereinafter referred to as the Declaration);

WHEREAS, in executing the Declaration, Lois Huckaby subjected certain real property located in Shelby County Alabama to the Covenants, Conditions, Reservations and Restrictions contained in said Declaration and those lands were therein referred to on Exhibit B of said Declaration as the "Huckaby Property."

WHEREAS, the Revised Master Declaration of Covenants, Conditions, Reservations and Restrictions were filed of record on October 13, 1998 in the Office of the Judge of Probate of Shelby County, Alabama, in Instrument number 1998-39829 (the "Revised Declaration");

WHEREAS, the Declaration and the Revised Declaration directed in Recital 3 on page 1 as follows:

"The Declarant and the Owners have deemed it desirable that an agency be created to which certain powers should be delegated and assigned. The powers shall include maintaining and administering the Lake and facilities on the Lake and disbursement of the assessments and charges hereinafter imposed. Accordingly, the Declarant and the Owners have caused to be incorporated under the law of the State of Alabama as a non-profit, non-stock corporation the Huckaby Lake Homeowners' Association, Inc. (the "Association"), organized for the purpose of exercising the aforesaid functions."

WHEREAS, Huckaby Lake Homeowners' Association, Inc., was incorporated on the 9th day of February 1993 and its Articles of Incorporation were filed in the Office of the Judge of Probate of Shelby County, Alabama on February 22, 1993 in Instrument number 1993-05097 (the "Association").

WHEREAS, Article III, Section 2 of the Declaration sets out the Declarant (Lois Huckaby) as a Class B member of the Association. It reads in part as follows:

“Class B. The Class B Member shall be the Declarant, which shall be entitled to the total number of votes equal to the number of acres constituting the Huckaby Property. The Declarant’s Class B membership and its accompanying voting rights shall cease and terminate when the Declarant, in its sole discretion, determines to withdraw from Class B membership in the Association and so notifies the Association in writing or when the Huckaby Property is no longer owned by the Declarant or her heirs or descendants, in which event the Owner or Owners of the Huckaby Property shall convert to Class A membership and be entitled to one-vote for each lot owned (i.e., for each acre or fractional acre of land owned).”

WHEREAS, Article III, Section 2 of the Revised Declaration sets out the Declarant (Lois Huckaby) as a Class B member of the Association. It reads in part as follows:

“Class B. The Class B Member shall be the Declarant, which shall be entitled to the total number of votes equal to the number of acres constituting the Huckaby Property. The Declarant’s Class B membership and its accompanying voting rights shall cease and terminate when the Declarant, in its sole discretion, determines to withdraw from Class B membership in the Association and so notifies the Association in writing or when the Huckaby Property is no longer owned by the Declarant or her heirs or descendants, in which event the Owner or Owners of the Huckaby Property shall convert to Class A membership.”

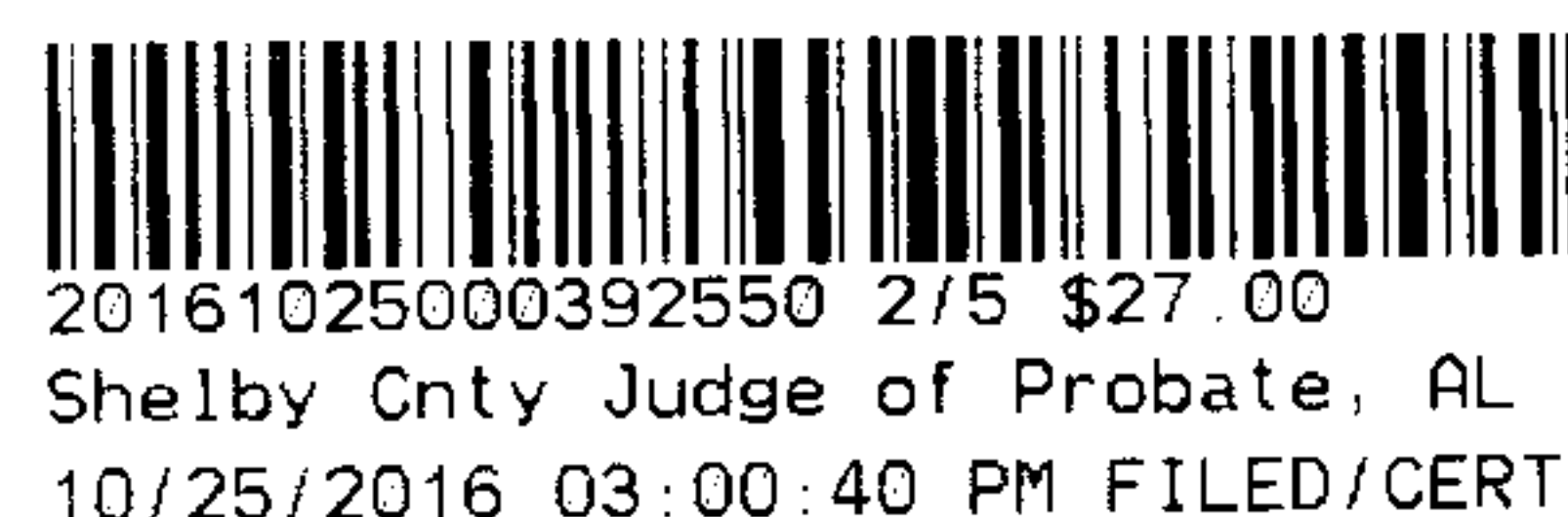
WHEREAS, Lois Huckaby conveyed the “Huckaby Property” to Lois G. Huckaby, Trustee, or Her Successors in Trust, under the Huckaby Real Estate Trust, dated November 15, 2005, by deeds recorded in the office of the Judge of Probate of Shelby County, Alabama, in instruments numbered 20051207000634270, 20060322000134460, 20070215000070670 & 20070215000070680.

WHEREAS, Lois Huckaby died on or about May 5, 2013.

WHEREAS, Regions Bank is the successor trustee of the Huckaby Real Estate Trust.

WHEREAS, the real property described as Keeneland Valley as recorded in Map Book 45, Page 68, in the Probate Office of Shelby County, Alabama was once part of two of the Huckaby Properties identified on Exhibit B of the Declaration therein described as “95 11-7-36-2-001-001 3442 Indian Lake Drive” and as “95 11-7-36-2-001-015 Pasture.”

WHEREAS, Regions Bank, an Alabama banking corporation, acting in its capacity as Successor Trustee of the Huckaby Real Estate Trust conveyed to Highpointe Investments, LLC, by deed recorded in instrument number 20140919000294110 the real property which is now known as Keeneland Valley as recorded in map Book 45, page 68, in the Probate Office of Shelby County, Alabama.



WHEREAS, Highpointe Investments, LLC, conveyed to Keeneland, LLC, by deed recorded in Instruments Numbered 20140919000294130 the real property described as Keeneland Valley as recorded in Map Book 45, Page 68, in the Probate Office of Shelby County, Alabama;

WHEREAS, the real property described as Keeneland Valley as recorded in Map Book 45, Page 68, in the Probate Office of Shelby County, Alabama, is subject to the Declaration and its owners are Class A members of the Huckaby Lake Homeowners' Association.

WHEREAS, prior to the conveyance of the land now known as Keeneland Valley as recorded in Map Book 45, Page 68, in the Probate office of Shelby County, Alabama to Keeneland, LLC, Highpointe Investments, LLC, by and through its President and CEO, Connor Farmer, entered into an agreement with Huckaby Lake Homeowners' Association, Inc., in which Highpointe Investments, LLC, agreed that Keeneland Valley subdivision would not be part of the Association and its owners would not benefit from rights and privileges of membership in the Association.

WHEREAS, Keeneland, LLC, conveyed to Harris Doyle Homes, Inc., by deed dated January 4, 2016 and recorded in Instrument number 20160105000003920, Lot 36 of Keeneland Valley as recorded in Map Book 45, Page 68, in the Probate office of Shelby County, Alabama.

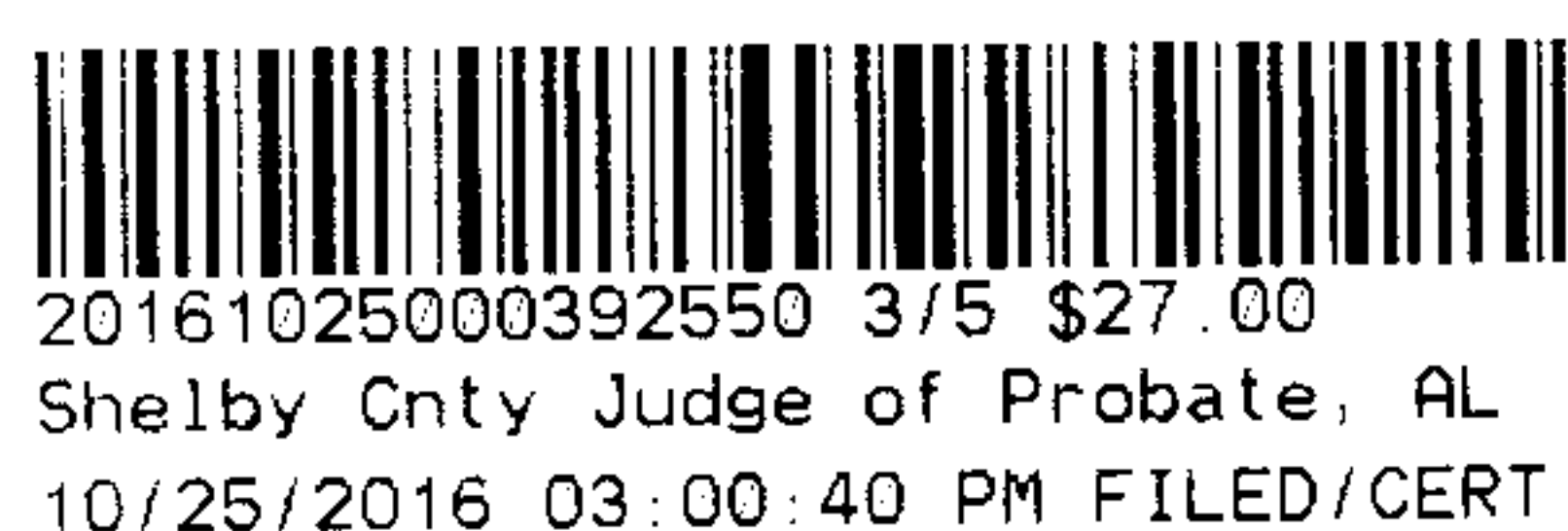
WHEREAS, Harris Doyle Homes, Inc., conveyed to Donna R. Bellenger by deed dated June 7, 2016, and recorded in Instrument number 20160614000204330, Lot 36 of Keeneland Valley as recorded in Map Book 45, Page 68, in the Probate office of Shelby County, Alabama;

WHEREAS, Donna R. Bellenger, desire that the land described as Lot 36 according the survey of Keeneland Valley as recorded in Map Book 45, Page 68, in the Probate office of Shelby County, Alabama be released from the Declaration of Conditions, Covenants, Reservations and Restrictions and desire to relinquish the privileges and benefits of membership in the Huckaby Lake Homeowners's Association, Inc.

WHEREAS, the Huckaby lake Homeowners' Association, Inc., desires to release Lot 36 according the survey of Keeneland Valley as recorded in Map Book 45, Page 68, in the Probate office of Shelby County, Alabama, from the Conditions, Covenants, Reservations and Restrictions of the Declaration and to remove the Donna R. Bellenger, from the membership role of Huckaby Lake Homeowners' Association, Inc.

NOW THEREFORE, for valuable consideration, Donna R. Bellenger, a single woman, and the Huckaby Lake Homeowners' Association, Inc., agree as follows:

1. That the Real Property described as Lot 36 according to the Survey of Keeneland Valley as recorded in map Book 45, page 68 shall be and hereby is no longer subject to the obligations set forth in the Master Declaration of Covenants,



Conditions, Reservations and Restrictions applicable to Indian Lake Estates dated September 26, 1995, filed of record in the Office of the Judge of Probate of Shelby County, Alabama, in Instrument number 1995-31865 as amended by the Revised Master Declaration of Covenants, Conditions, Reservations and Restrictions filed of record on October 13, 1998 in the Office of the Judge of Probate of Shelby County, Alabama, in Instrument number 1998-39829.

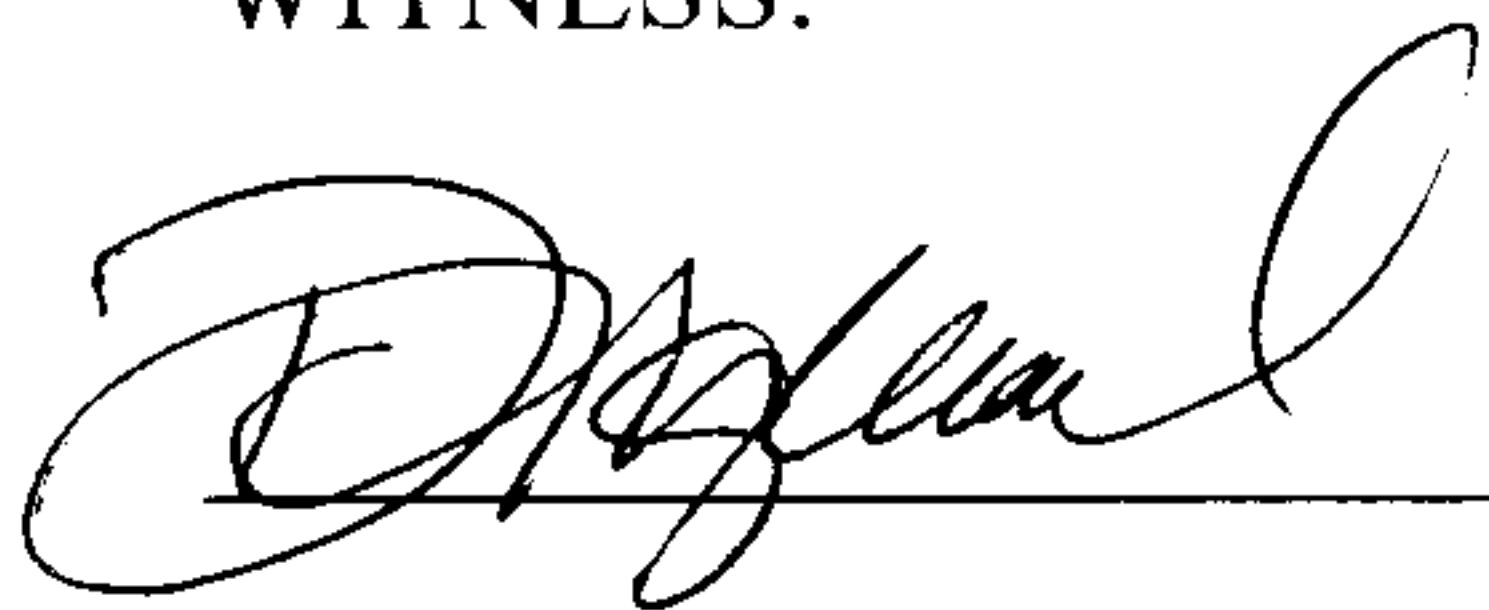
2. That the Real Property described as Lot 36 according to the Survey of Keeneland Valley as recorded in map Book 45, page 68 shall be and hereby is no longer a beneficiary of the privileges and benefits as set out in the Master Declaration of Covenants, Conditions, Reservations and Restrictions applicable to Indian Lake Estates dated September 26, 1995, filed of record in the Office of the Judge of Probate of Shelby County, Alabama, in Instrument number 1995-31865 as amended by the Revised Master Declaration of Covenants, Conditions, Reservations and Restrictions filed of record on October 13, 1998 in the Office of the Judge of Probate of Shelby County, Alabama, in Instrument number 1998-39829.
3. That Donna R. Bellenger, her heirs, successors and/or assigns, shall be and hereby are removed from the role of membership of the Huckaby Lake Homeowners' Association, Inc., and are hereby released from all obligations for payment of dues and assessments, and all other obligations, whether past, present or future, arising from the Declaration, the Revised Declaration and/or the Articles of Incorporation of the Huckaby Lake Homeowners' Association, Inc.
4. That the Huckaby Lake Homeowners' Association, Inc., its successors and/or assigns, is hereby released from any obligation, whether said obligation is past, present or future, to offer or provide any privileges and/or benefits to Donna R. Bellenger, her heirs, successors and/or assigns.
5. Said releases shall inure to the benefit of the officers, managers, directors, employees and/or all members of the Huckaby Lake Homeowners' Association Inc., its successors and/or assigns and to the heirs, successors and/or assigns of Donna R. Bellenger.
6. The parties hereto agree to indemnify and hold harmless the other, their successors and/or assigns from any loss or claim arising, whether now or in the future, from said benefit of membership and/or obligations associated therewith.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals on this the 27th day of Sept 2016.

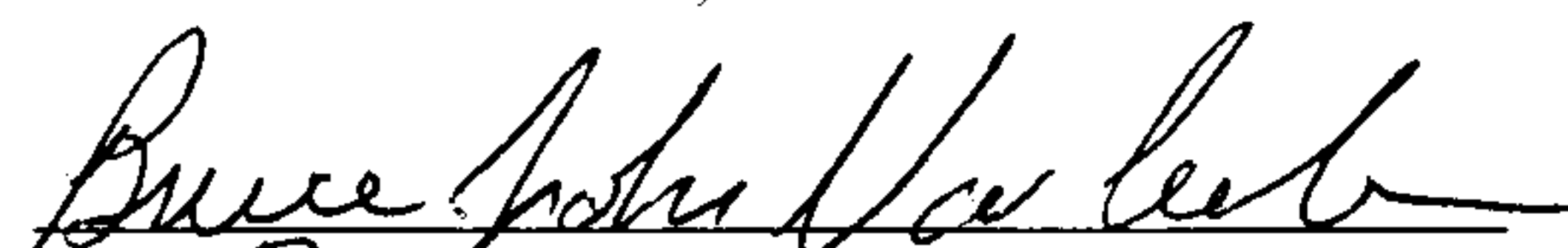
(EXECUTED AND ACKNOWLEDGED ON FOLLOWING PAGE)


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WITNESS:



HUCKABY LAKE HOMEOWNERS'
ASSOCIATION, INC.

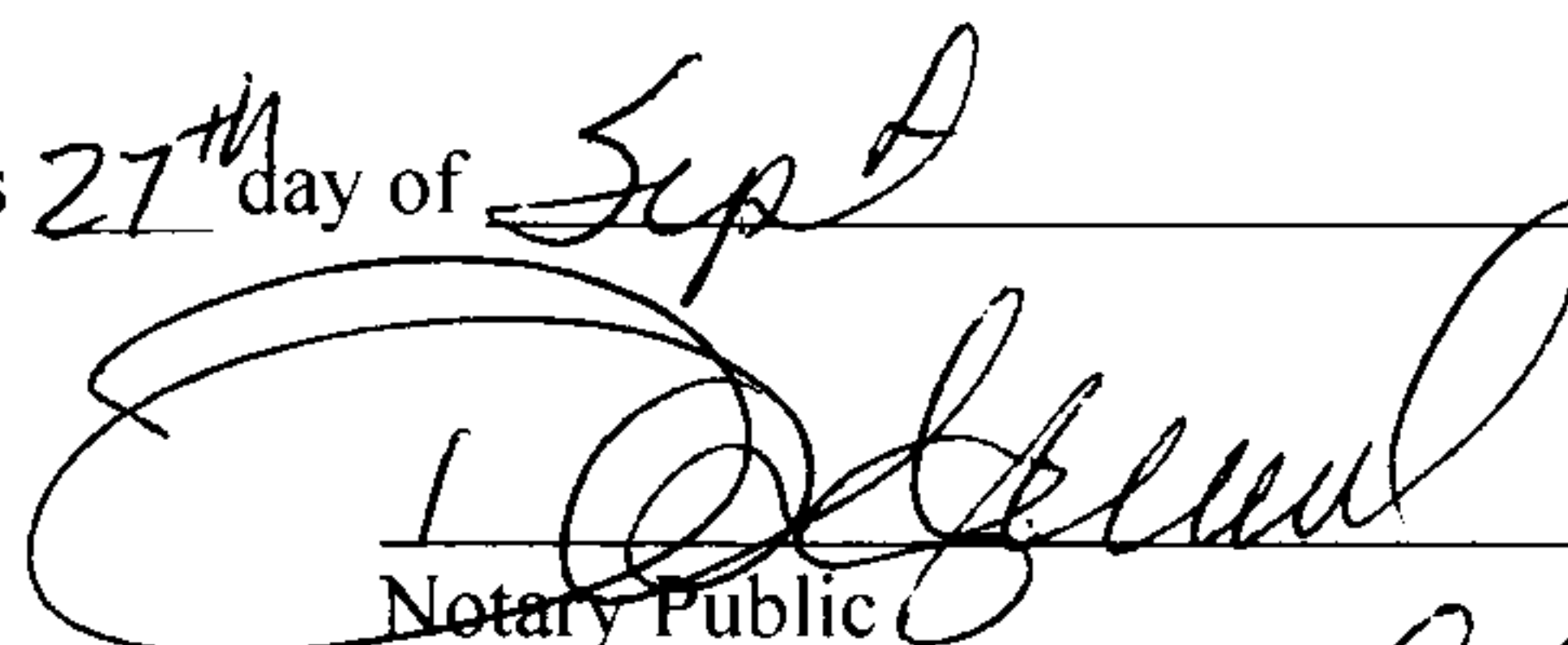

By: Bruce John Van Arsdate
Its: President

STATE OF ALABAMA
COUNTY OF SHELBY

I, the undersigned authority, a Notary Public, in and for said State and County, hereby certify that Bruce John Van Arsdate, whose name as President of the Huckaby Lake Homeowners' Association, Inc., is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, her/she as President with full authority executed the same voluntarily for and as the act of the Huckaby Lake Homeowners' Association, Inc.

Given under my hand and seal this 27th day of Sept 2016.

SEAL


Notary Public
My Commission Expires: 9-8-19

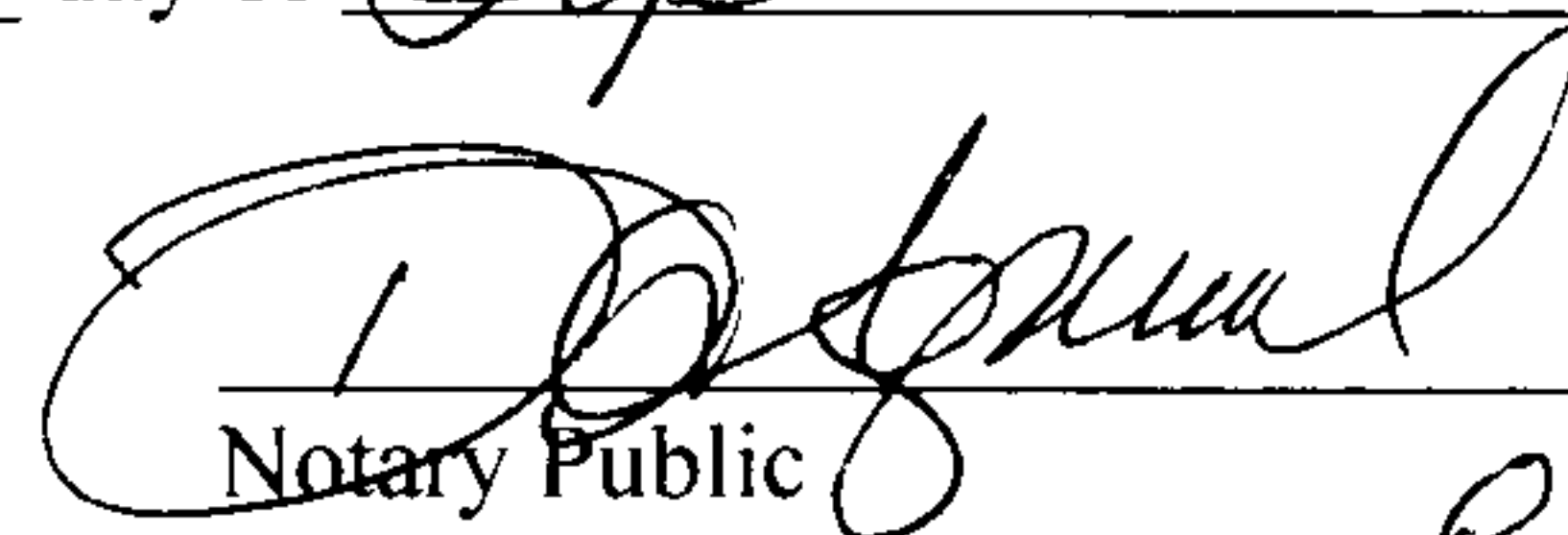

DONNA R. BELLENGER

STATE OF ALABAMA
COUNTY OF SHELBY

I, the undersigned authority, a Notary Public, in and for said State and County, hereby certify that Donna R. Bellenger whose name is signed to the foregoing conveyance, and who 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 the same bears date.

Given under my hand and seal this 27th day of Sept 2016.

SEAL


Notary Public
My Commission Expires: 9-8-19

THIS INSTRUMENT PREPARED BY:

David A. Bedgood
P. O. Box 360234
Birmingham, Alabama 35236
david@bedgoodlaw.com



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