

1648 [Phase I to Phase II and Phase III]

STATE OF ALABAMA )

SHELBY COUNTY )

AMENDMENT TO EASEMENT

FOR

SANITARY SEWER

THIS AMENDMENT TO EASEMENT is executed this 26TH day of February, 1988 by HEATHERBROOKE INVESTORS, LTD. ("Grantor"), and EQUITY PARTNERS JOINT VENTURE, successor to Colonial Properties, Inc. with respect to Phase II, and COLONIAL PROPERTIES, INC. with respect to Phase III (both hereinafter referred to as "Grantee").

W I T N E S S E T H:

WHEREAS:

- (a) Grantor and Grantee previously entered into an Easement dated October 1, 1987 recorded at Book 164, Page 382, in the Office of the Judge of Probate of Shelby County, Alabama;
- (b) The parties desire to execute this Amendment for purposes of correcting the legal descriptions which were attached to the original Easement.

NOW, THEREFORE, the parties do hereby amend said original Easement by substituting for the legal description of the second easement description which appeared at Page 384 of the above recorded document, the

*Land Title*

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corrected description which now inserts the point of beginning inadvertently omitted from the original description. The corrected description is attached hereto and incorporated herein by reference, designated Exhibit "1".

Except for the specific amendments of those Exhibits which are attached hereto, the original Easement remains in full force and effect.

EXECUTED on the day and year first set forth above.

HEATHERBROOKE INVESTORS, LTD.,  
an Alabama Limited Partnership

By COLONIAL PROPERTIES MANAGEMENT  
ASSOCIATION, Its General Partner

By: Thomas H. Lowder  
Thomas H. Lowder  
Its General Partner

EQUITY PARTNERS JOINT VENTURE,  
an Alabama joint venture

By COLONIAL PROPERTIES, INC.,  
a General Partner

By: Thomas H. Lowder  
Thomas H. Lowder  
Its President

COLONIAL PROPERTIES, INC.

By: Thomas H. Lowder  
Thomas H. Lowder  
Its President

STATE OF ALABAMA )  
SHELBY COUNTY )

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Thomas H. Lowder, whose name as General Partner of COLONIAL PROPERTIES MANAGEMENT ASSOCIATION, as a General Partner of HEATHERBROOKE INVESTORS, LTD., an Alabama Limited Partnership, is signed to the foregoing Amendment to Easement for Sanitary Sewer, and who is known to me, acknowledged before me on this day, that, being informed of the contents thereof, he, as such General Partner and with full authority, executed the same voluntarily for and as the act of said Limited Partnership.

Given under my hand and official seal, this the 26<sup>th</sup> day of February, 1988.

[Signature]  
NOTARY PUBLIC

My Commission Expires: 5-14-90

STATE OF ALABAMA )  
SHELBY COUNTY )

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Thomas H. Lowder, whose name as President of COLONIAL PROPERTIES, INC., an Alabama corporation, as a General Partner of EQUITY PARTNERS JOINT VENTURE, an Alabama Joint Venture, is signed to the foregoing Amendment to Easement for Sanitary Sewer, and who is known to me, acknowledged before me on this day, that, being informed of the contents thereof, he, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation, acting in its capacity as General Partner of said Joint Venture.

Given under my hand and official seal, this the 26<sup>th</sup> day of February, 1988.

[Signature]  
NOTARY PUBLIC

My Commission Expires: 5-14-90

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STATE OF ALABAMA     )  
SHELBY COUNTY    )

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Thomas H. Lowder, whose name as President of COLONIAL PROPERTIES, INC., an Alabama corporation, is signed to the foregoing Amendment to Easement for Sanitary Sewer, and who is known to me, acknowledged before me on this day, that, being informed of the contents thereof, 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 26<sup>th</sup>  
day of February, 1988.

  
NOTARY PUBLIC

My Commission Expires: 5-14-90

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EXHIBIT "1"

Commence at the Southwest corner of the Northwest 1/4 of the Northeast 1/4 of Section 36, Township 18 south, Range 2 West, Shelby County, Alabama, and run in an Easterly direction along the South line of said 1/4-1/4 section a distance of 549.48 feet to a point; thence turn a deflection angle of  $91^{\circ}22'10''$  to the left and run in a Northerly direction a distance of 60.02 feet to a point; thence turn a deflection angle of  $91^{\circ}09'02''$  to the right and run in an Easterly direction a distance of 270.67 feet to a point; thence turn a deflection angle of  $91^{\circ}07'03''$  to the left and run in a Northerly direction a distance of 359.71 feet to a point; thence turn a deflection angle of  $60^{\circ}27'33''$  to the left and run in a Northwesterly direction a distance of 50.52 feet to a point, which point is the point of beginning; thence turn a deflection angle of  $60^{\circ}21'33''$  to the right and run in a Southwesterly direction a distance of 32.21 feet to a point; thence turn a deflection angle of  $18^{\circ}17'35''$  to the left and run in a Southwesterly direction a distance of 128.51 feet to the point of ending, said point being the center of a sanitary sewage pumping station; the easement lines 5 feet right and left of either side of the herein described centerline are to be lengthened or shortened as required to intersect with the pumping station easement lines at the point of ending.

STATE OF ALA. SHELBY CO.  
I CERTIFY THIS  
INSTRUMENT WAS FILED

88 FEB 26 AM 9:42

*F. Thomas W. Swann, Jr.*  
JUDGE OF PROBATE

RECORDING FEES

Recording Fee	\$ <u>12.50</u>
Index Fee	<u>1.00</u>
TOTAL	\$ <u>13.50</u>