

72268226-002

THIS INSTRUMENT WAS PREPARED BY:

P. David Gray  
Alabama Power Company  
Corporate Real Estate  
600—18<sup>th</sup> Street N  
Birmingham, Alabama 35203

STATE OF Alabama )

COUNTY OF Lee )

20230303000059600 1/5 \$34.00  
Shelby Cnty Judge of Probate, AL  
03/03/2023 11:55:28 AM FILED/CERT

**SUBORDINATION OF RECORDED LIEN**

KNOW ALL MEN BY THESE PRESENTS:

THAT, WHEREAS, Southern States Bank, as mortgagee ("Mortgagee"), is the owner and holder of that certain mortgage executed by C & S Investments, LLC, an Alabama Limited Liability Company, ("Landowner") to Mortgagee, which mortgage is dated May 27, 2022, and recorded in the office of the Judge of Probate of Shelby County, Alabama, as instrument number 20220531000218820, and which mortgage encumbers in whole or in part the land encumbered by the easement granted to Alabama Power Company described herein on **Exhibit A** attached hereto; and

WHEREAS, for the consideration hereinafter set out, the said Mortgagee has agreed to subordinate said mortgage to said easement granted to Alabama Power Company.

NOW, THEREFORE, in consideration of the premises, and of the sum of One and no/00 Dollar (\$1.00) and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the said Mortgagee does hereby subordinate said mortgage to the rights, title, and interests granted to Alabama Power Company pursuant to the easement agreement given by the Landowner to Alabama Power Company, a copy of which is attached as **Exhibit A**. In all other respects said mortgage is unaffected by this subordination.

IN WITNESS WHEREOF, the said Mortgagee has caused this instrument to be executed by its duly authorized representative as of February 28<sup>th</sup>, 2023.

Southern States Bank,

By: 

Its: EVP

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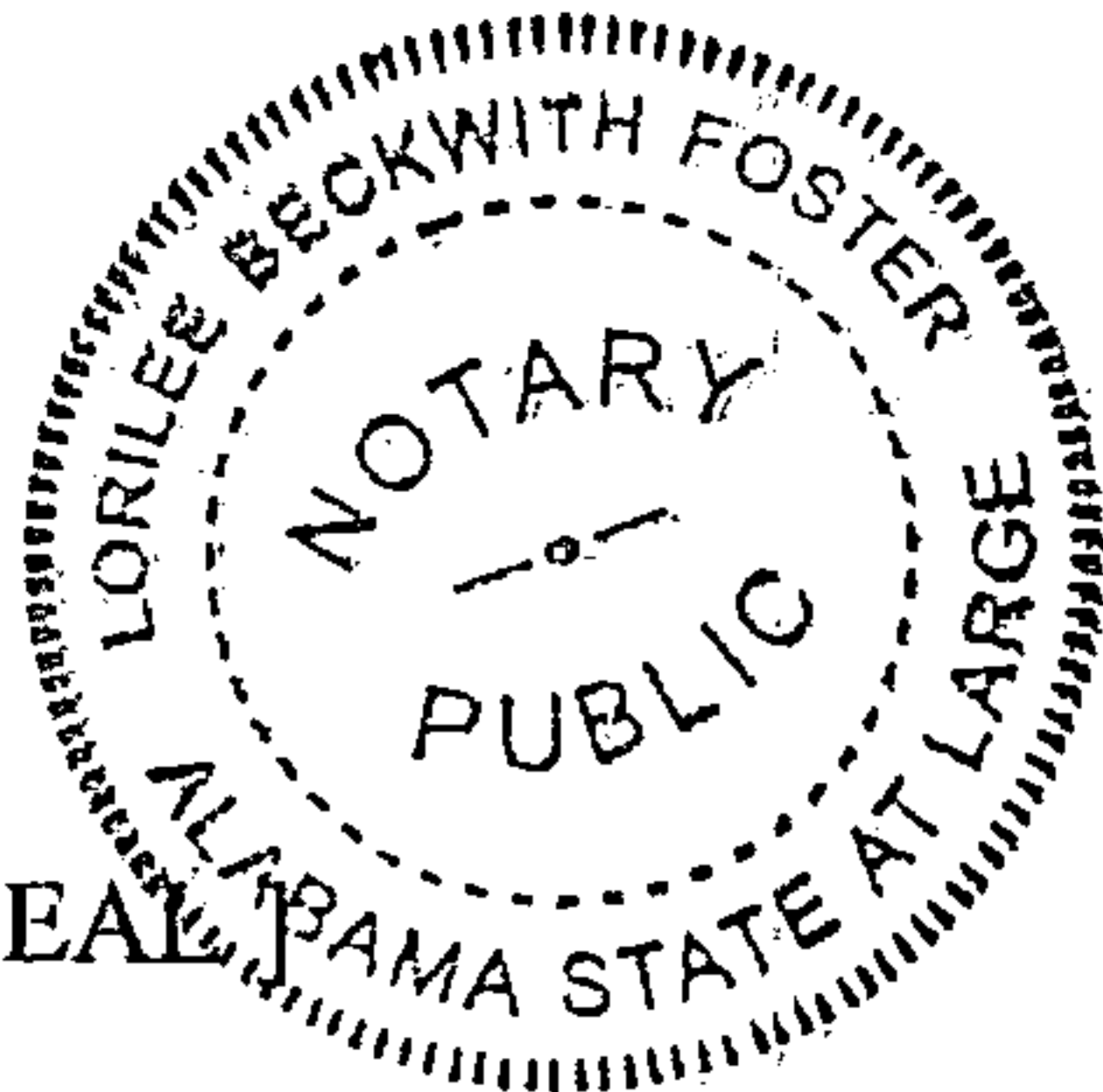
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STATE OF Alabama )

COUNTY OF Lee )

I, Lorilee Beckwith Foster, a Notary Public, in and for said County, in said State, hereby certify that Jason Smith, whose name as EVP of Southern States Bank, a Alabama Banking Corp, 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, 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 28<sup>th</sup> day of February, 2023.



Lorilee Beckwith Foster  
Notary Public

My commission expires: 7/16/2023

[ NOTARIAL SEAL ]



72268226 .000

"Exhibit A"

STATE OF ALABAMA )  
COUNTY OF SHELBY )



20230303000059600 3/5 \$34.00  
Shelby Cnty Judge of Probate, AL  
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**KNOW ALL MEN BY THESE PRESENTS**, That the undersigned **C&S Investments, LLC** (hereinafter known as "Grantors," whether one or more), for and in consideration of the sum of Fifty Five Thousand Eight Hundred Twenty Five 00/100 Dollars (\$ 55,825.00 ) and other good and valuable consideration paid to Grantors in hand by Alabama Power Company, a corporation, the receipt and sufficiency of which are hereby acknowledged, do hereby grant to said Alabama Power Company, its successors and assigns (hereinafter the "Company" or "Grantee"), the following easements, rights, and privileges:

The right to cut any timber located upon property of the Grantors (hereinafter, "Grantors' Property") which in falling would come within five (5) feet of any conductor of the Company constructed upon, over, under, and/or across a strip of land (hereinafter "Right of Way") located on any other property, including public road right of way. Said Right of Way and Grantors' Property being more particularly described within **Exhibit A** attached hereto.

Additionally, the right to implant, install, and maintain anchors upon Grantors' Property, as necessary or convenient, and to construct, extend, and maintain guy wires from said anchors to structures now erected or hereafter to be erected upon said Right of Way.

The Company is further granted all the rights or privileges necessary or convenient for the full enjoyment or use of said rights granted herein for the purposes above described, including the right of ingress and egress to and from said Right of Way across Grantors' Property.

The Grantors covenant with the said Grantee, that Grantors are lawfully seized in fee of the above described land; that said land is free from all encumbrance; that Grantors have a good right to convey the same to the said Company, and that Grantors will warrant and defend the said land to the said Company forever.

TO HAVE AND TO HOLD the same to the said Grantee, its successors and assigns, forever.

Grantors shall have the right to use Grantors' Property for any purpose not inconsistent with the rights which Grantee may from time to time exercise hereunder.

IN WITNESS WHEREOF, we have here unto set our hands and seals, this the 24<sup>th</sup> day of November, 2022.

**C & S Investments, LLC**

BY: [Signature]

ITS: member

Danger-Tree & Guy Rights  
Eastern Division  
10587469

Valleydale-Inverness (29-2161)  
~~Steele TS 115 kV Connections~~  
~~(TL-29-21-35)~~  
Page 1 of 3

This instrument prepared by the  
Corporate Real Estate Office  
Alabama Power Company  
P.O. Box 2641  
Birmingham, AL 35291

Exhibit A

72268226 - 001

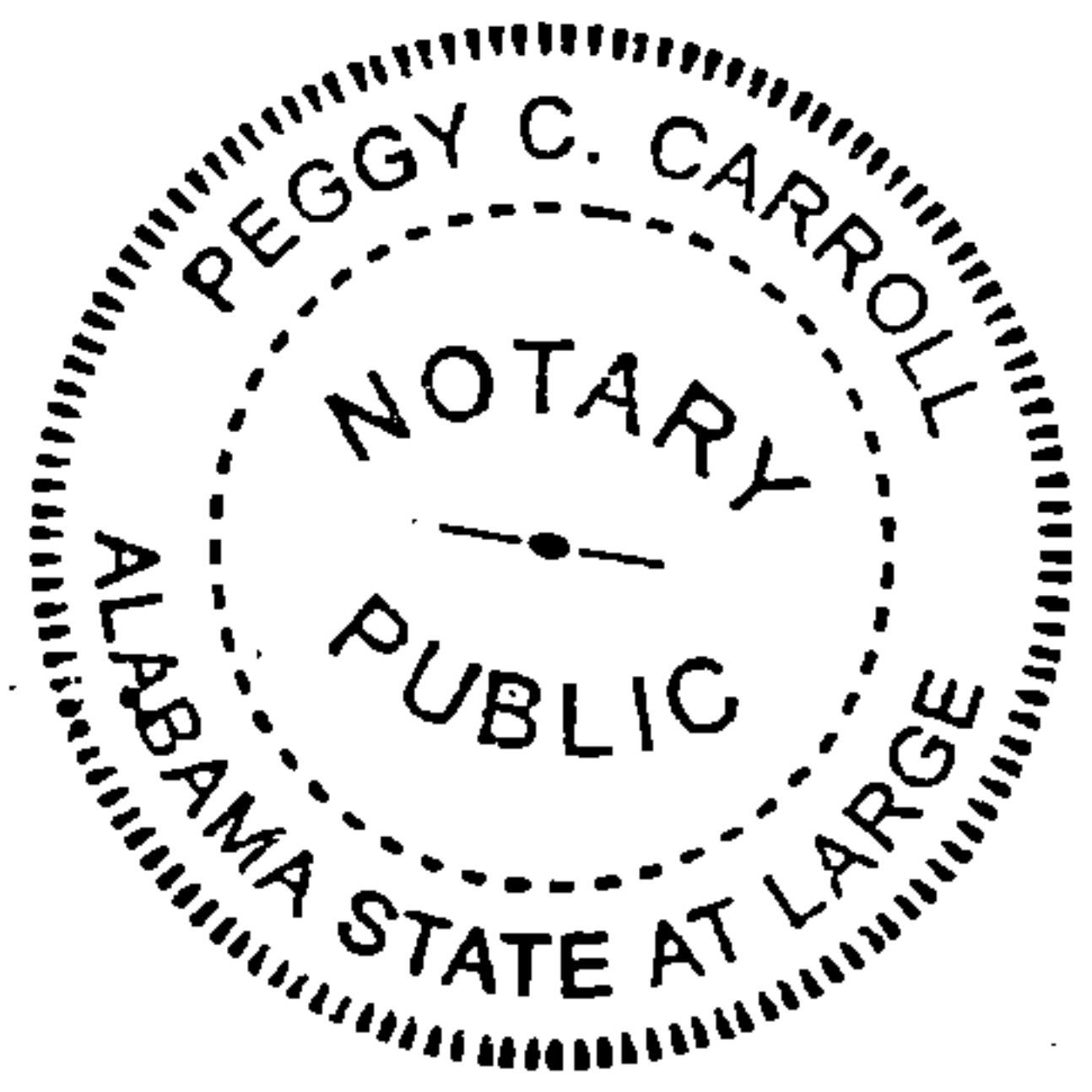


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STATE OF ALABAMA )  
COUNTY OF Lee )

I, Peggy C. Carroll, a Notary Public in and for said County in said State, hereby certify that Robert S. Selby Jr, whose name as Managing Member of C & S Investments, a 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 the instrument, she, 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 29<sup>th</sup> day of November, 2022.



Peggy Carroll

My Commission Expires: \_\_\_\_\_

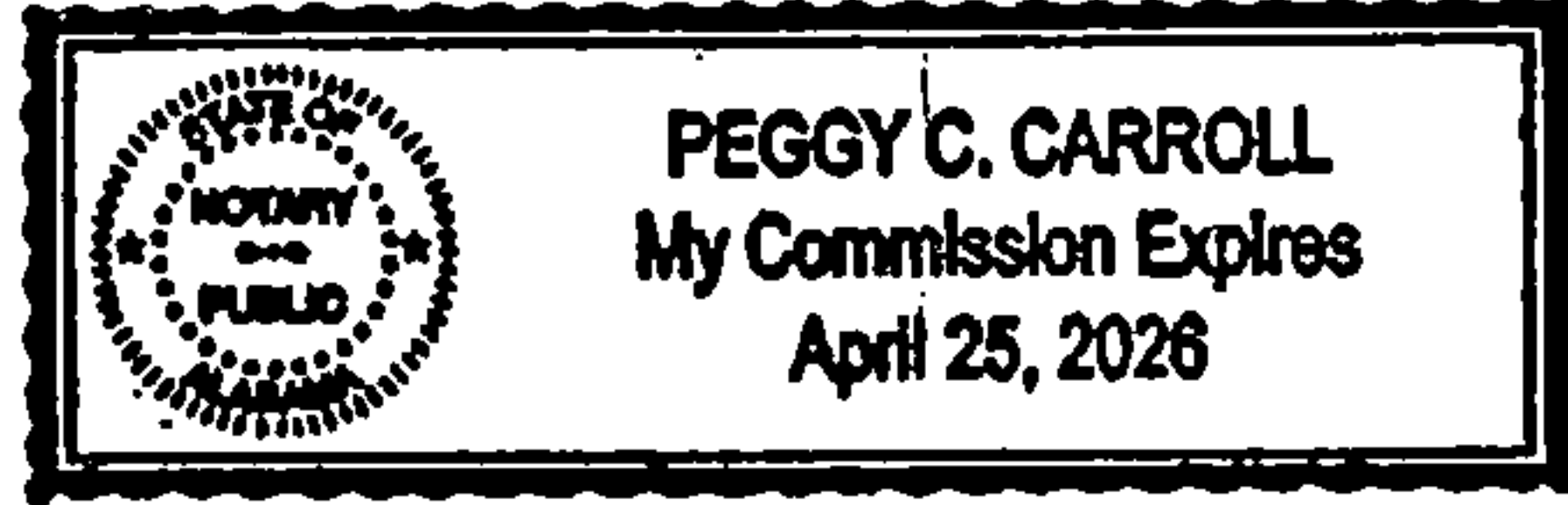


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## EXHIBIT A

Grantors own property which lies within Lot Numbers 1-A and 1-B, according to a Resurvey of Valleydale Courtyard as recorded in Map Book 30, Page, 130 and more particularly described as Instrument Numbers 20030401000193970 and 20030804000503660 ("Grantors' Property").

The Right of Way herein granted by Grantors consists of a strip of land, 30 feet in width, lying within the Northwest Quarter of Northeast Quarter (NW ¼ of the NE ¼), of Section 11, Township 19 South, Range 02 West, Shelby County, Alabama, such strips being more particularly described as follows:

To reach the point of beginning of said strip, commence at a found 1" crimped pipe located at the Northwest corner of Tax Parcel #59 MB 218, PG 450; thence run N83°00'40"W, a distance of 182.28 feet to a set 5/8 rebar with yellow APCO cap; thence run N48°12'33", a distance of 768.58 to a 5/8" rebar with yellow APCO cap; thence run N45°17'56"E, a distance of 954.19 feet to the intersection of the Grantor's south property line and the survey centerline; such point being the **Point of Beginning** of right of way herein described; therefrom the strip is varying in width and lies either side of said survey centerline, and the continuation thereof, which begins at such Point of Beginning and runs N45°17'56"E, a distance of 133.29 to a set 5/8" rebar with yellow APCO cap; thence run N52°05'27" E, a distance of 77.71 feet to the intersection of the Grantor's northeast property line and survey centerline; such point being the **POINT OF ENDING** of the strip of right of way herein described.

All bearings based on Alabama State Plane West Zone Grid North.

RS

Grantor's Initials