

This instrument prepared in  
the Corporate Real Estate  
Dept. of Alabama Power Co.  
Birmingham, Ala.

STATE OF ALABAMA )  
SHELBY COUNTY )

By [Signature]

SUBORDINATION OF MINERAL RIGHTS TO SURFACE RIGHTS

WHEREAS, Freddie Kidd, as an Individual; Freddie Kidd, as Attorney in Fact for Louise Oden Snedigar; Jessie M. Sams; Johnny F. Oden; David Oden and Florida Oden

(hereinafter sometimes referred to as Grantors) are the present owners of an undivided interest in mineral rights in and to the hereinafter described parcel of land and

WHEREAS, Southern Electric Generating Company, a corporation, is desirous of constructing and operating a railroad line upon the surface of the hereinafter described land, Grantors hereby agrees with Southern Electric Generating Company, its successors and assigns, that in the extraction and utilization of the minerals owned by Grantors that they will not use the surface of such lands hereinafter described for the construction, operations and maintenance of any facilities for the purposes of extracting and utilization of such minerals, or interfere in any way with the use of the surface of such lands by the Southern Electric Generating Company for the construction, operations and maintenance of its railroad line and that it will not use the surface for any purposes or in any manner; and Grantors hereby expressly reserves the full right to mine, explore, operate for and produce minerals from and under said lands by means of directional drilling from locations on other tracts, or otherwise by the use of wells, machinery, equipment and operations not located or conducted upon the surface of said land.

WHEREAS, the Grantors and Southern Electric Generating Company have agreed that this conveyance shall have no effect as to all other mineral rights and interests in, to and under said lands and such interests are hereby expressly reserved in Grantors.

NOW THEREFORE, for and in consideration of the sum of One and No/100 Dollar (\$1.00) in hand paid by Southern Electric Generating Company, and other good and valuable consideration, the receipt of which is hereby acknowledged, do hereby agree that said mineral rights shall be and the same are hereby subordinated to the surface rights in and to the hereafter described parcel of land acquired by Southern Electric Generating Company from Freddie Kidd, as an Individual; Freddie Kidd, as Attorney in Fact for Louise Oden Snedigar; Jessie M. Sams; Johnny F. Oden; David Oden and Florida Oden, in and to the surface of said Subordinated Tract, to the extent as described in the recitals hereof:

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That part of a strip of land 325 feet wide that is located northwest of State Highway 25 and the Southwest Quarter of the Northeast Quarter (SW 1/4 of NE 1/4) of Section 31, Township 20 South, Range 2 East of the Huntsville Meridian, Shelby County, Alabama. Said strip of land being 175 feet to the right and 150 feet to the left of a center line described as follows:

Commence at the southeast corner of the Northwest Quarter (NW 1/4) of Section 31, as marked by a concrete monument having coordinates in the East Zone of the Alabama State Plane Coordinate System of North 1000125.43 and East 303915.22; thence North 01 degrees 13 minutes 40 seconds East along the east line of the Northwest Quarter (NW 1/4) of Section 31, a distance of 104.54 feet to the northwesterly right-of-way of public Highway 25; thence North 40 degrees 10 minutes 10 seconds East, along the northwest line of said public highway right-of-way, a distance of 207.62 feet to the beginning of the center line to be described; thence North 56 degrees 13 minutes 47 seconds West, a distance of 123.29 feet to a tangent spiral point; thence northwesterly along a Euler spiral, concave to the northeast, central angle 2 degrees 00 minutes 00 seconds, 100 feet to a spiral curve point; thence northwesterly along the central curve, concave to the northeast radius 1432.69 feet, central angle 06 degrees 19 minutes 17 seconds, 58.04 feet to a point, such point being the point of ending of the center line herein described.

The side lines of said described strip being elongated or shortened to terminate at points on the west line of said Southwest Quarter of the Northeast Quarter (SW 1/4 of NE 1/4) of Section 31, and at points on the northwest right-of-way of State Highway 25.

Less and except, that portion of the described strip that lies within a tract of land described in deed recorded in Book 248, Page 731, of the Shelby County Records.

Containing 0.1 acre, more or less.

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TO HAVE AND TO HOLD to the said Southern Electric Generating  
Company and its

heirs, successors and assigns forever.

Given under I hand and seal, this 3rd day of  
February, A.D. 1990.

Executed and delivered in the presence of

|       |                      |        |
|-------|----------------------|--------|
| _____ | <u>Freddie Kield</u> | (SEAL) |
| _____ |                      | (SEAL) |
| _____ | <u>Freddie Kield</u> | (SEAL) |
| _____ |                      | (SEAL) |

STATE OF ALABAMA )  
COUNTY )

I, Milton J. Johnson,

a Notary Public-State at Large in and for said County in said State, hereby  
certify that Freddie Kidd, as an Individual; Freddie Kidd, as Attorney in  
Fact for Louise Oden Snedigar; Jessie M. Sams; Johnny F. Oden; David Oden  
and Florida Oden

whose name        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        has        executed the  
same voluntarily on the day the same bears date.

Given under my hand and official seal, this 3<sup>RD</sup> day of

February, 19 90.

Milton J. Johnson  
Notary Public - State at Large

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STATE OF ALABAMA )  
COUNTY )

I,       ,

a Notary Public in and for said county, in said state, hereby certify that

whose name as        of

      , a corporation, is signed  
to the foregoing conveyance, and who is known to me, acknowledged before me  
on this day that, being informed of the contents of the conveyance, 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        day of

      , 19       .

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

90 FEB -8 AM 10:49

My commission expires:  
JUDGE PROBATE

Notary Public

|                  |   |          |
|------------------|---|----------|
| 1. Deed Tax      | — | \$       |
| 2. Mtg. Tax      | — | \$       |
| 3. Recording Fee | — | \$ 7.50  |
| 4. Indexing Fee  | — | \$ 3.00  |
| 5. No Tax Fee    | — | \$       |
| 6. Certified Fee | — | \$ 1.00  |
| Total            | — | \$ 11.50 |