

STATE OF ALABAMA)

SHELBY COUNTY)

1156

EASEMENT

KNOW ALL MEN BY THESE PRESENTS,

WHEREAS, the undersigned, CLIFFORD J. BALZLI, WILLIAM W. HYATT, and ADAM S. BALZLI (the "Grantors") are the owners of that certain parcel of real estate, more particularly described on Exhibit "A", which is incorporated herein by reference thereto, (the "Servient Estate"); and

WHEREAS, CASCADE INVESTMENTS, an Alabama general partnership, is the owner of that certain parcel of real estate, more particularly described on Exhibit "B", which is incorporated herein by reference thereto (the "Dominant Estate"); said Easement hereinafter granted over the Servient Estate being appurtenant to the Dominant Estate; and

WHEREAS, the Dominant and Servient Estates are contiguous parcels of real property, both of which are to be improved by the construction of two (2) commercial buildings thereon, which will be served by separate septic tanks located on their respective properties; and

WHEREAS, because of certain soil conditions, it is not economically feasible to locate proper field lines on the Dominant Estate necessary and proper to serve the septic tank located thereon; and

WHEREAS, the soil condition and acreage of the Servient Estate is compatible and sufficient for the installation of field lines for both septic tank systems; and

WHEREAS, the respective owners of the Dominant and Servient Estate now desire to create a non-exclusive easement over and across the Servient Estate for the benefit of and appurtenant to the Dominant Estate, an easement for the purpose of constructing, installing, repairing, maintaining, operating, and/or locating or relocating field lines to accommodate the septic tank to be located on the Dominant Estate;

NOW, THEREFORE, in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Grantors, hereby grant, bargain, sell, create and convey unto the Grantee, a non-exclusive easement appurtenant (the

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"Easement") over and across the Dominant Estate more particularly described on Exhibit "A" for the express purpose of constructing, installing, repairing, maintaining, operating, locating, or relocating field lines for the use and benefit of a septic tank to be located on the Dominant Estate owned by the Grantee, together with the right of ingress and egress, to and from the Easement hereby granted for the purpose above stated, in, under, through, and upon the Servient Estate, together with all of the rights and privileges necessary and convenient for the full enjoyment and use thereof all for the purposes above stated. This Easement shall run with the land and be imposed on Grantors' heirs, successors and assigns.

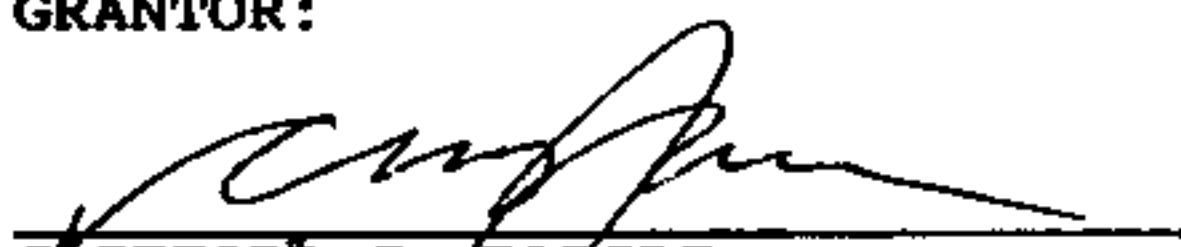
TO HAVE AND TO HOLD, the Easement to the Grantee, its successors, mortgagees, and assigns, provided that the Grantors herein shall have and expressly reserve unto themselves the right to use and enjoy the Servient Estate, and the field lines installed therein, provided that the use and enjoyment shall be in such a manner as not unreasonably to interfere with the use thereof by Grantee, its successors and assigns, under the grant herein set forth;

The field lines will be shared by each of the septic tank systems. The cost of maintaining the field lines shall be borne equally between Grantor and Grantee.

This Easement is terminable by the Grantor upon (i) evidence that Shelby County sewer lines (the "Sewer Lines") have been installed in the street in front of the Dominant Estate, (ii) are available for use, (iii) and one hundred eighty (180) days have elapsed after giving written notice to Grantee of Grantor's request to terminate the Easement. Notwithstanding the above, this Easement can not be cancellable by Grantor without the prior written consent of any mortgagee against the Dominant Estate that is of record at the time the Sewer Lines become available for use to the Dominant Estate.

IN WITNESS WHEREOF, CLIFFORD J. BALZLI, WILLIAM W. HYATT, and ADAM S. BALZLI have caused this instrument to be executed on this the 12TH day of December, 1988.

GRANTOR:


CLIFFORD J. BALZLI


WILLIAM W. HYATT

[SIGNATURES CONTINUE ON NEXT PAGE]


ADAM S. BALZLI

APPROVED AND ACCEPTED:
GRANTEE:
CASCADE INVESTMENTS

BY: 
Its General Partner


BY: 
Its General Partner

STATE OF ALABAMA)

JEFFERSON COUNTY)

I, the undersigned, a Notary Public, in and for said County in said State, hereby certify that CLIFFORD J. BALZLI, WILLIAM W. HYATT, and ADAM S. BALZLI, whose names are signed to the foregoing conveyance, and who are known to me, acknowledged before me on this day, that, being informed of the contents of the conveyance, they, executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 12th day of December, 1988.


NOTARY PUBLIC

My Commission Expires: 10-1390

[SEAL]

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STATE OF ALABAMA)

JEFFERSON COUNTY)

I, the undersigned, a Notary Public, in and for said County in said State, hereby certify that R.F. NELSEN and PETER HIEBERT whose names as General Partners of CASCADE INVESTMENTS, an Alabama general partnership, are signed to the foregoing conveyance, and who are known to me, acknowledged before me on this day, that, being informed of the contents of the conveyance, they, as such General Partners, and with full authority, executed the same voluntarily for and as the act of said partnership.

Given under my hand and official seal this 12th day of December, 1988.

Charlotte J. Milinski
NOTARY PUBLIC

[SEAL]

My Commission Expires: 10-13-90

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EXHIBIT "A"

A parcel of land situated in the Northwest 1/4 of the Southeast 1/4 of Section 13, Township 20 South, Range 3 West, Shelby County, Alabama, being more particularly described as follows:

Commence at the Southeast corner of the Northwest 1/4 of the Southeast 1/4 of Section 13, Township 20 South, Range 3 West, Shelby County, Alabama, and run in a Westerly direction along the South line of said 1/4-1/4 section a distance of 442.32 feet to a point; thence continue along the last described course in a Westerly direction a distance of 24.05 feet to the point of beginning of the herein described easement parcel; thence continue along the last described course in a Westerly direction a distance of 130.00 feet to a point; thence turn an interior angle of 96 deg. 08 min. 43 sec. and run to the right in a Northerly direction a distance of 38.0 feet to a point; thence turn an interior angle of 263 deg. 51 min. 17 sec. and run to the left in a Northwesterly direction a distance of 42.95 feet to a point; thence turn an interior angle of 96 deg. 08 min. 43 sec. and run to the right in a Northerly direction a distance of 10.0 feet to a point; thence turn an interior angle of 83 deg. 51 min. 17 sec. and run to the right in a Southeasterly direction a distance of 54.00 feet to a point; thence turn an interior angle of 96 deg. 08 min. 43 sec. and run to the right in a Southerly direction a distance of 4.75 feet to a point; thence turn an interior angle of 263 deg. 51 min. 17 sec. and run to the left in a Southeasterly direction a distance of 75.59 feet to a point; thence turn an interior angle of 66 deg. 08 min. 43 sec. and run to the right in a Southwesterly direction a distance of 47.02 feet to the point of beginning of the herein described easement parcel, containing .0849 acres, more or less.

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EXHIBIT "B"

A parcel of land situated in the Northwest 1/4 of the Southeast 1/4 of Section 13, Township 20 South, Range 3 West, Shelby County, Alabama, being more particularly described as follows:

Commence at the Southeast corner of the Northwest 1/4 of the Southeast 1/4 of Section 13, Township 20 South, Range 3 West, Shelby County, Alabama, and run in a Westerly direction along the South line of said 1/4-1/4 section a distance of 572.32 feet to the point of beginning of the herein described parcel; thence continue in a Westerly direction along the South line of said 1/4-1/4 section a distance of 190.00 feet to a point; thence turn an interior angle of 96 deg. 08 min. 43 sec. and run to the right in a Northerly direction a distance of 254.17 feet to a point; thence turn an interior angle of 90 deg. 00 min. 00 sec. and run to the right in an Easterly direction a distance of 188.91 feet to a point; thence turn an interior angle of 90 deg. 00 min. 00 sec. and run to the right in a Southerly direction a distance of 274.51 feet to the point of beginning of the herein described parcel.

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STATE OF ALA. SHELBY
I CERTIFY THIS
INSTRUMENT WAS FILED

88 DEC 19 AM 8:24

Thomas G. Snowdon, Jr.
JUDGE OF PROBATE

RECORDING FEES

Recording Fee \$15.00

Index Fee 2.00

TOTAL 17.00