


THIS INSTRUMENT PREPARED BY
AND AFTER RECORDING RETURN TO:
Lindsay Whitworth
Maynard, Cooper & Gale, P.C.
2400 Regions/Harbert Plaza
1901 Sixth Ave. N.
Birmingham, Alabama 35203- 2618

STATE OF ALABAMA)
)
SHELBY COUNTY)


20171113000409040 1/8 \$38.00
Shelby Cnty Judge of Probate, AL
11/13/2017 11:44:32 AM FILED/CERT

**PARTIAL TERMINATION AND RELEASE OF COVENANT
AND AGREEMENT FOR WATER SERVICE**

THIS PARTIAL TERMINATION AND RELEASE OF COVENANT AND AGREEMENT FOR WATER SERVICE ("Partial Release") is entered into by Shelby County, a political subdivision of the State of Alabama ("County"), Dantract, Inc., an Alabama corporation ("Dantract"), THE CWD, L.L.C., an Alabama limited liability company ("CWD"), CAVENDER FAMILY BENEFICIARY OOS, LTD., a Texas limited partnership ("Cavender"), as of October 23, 2017 (the "Effective Date").

WITNESSETH:

WHEREAS, the County, Dantract and Daniel Realty Company, executed and recorded that certain Covenant and Agreement for Water Service dated April 24, 1989 and recorded in Book 235, Page 574 in the Office of the Judge of Probate of Shelby County, Alabama (the "Water Service Agreement"), which established certain covenants regarding water service for property described therein;

WHEREAS, subsequent to the recording of the Water Service Agreement, CWD and Cavender obtained an interest in the Property (hereafter defined); and

WHEREAS, the parties have agreed to release a portion of such property from the terms of the Water Service Agreement.

NOW THEREFORE, for and in consideration of the following recitals and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereby disclaim, release, quitclaim and discharge any easement, restriction, covenant or other interest arising out of the Water Service Agreement over, along and through the property described on Exhibit A attached hereto and made a part hereof (the "Property"), except those portions of the Property through which an existing underground water line is currently in place, as depicted by Exhibit B attached hereto and made a part hereof.

All terms and conditions of the Water Service Agreement that are not specifically amended by this Partial Release shall remain in full force and effect including all rights of enforcement if any provisions of the Water Service Agreement or this Partial Release are violated.

[Signatures on following page]



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IN WITNESS WHEREOF, the undersigned have duly executed this Partial Release as of the date set forth in the acknowledgement below.

SHELBY COUNTY

By:

Name:

Its:

[Signature]
Jon Parker
CHAIRMAN of Commission

STATE OF ALABAMA)
JEFFERSON COUNTY)

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Jon Parker, whose name as Chairman of Shelby County, a political subdivision of the State of Alabama, 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 such instrument, he, as such officer and with full authority, executed the same voluntarily for and as the act of said county.

Given under my hand this the 23rd day of October, 2017.

[Signature]
Notary Public

My Commission Expires: _____

[SEAL]

My Commission Expires October 11, 2020

[signatures continue]



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DANTRACT, INC.,
an Alabama corporation

By: _____

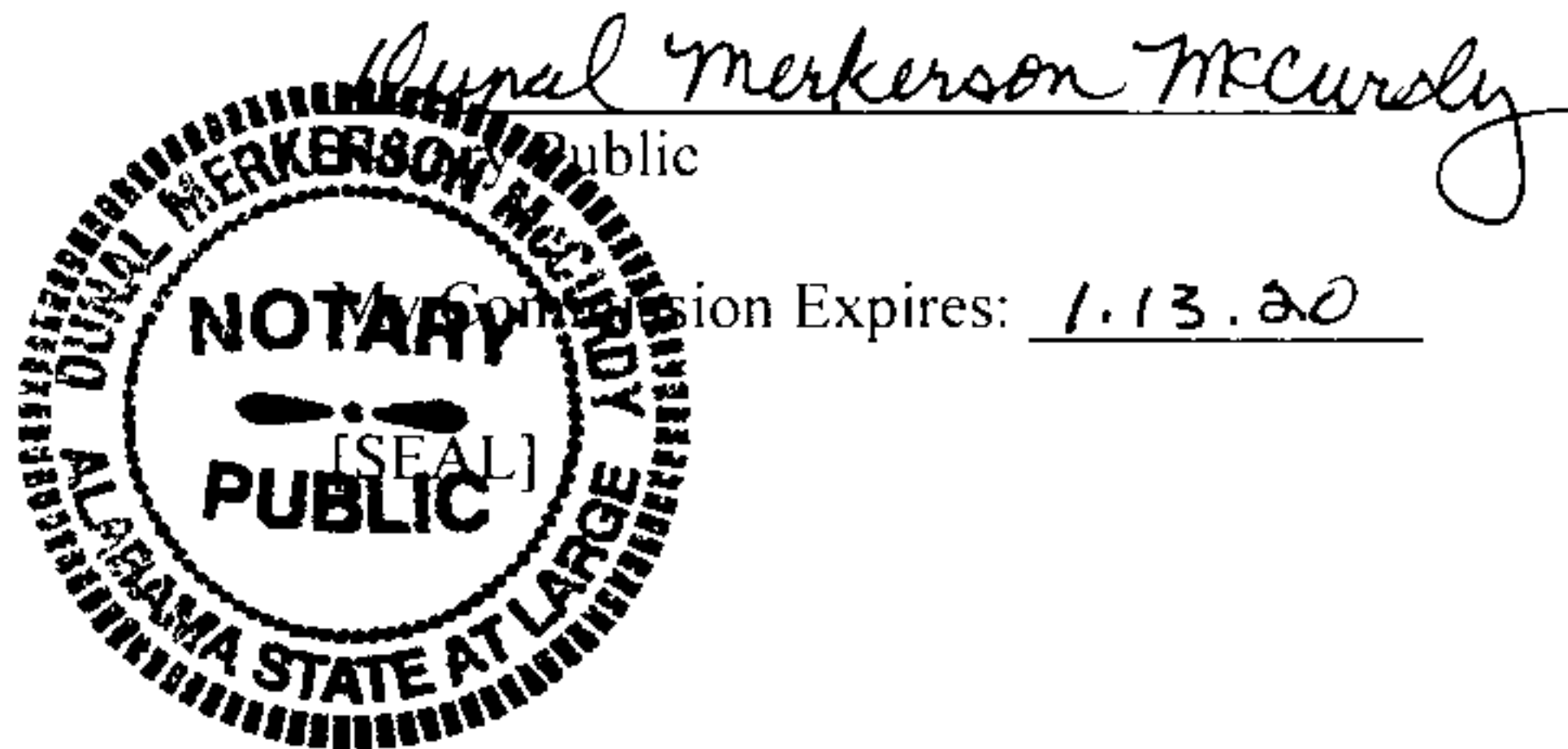
Name: Charles W. Daniel

Its: President

STATE OF ALABAMA)
JEFFERSON COUNTY)

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Charles W. Daniel, whose name as President of DANTRACT, INC., an Alabama corporation, 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 such instrument, he, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation.

Given under my hand this the 19th day of October, 2017.



[signatures continue]



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THE C.W.D., LLC,
an Alabama limited liability company

By: *Charles W. Daniel*
Name: Charles W. Daniel
Its: Managing Member

STATE OF ALABAMA)
JEFFERSON COUNTY)

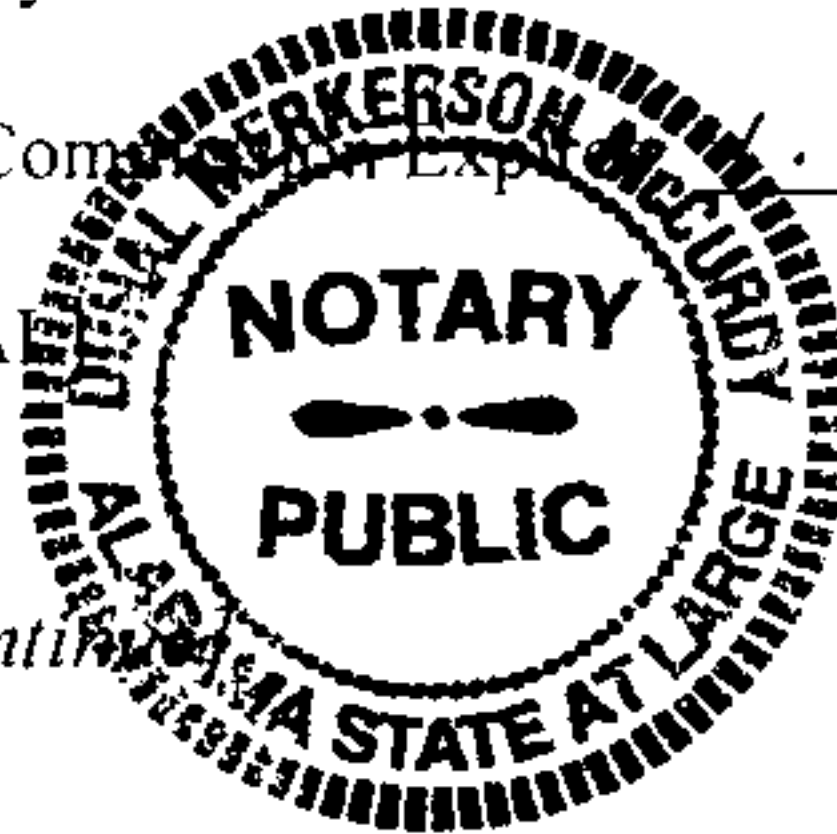
I, the undersigned authority, a Notary Public in and for said county in said State, hereby certify that Charles W. Daniel whose name as a Managing Member of The C.W.D., LLC., an Alabama limited liability company, is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that, being informed of the contents of said instrument, he, as such member and with full authority, executed the same voluntarily for and as the act of said limited liability company.

Given under my hand this the 19th day of October, 2017.

Dunal Markerson McCurdy
Notary Public

My Comm. Exp. 11.13.20

[SEAL]



[signatures continue]

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**CAVENDER FAMILY BENEFICIARY OOS,
LTD., a Texas limited partnership**

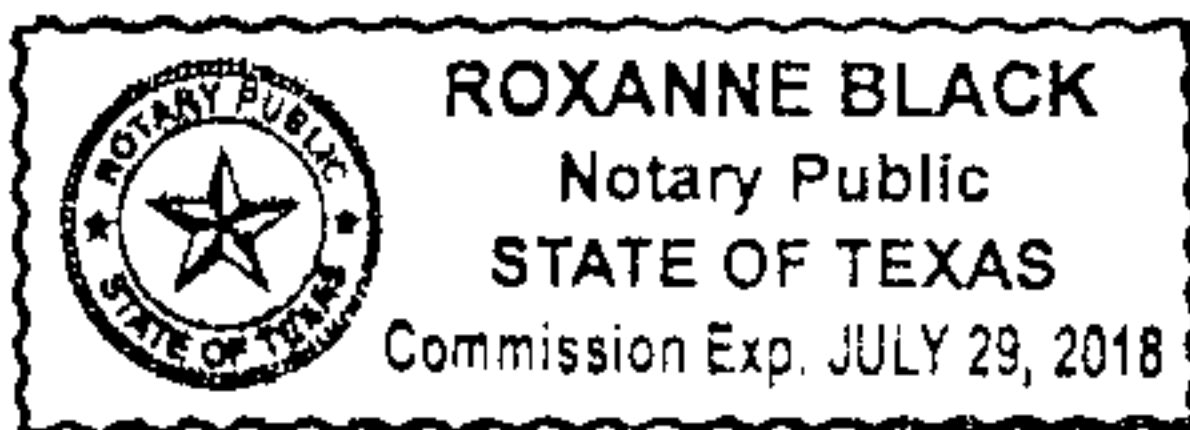
By: Cavender Family Beneficiary OOS
Management, LLC, a Texas limited liability
company, its general partner

By: [Signature]
Mike A. Cavender, President

STATE OF Texas)
Harris COUNTY)

I, the undersigned authority, a Notary Public in and for said county in said State, hereby certify that Mike A. Cavender whose name as the President of Cavender Family Beneficiary OOS Management, LLC, which is the General Partner of Cavender Family Beneficiary OOS, Ltd., a Texas limited partnership, 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 said instrument, he, as such member and with full authority, executed the same voluntarily for and as the act of said limited partnership.

Given under my hand this the 19th day of October, 2017.



Roxanne Black
Notary Public
My Commission Expires: 07292018
[SEAL]

[signatures continue]



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EXHIBIT A

[Legal Description]

Lot 1-A of The Crossroads Northeast being as recorded in Map Book 48, Page 64, Shelby County, Alabama, being a Resurvey of Lot 1, according to the Final Record Plat of The Crossroads Northeast, recorded as Instrument No. 20050517000236510, being a resurvey of an acreage parcel and Lot 1C School House Properties Subdivision Resurvey No. 1 as recorded in Map Book 24 at Page 39, in the Office of the Judge of Probate of Shelby County, Alabama.



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