

STATE OF ALABAMA)
COUNTY OF SHELBY)

1261
DECLARATION OF RESTRICTIONS

KNOW ALL MEN BY THESE PRESENTS, That I, the undersigned, Betty Jane Kappel, intend by this document to impose certain restrictions on the use of real property owned by me in Shelby County, Alabama.

WHEREAS, on this date, I have conveyed to Weatherly Enterprises, Inc. that parcel of land described on Exhibit "A" attached hereto and incorporated by reference herein and I have retained ownership of and am the owner of that certain real property described on Exhibits "B," "C," "D" and "E" attached hereto and incorporated by reference herein which Exhibits "B," "C," "D" and "E" are further defined as being all of my property lying south of that real property described on Exhibit "A" attached hereto, the totality of such property being retained by me will be referred to in this document as "the Retained Property;" and

WHEREAS, I am desirous of establishing and placing the said Retained Property under certain restrictions.

NOW, THEREFORE, the undersigned does hereby adopt the following restrictions which shall apply in perpetuity to the Retained Property and shall from hereafter encumber and restrict the use of the said Retained Property:

1. The said Retained Property shall be only used as a landscaping "berm" being defined for the purpose of these restrictions as areas of land being mounded earth or earth slopes containing only plants, foliage and other vegetation for visual and noise bufferage.

IN WITNESS WHEREOF, the undersigned, Betty Jane Kappel, UN married, has hereunto set her hand and seal this 13 day of June, 1988.

Betty Jane Kappel
Betty Jane Kappel

STATE OF ALABAMA)
JEFFERSON COUNTY)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Betty Jane Kappel, UN married, 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 the instrument, she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 13 day of June, 1988.

James Buford

Notary Public

STATE OF ALABAMA
SHELBY COUNTY

EXHIBIT 'A'

A parcel of land situated in the S.E. 1/4 of the N.E. 1/4 and in the S.W. 1/4 of the N.E. 1/4 of Section 20, Township 20 South, Range 2 West, Shelby County, Alabama, being more particularly described as follows:

Commence at the S.E. corner of said S.E. 1/4 of N.E. 1/4; thence N 87°07'00" W along the south line of said S.E. 1/4 of N.E. 1/4 for 386.64 feet to the POINT OF BEGINNING; thence continue N 87°07'00" W along said south line of S.E. 1/4 of N.E. 1/4 for 90.61 feet to a point; thence N 45°39'09" W for 29.60 feet to the beginning of a curve to the right, said curve having a central angle of 11°22'22", a radius of 330.00 feet, and a chord which bears N 39°57'58" W for 65.40 feet; thence proceed northwesterly along the arc of said curve for 65.50 feet to the end of said curve; thence N 34°16'47" W for 116.77 feet to the beginning of a curve to the left, said curve having a central angle of 32°58'01", a radius of 170.00 feet, and a chord which bears N 50°45'48" W for 96.47 feet; thence proceed northwesterly along the arc of said curve for 97.82 feet to a point on the centerline of an existing dirt road; thence on a non-tangent line proceed N 64°55'30" W along the centerline of said dirt road for 39.69 feet to a point; thence S 78°42'45" W along the centerline of said dirt road for 19.93 feet to a point on a curve to the left, said curve having a central angle of 21°25'40", a radius of 170.00 feet, and a chord which bears S 82°44'41" W for 63.21 feet; thence proceed southwesterly along the arc of said curve for 63.58 feet to the end of said curve; thence S 72°01'51" W for 396.78 feet to the beginning of a curve to the right, said curve having a central angle of 8°23'40", a radius of 480.00 feet, and a chord which bears S 76°13'41" W for 70.26 feet; thence proceed southwesterly along the arc of said curve for 70.33 feet to the end of said curve; thence S 80°25'31" W for 40.84 feet to a point on the centerline of an existing paved road; thence N 88°24'54" W along the centerline of said paved road for 22.88 feet to a point on the east line of said S.W. 1/4 of N.E. 1/4; thence S 1°02'23" W along said east line of S.W. 1/4 of N.E. 1/4 for 4.51 feet to a point; thence S 80°25'31" W for 192.66 feet to a point on the south line of said S.W. 1/4 of N.E. 1/4; thence N 87°07'00" W along said south line of S.W. 1/4 of N.E. 1/4 for 375.48 feet to a point on the southeasterly right of way line of the Seaboard Coastline Railroad; thence N 45°22'23" E along said right of way line for 67.81 feet to a point; thence S 87°07'00" E for 226.57 feet to the beginning of a curve to the left, said curve having a central angle of 12°27'29", a radius of 470.00 feet, and a chord which bears N 86°39'16" E for 101.99 feet; thence proceed northeasterly along the arc of said curve for 102.19 feet to the end of said curve; thence N 80°25'31" E for 245.29 feet to the beginning of a curve to the left, said curve having a central angle of 8°23'40", a radius of 420.00 feet, and a chord which bears N 76°13'41" E for 61.48 feet; thence proceed northeasterly along the arc of said curve for 61.53 feet to the end of said curve; thence N 72°01'51" E for 396.78 feet to the beginning of a curve to the right, said curve having a central angle of 73°41'22", a radius of 230.00 feet, and a chord which bears S 71°07'28" E for 275.84 feet; thence proceed southeasterly along the arc of said curve for 295.81 feet to the end of said curve; thence S 34°16'47" E for 116.77 feet to the beginning of a curve to the left, said curve having a central angle of 11°22'22", a radius of 270.00 feet, and a chord which bears S 39°57'58" E for 53.51 feet; thence proceed southeasterly along the arc of said curve for 53.59 feet to the end of said curve; thence S 45°39'09" E for 97.50 feet to the POINT OF BEGINNING.

Containing 2.08 acres more or less.

STATE OF ALABAMA
SHELBY COUNTY:

EXHIBIT 'B'

A parcel of land situated in the S.W. 1/4 of the N.E. 1/4 of Section 20, Township 20 South, Range 2 West, Shelby County, Alabama, being more particularly described as follows:

Commence at the S.E. corner of said S.W. 1/4 of N.E. 1/4, said point being the POINT OF BEGINNING; thence N 87°07'00" W along the south line of said S.W. 1/4 of N.E. 1/4 for 189.46 feet to a point; thence N 80°25'31" E for 192.66 feet to a point on the east line of said S.W. 1/4 of N.E. 1/4; thence S 1°02'23" W along the east line of said S.W. 1/4 of N.E. 1/4 for 41.58 feet to the POINT OF BEGINNING.

Containing 0.09 acres more or less.

STATE OF ALABAMA
SHELBY COUNTY

EXHIBIT 'C'

A parcel of land situated in the S.E. 1/4 of the N.E. 1/4 of Section 20, Township 20 South, Range 2 West, Shelby County, Alabama, being more particularly described as follows:

Commence at the S.W. corner of said S.E. 1/4 of N.E. 1/4; thence N-01°02'23"-E along the west line of said S.E. 1/4 of N.E. 1/4 for 46.09 feet to a point on the centerline of an existing road; thence S-88°24'54"-E along the centerline of said existing road for 22.88 feet to the POINT OF BEGINNING; thence N-80°23'31"-E for 40.84 feet to the beginning of a curve to the left, said curve having a central angle of 8°23'40" a radius of 480.00 feet and a chord which bears N-76°13'41"-E for 70.26 feet; thence proceed northeasterly along the arc of said curve for 70.33 feet to the end of said curve; thence N-72°01'51"-E for 396.78 feet to the beginning of a curve to the right, said curve having a central angle of 21°25'39", a radius of 170.00 feet and a chord which bears N-82°44'41"-E for 63.21 feet; thence proceed northeasterly along the arc of said curve for 63.58 feet to a point on the centerline of said existing road; thence S-78°42'45"-W along the centerline of said existing road for 16.26 feet to a point; thence S-69°04'48"-W along the centerline of said existing road for 209.41 feet to a point; thence S-70°42'56"-W along the centerline of said existing road for 167.47 feet to a point; thence S-77°52'34"-W along the centerline of said existing road for 51.39 feet to a point; thence S-87°38'19"-W along the centerline of said existing road for 48.53 feet to a point; thence S-80°27'19"-W along the centerline of said existing road for 51.46 feet to a point; thence N-88°41'19"-W along the centerline of said existing road for 29.56 feet to the POINT OF BEGINNING.

Containing 0.21 acres more or less.

STATE OF ALABAMA
SHELBY COUNTY

EXHIBIT 'D'

A parcel of land situated in the S.E. 1/4 of the N.E. 1/4 of Section 20, Township 20 South, Range 2 West, Shelby County, Alabama, being more particularly described as follows:

Commence at the S.E. corner of said S.E. 1/4 of N.E. 1/4; thence N-87°07'00"-W along the south line of said S.E. 1/4 of N.E. 1/4 for 477.25 feet to a point; thence N-45°39'09"-W for 29.60 feet to the POINT OF BEGINNING, said point being on the centerline of an existing road; thence N-49°02'08"-W along the centerline of said existing road for 22.15 feet to a point; thence N-42°20'38"-W along the centerline of said existing road for 64.39 feet to a point; thence N-40°04'05" W along the centerline of said existing road for 190.14 feet to a point on a curve to the right, said curve having a central angle of 32°58'01", a radius of 170.00 feet, and a chord which bears S-50°45'47"-E for 96.47 feet; thence proceed southeasterly along the arc of said curve for 97.82 feet to the end of said curve; thence S-34°16'47"-E for 116.77 feet to the beginning of a curve to the left, said curve having a central angle of 11°22'23", a radius of 330.00 feet, and a chord which bears S-39°57'58"-E for 65.40 feet; thence proceed southeasterly along the arc of said curve for 65.50 feet to the POINT OF BEGINNING.

Containing 0.07 acres more or less.

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STATE OF ALABAMA
SHELBY COUNTY

EXHIBIT 'E'

A parcel of land situated in the S.W. 1/4 of the N.E. 1/4 of Section 20, Township 20 South, Range 2 West, Shelby County, Alabama, being more particularly described as follows:

Commence at the S.E. corner of said S.W. 1/4 of N.E. 1/4; thence N-87°07'00"-W along the south line of said S.W. 1/4 of N.E. 1/4 for 189.46 feet to the POINT OF BEGINNING; thence continue N-87°07'00"-W along said south line of S.W. 1/4 of N.E. 1/4 for 375.48 feet to a point on the southeasterly right of way margin of the Seaboard Coastline Railroad; thence S-88°38'21"-E for 47.75 feet to a point on the prescriptive right of way margin of an existing road; thence S-88°27'44"-E along said prescriptive right of way margin for 101.58 feet to a point; thence S-84°19'59"-E along said prescriptive right of way margin for 52.29 feet to a point; thence S-87°23'32"-E along said prescriptive right of way margin for 102.86 feet to a point; thence S-85°49'13"-E 71.13 feet to the POINT OF BEGINNING.

Containing 0.01 acres more or less.

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STATE OF ALA. SHELBY
I CERTIFY THIS
INSTRUMENT WAS FILED

88 JUN 16 AM 8:49

JUDGE OF PROBATE

1. Deed Tax	\$	
2. Mtg. Tax		
3. Recording Fee		15.00
4. Indexing Fee		1.00
TOTAL		16.00