

APR. 18. 2000 2:06PM

SOUTHERN NUCLEAR

(205)992 6108

NO.704

P.2/7

STATE OF ALABAMA
SHELBY COUNTY

ENCROACHMENT AGREEMENT

THIS ENCROACHMENT AGREEMENT ^{for MAY} dated April 15, 2000 ("this Agreement") is entered into by SCOTCH BUILDING AND DEVELOPMENT COMPANY, INC. ("Scotch") in favor of JAMES and JENNY DAVIS and their respective assigns and heirs (the "Grantees").

Recitals

A. Scotch is the owner of the property described on Exhibit A (the "Scotch Property") that adjoins the property owned by the Grantees described on Exhibit B (the "Davis Property").

B. A portion of the driveway providing access to the Davis Property encroaches on the Scotch Property. Scotch and the Grantees consider it to be in their mutual interests that certain agreements and understandings regarding this encroachment be expressed, all as hereinafter set forth.

Agreement

NOW, THEREFORE, in consideration of the sum of (\$10.00) in hand paid to Scotch by the Grantees the receipt and sufficiency of which is hereby acknowledged, the parties hereto do agree as follows:

1. Scotch hereby grants to the Grantees a non-exclusive easement for that portion of the driveway benefitting the Davis Property that encroaches on the Scotch Property, as more particularly shown on the drawing attached as Exhibit C.

2. The easements granted by Scotch in this Agreement to the Grantees shall run with the title to said land. The terms and provisions hereof shall be binding upon and shall inure to the benefit of the parties hereto and their respective successors and assigns.

00570000.1

05/02/2001-17249
12:08 PM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
007 CJ1 29.50

Inst # 2001-17249

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IN WITNESS WHEREOF, each of the parties to this Agreement has caused this instrument to be executed on the date set forth in the acknowledgments below.

SCOTCH BUILDING AND
DEVELOPMENT, INC.

By: _____

In: _____

James Davis

Jenny Davis

This instrument was prepared by:

J. Kris Lowry
MAYNARD, COOPER & GALE, P.C.
1901 Sixth Avenue North
2400 AmSouth/Harbert Plaza
Birmingham, Alabama 35203-2618
(205) 254-1000

APR. 18. 2000

2:07PM

SOUTHERN NUCLEAR

(205)992 6108

NO. 704

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STATE OF ALABAMA)
COUNTY OF SHELBY)

I, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that JOE A. SCOTCH JR, whose name as VICE PRESIDENT of Scotch Building and Development Company, Inc., a 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 said 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 and official seal, this the 16th day of May, 2000.

Kai C. Howard
Notary Public

AFFIX SEAL

My commission expires: May 14, 2003

APR. 18. 2000

2:08PM

SOUTHERN NUCLEAR

(205)992 6108

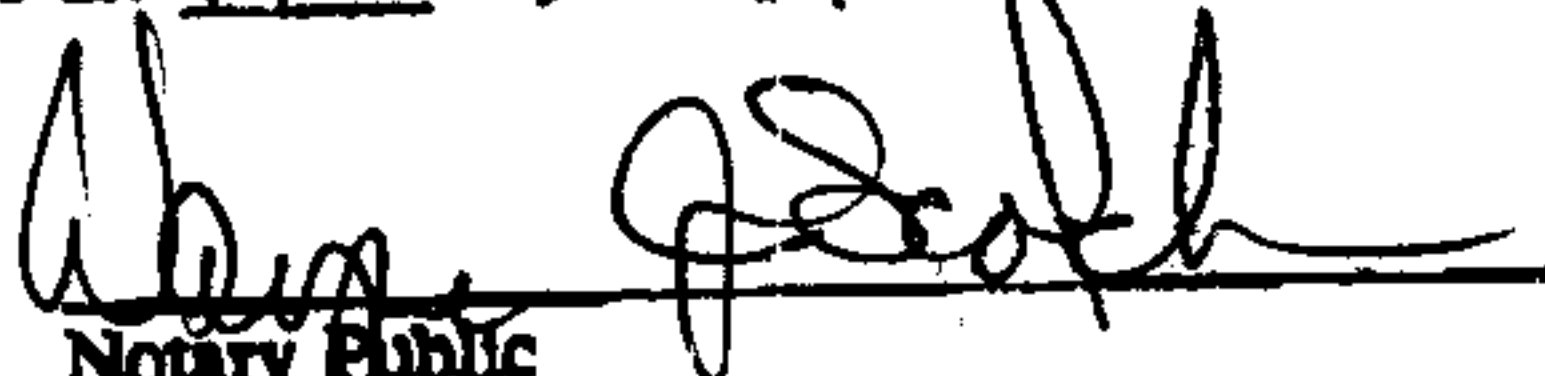
NO. 704

P. 5/7

STATE OF ALABAMA)
COUNTY OF _____)

I, the undersigned authority a Notary Public in and for said County in said State, hereby certify that James Davis, 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 said instrument, he executed the same voluntarily on the day the same bears date.

Given under my hand and official seal, this the 17th day of MAY, 2000.


Notary Public

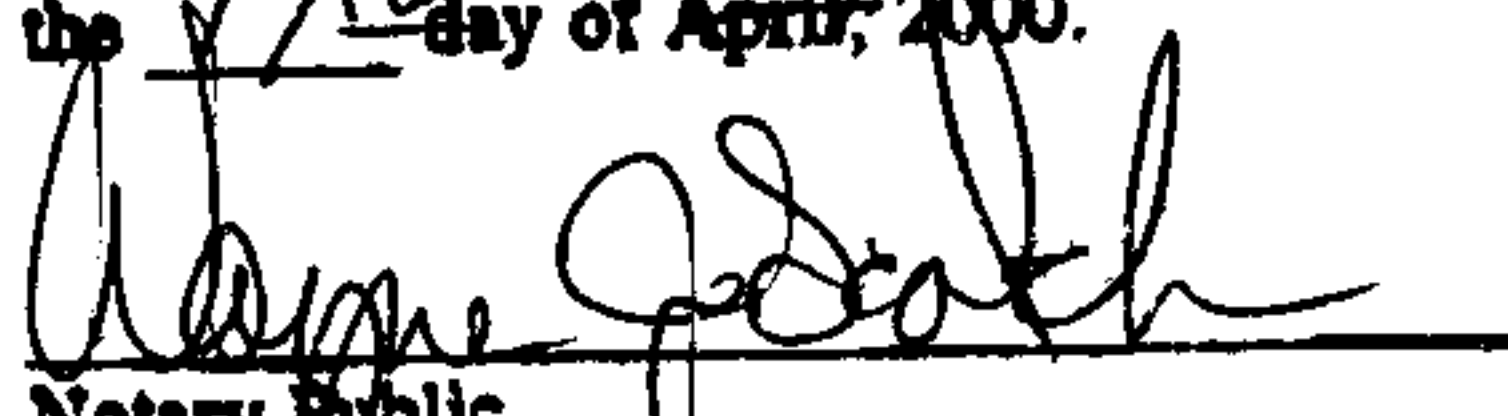
AFFIX SEAL

My commission expires: 1/2004

STATE OF ALABAMA)
COUNTY OF _____)

I, the undersigned authority a Notary Public in and for said County in said State, hereby certify that Jenny Davis, 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 said instrument, she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal, this the 17th day of MAY, 2000.


Notary Public

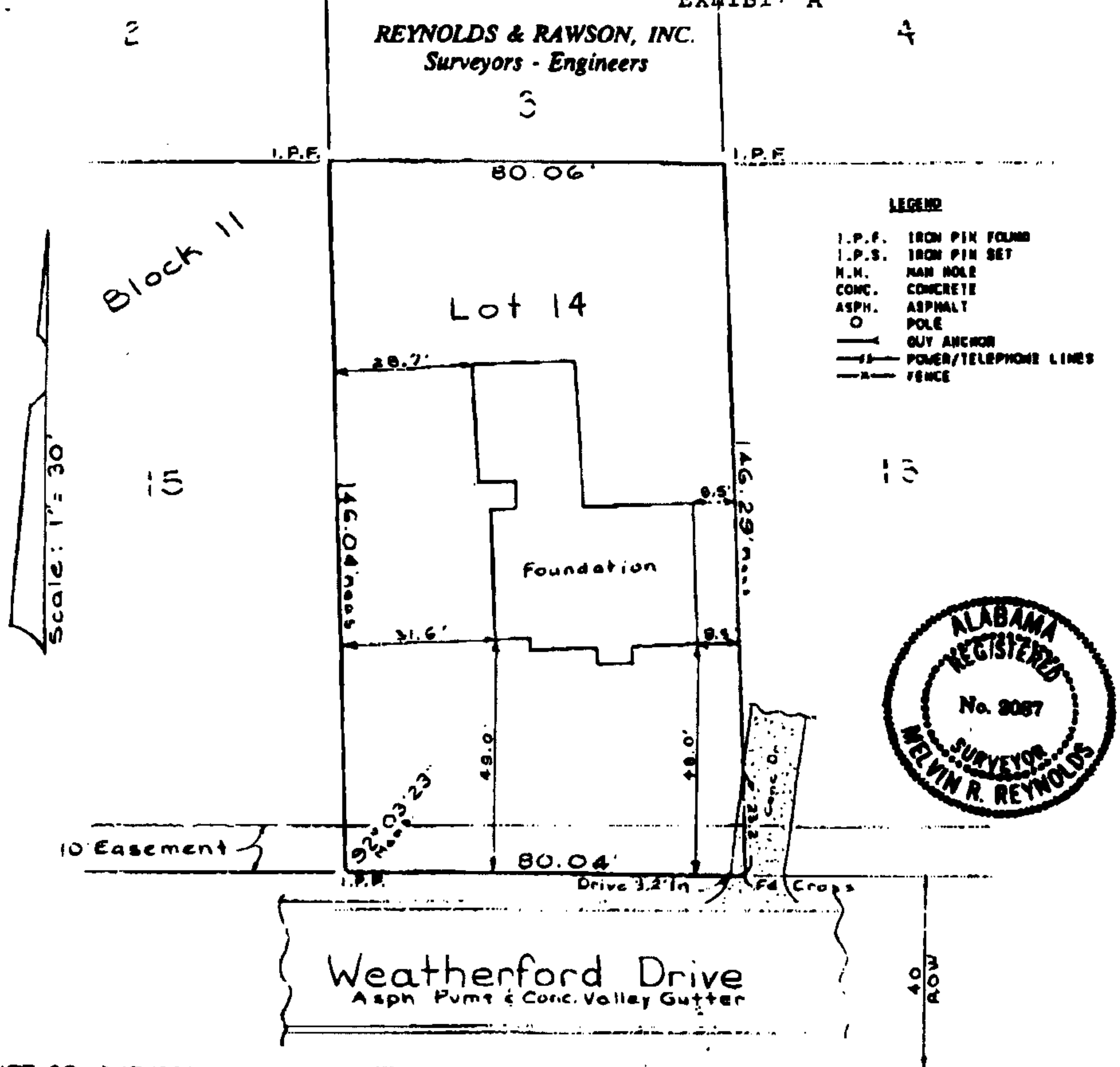
AFFIX SEAL

My commission expires: 1/2004

Aug-10-99 11:05A Reynolds & Rawson, Inc

EXHIBIT A

P.02



STATE OF ALABAMA
Shelby COUNTY

I, Melvin R. Reynolds, a Registered Surveyor, do hereby certify that this is a true and correct plat or map of Lot 14, Block 11 of Broken Bow South as recorded in Map Book 11, Page 82 in the Office of the Judge of Probate in Shelby County, Alabama. All parts of this survey and drawing have been completed in accordance with the requirements of the Minimum Technical Standards for the Practice of Land Surveying in the State of Alabama to the best of my knowledge, information and belief. The improvements on said premises are as shown. There are no visible encroachments of buildings, rights of way, easements or joint driveways over or across said lands except as shown; there are no visible encroachments by electric or telephone wires (excluding wires which serve the premises only) or structures or supports therefor, including poles, anchors and guy wires on or over said premises except as shown. According to my survey this the 9th day of August, 1999.

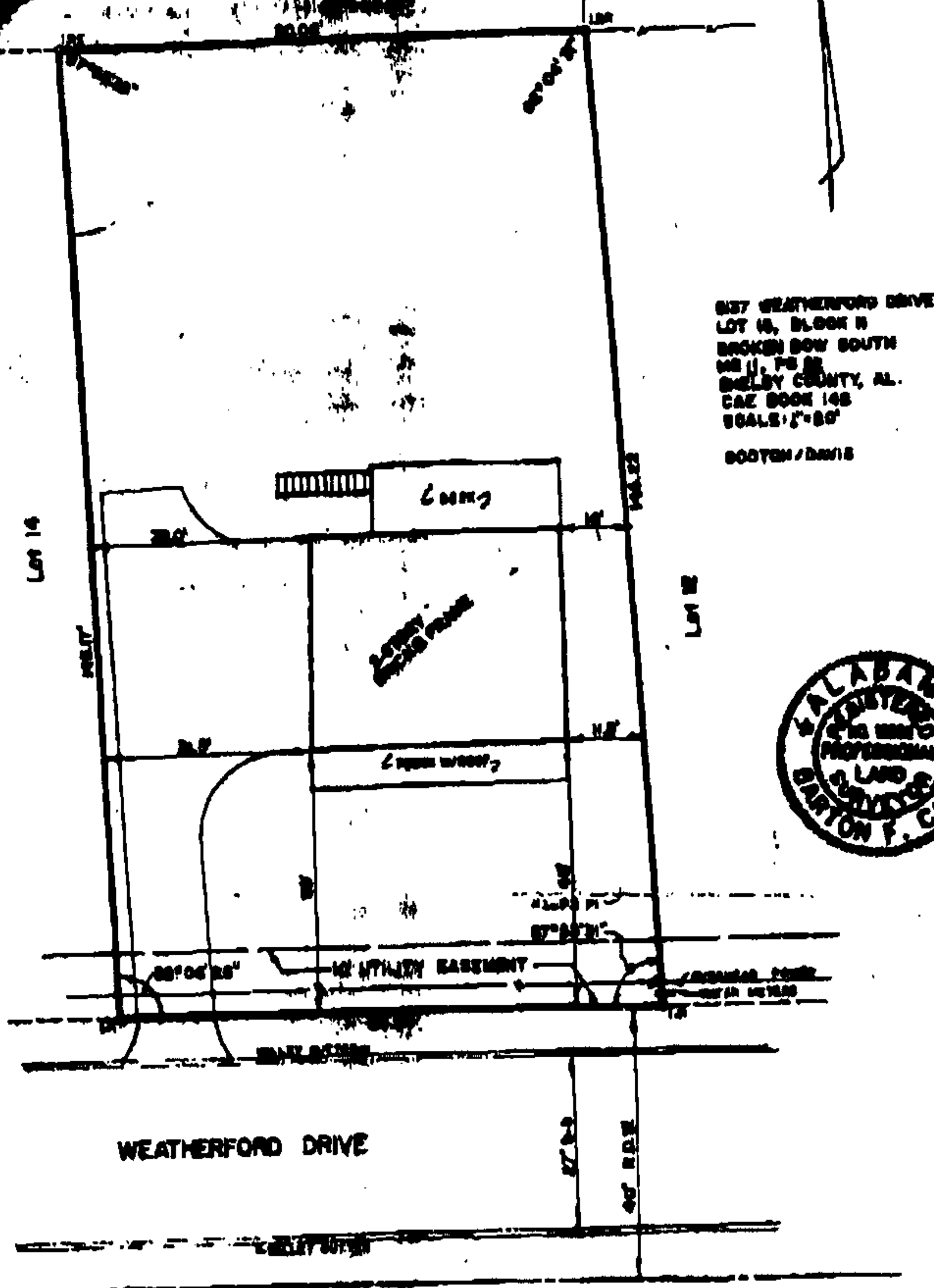
Purchaser: (Scotch)
Address: Weatherford Drive

Melvin R. Reynolds
Reg. No. 2087

633/32

APR. 10. 2000 2:28PM SOUTHERN NUCLEAR (205) 992 6100

Exhibit E

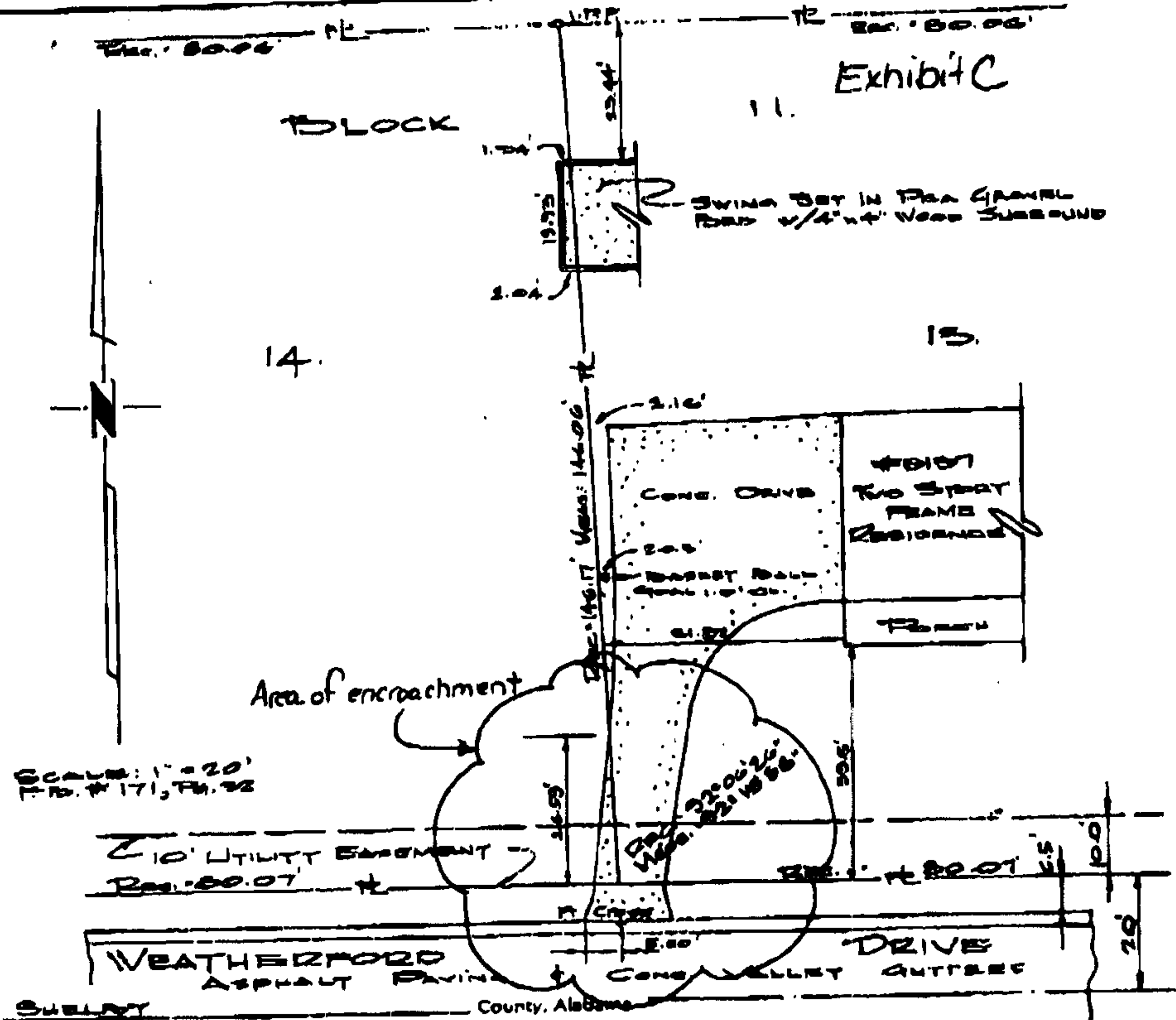


SMITH COUNTY, ALABAMA

I, Barth W. Carr, a Registered Surveyor of the State of Alabama, hereby certify that this is a true and correct plat of lot 13, Block 11, Shelby Tract, and Subdivided into 11, 12, 13 in the Office of the Judge of Probate of Shelby County, Alabama; that the building now erected on said lot is within the boundaries of same; there are no encroachments by buildings of adjoining property; that there are no easements, right-of-way, or joint driveways over or across said land visible on the surveys, except as shown on this plan; that this lot is now within a FEMA designated flood zone; that the street front and address is 1127 Weatherford Drive, Birmingham, Alabama.

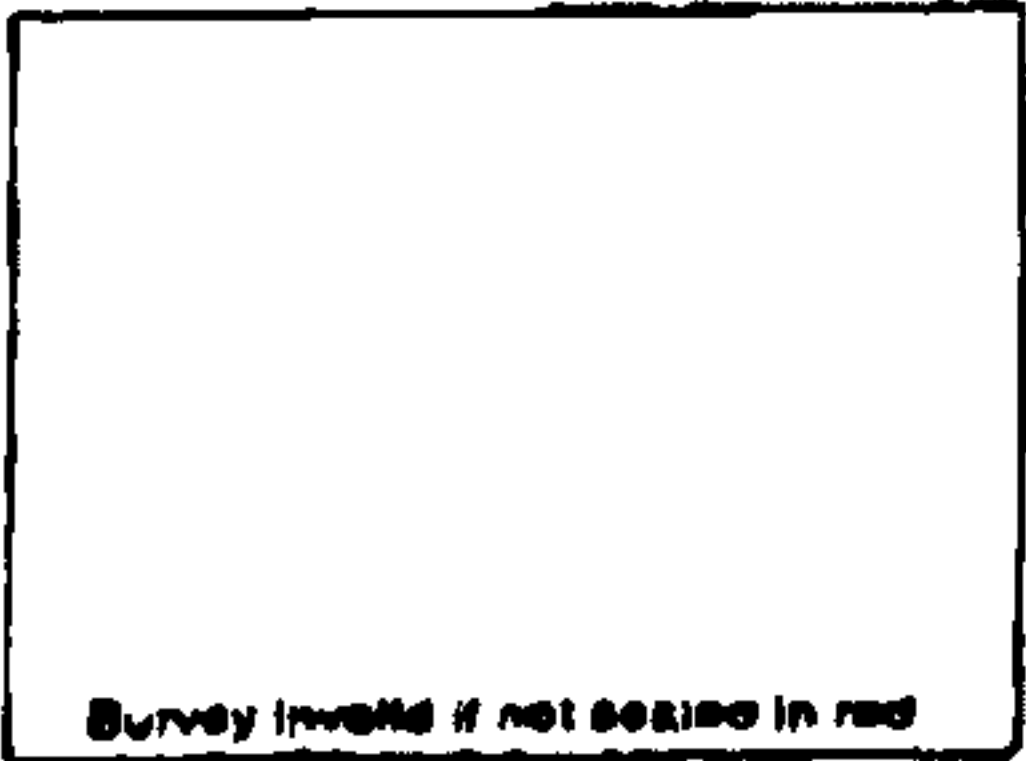
According to my survey, this 1941 any of January, 19 22

William F. Gahr Leg. No. 1423
(205) 664-2498



I, E. O. BLAIN, a Registered Surveyor of the State of Alabama, hereby certify that this is a true and correct plat of the W. 1/2 line of Lot 14, Blk. 11, FRANKLIN ROAD SOUTH as recorded in Map Volume 11 Page 22 in the Office of the Judge of Probate of SHELBY County, Alabama; that the building now erected on said lot is within the boundaries of the same; that there are no encroachments by buildings of adjoining property; that there are no easements, right-of-ways, or joint driveways over or across said land visible on the surface, except as shown on this plat; that I have consulted the Federal Insurance Administration "Flood Hazard Boundary Map" and found that this property is within Flood Zone "B"; that the correct street address is 1406 N. CREEK Alabama.

According to my survey this 18th day of April, 1901.



C&E

[Signature]
 ALA 1244, 48150

Carr & Associates Engineers, Inc.
 2052 Oak Mountain Drive
 Pelham, Alabama 35124
 (205) 992-6100

Inst # 2001-17249

This survey meets or exceeds the Minimum Technical Standards for the Practice of Land Surveying in the State of Alabama.

05/02/2001-17249
 12:08 PM CERTIFIED
 SHELBY COUNTY JUDGE OF PROBATE
 007 CJ1 29.50

Inst # 2001-17249