

**SLOPE EASEMENT #1 AND #3**

STATE OF ALABAMA        )

SHELBY COUNTY            )

**EASEMENT AGREEMENT**

KNOW ALL MEN BY THESE PRESENTS:

That, in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the undersigned B. J. Harris and Denney E. Barrow, as Trustees of Harbar Homes, Incorporated Profit Sharing Plan and Trust f/b/o B. J. Harris and Denney E. Barrow (hereinafter referred to as "Harbar Homes") do hereby grant to Valleydale Associates, Ltd., an Alabama limited partnership (hereinafter referred to as "Valleydale"), a temporary construction easement granting the absolute right and privilege to enter upon, excavate, backfill and create a slope on that certain property more particularly described on Exhibit A attached hereto and incorporated herein by reference.

Harbar Homes further grants to Valleydale a non-exclusive easement to maintain the slope created upon that certain property described in said Exhibit A to serve that certain real property more particularly described in Exhibit B attached hereto and incorporated herein by reference, provided, however, that in the event Harbar Homes should develop its property described in Exhibit A and thereby bring its property approximately to grade with Valleydale's abutting property, the easement to maintain the slope created herein shall terminate. Harbar Homes, its successors and assigns, agree thereafter to maintain its property at the same approximate grade with Valleydale's abutting property.

The easements created herein shall exist for the benefit of Valleydale and its successors and assigns. The slope easement created herein shall run with the land and shall inure to the sole and exclusive benefit of the property to be served by said easement; said easement is not intended and shall not be used for the benefit, either directly or indirectly, of any other property. The cost of maintaining such slope easement shall be borne by the party owning the real property served by such easement.

Inst. # 1992-09484

05/28/1992-09484  
08:35 AM CERTIFIED

SHELBY COUNTY JUDGE OF PROBATE

006 MCD 20.00

*Land Title*

IN WITNESS WHEREOF, the parties have caused this instrument to be executed as of the 27 day of May, 1992.

B. J. Harris  
B. J. Harris, as Trustee of Harbar Homes, Incorporated Profit Sharing Plan and Trust f/b/o B. J. Harris and Denney E. Barrow

Denney E. Barrow  
Denney E. Barrow, as Trustee of Harbar Homes, Incorporated Profit Sharing Plan and Trust f/b/o B. J. Harris and Denney E. Barrow

STATE OF ALABAMA )

Jefferson COUNTY )

I, the undersigned, a notary public in and for said county in said state, hereby certify that B. J. Harris, whose name as Trustee of Harbar Homes, Incorporated Profit Sharing Plan and Trust f/b/o B. J. Harris and Denney E. Barrow 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 fiduciary and with full authority, executed the same voluntarily for and on behalf of said profit sharing plan and trust.

Given under my hand and official seal this the 27 day of May, 1992.

A. Blundwa  
Notary Public

My Commission Expires: 10/18/95

STATE OF ALABAMA )

Jefferson COUNTY )

I, the undersigned, a notary public in and for said county in said state, hereby certify that Denney E. Barrow, whose name as Trustee of Harbar Homes, Incorporated Profit Sharing Plan and Trust f/b/o B. J. Harris and Denney E. Barrow 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 fiduciary and with full authority, executed the same voluntarily for and on behalf of said profit sharing plan and trust.

Given under my hand and official seal this the 27 day of May, 1992.



Notary Public

My Commission Expires: 10/18/95

PREPARED BY:

John P. McKleroy, Jr.  
SPAIN, GILLON, GROOMS, BLAN & NETTLES  
2117 Second Avenue North  
Birmingham, Alabama 35203  
(205) 328-4100

dap\forms\easement.slp

SLOPE EASEMENT NUMBER 1.

Commence at the northwest corner of the south one-half of the southeast one-quarter of the northwest one-quarter of Section 15, Township 19 South, Range 2 West; thence run south 0 degrees 04 minutes 46 seconds west along the west line of the southeast one-quarter of the northwest one-quarter of said Section 15 for a distance of 100 feet to the point of beginning; thence run north 89 degrees 10 minutes 56 seconds west for a distance of 120.11 feet; thence run south 34 degrees 39 minutes 01 seconds east for a distance of 30.71 feet; thence run south 78 degrees 48 minutes 57 seconds east for a distance of 83.36 feet; thence run north 88 degrees 44 minutes 07 seconds east for a distance of 20.81 feet; thence run north 0 degrees 04 minutes 46 seconds east along the west line of the southeast one-quarter of the northwest one-quarter of said Section 15 for a distance of 39.26 feet to the point of beginning.

EXHIBIT "A"





"EXHIBIT A"

Slope Easement Number 3

Commence at the northwest corner of the south one-half of the southeast one-quarter of the northwest one-quarter of Section 15, Township 19 South, Range 2 West; thence run south 0 degrees 04 minutes 46 seconds west along the west line of the southeast one-quarter of the northwest one-quarter of said Section 15 for a distance of 100 feet; thence run north 89 degrees 10 minutes 56 seconds west for a distance of 120.11 feet; thence run north 44 degrees 19 minutes 31 seconds west for a distance of 74.57 feet; thence run north 16 degrees 58 minutes 37 seconds east for a distance of 52.89 feet to the point of beginning, from the point of beginning thus obtained; thence run north 9 degrees 02 minutes 51 seconds west for a distance of 155.91 feet; thence run north 19 degrees 02 minutes 51 seconds west for a distance of 75.39 feet; thence run north 55 degrees 12 minutes 48 seconds west for a distance of 84.65 feet; thence run north 78 degrees 30 minutes 34 seconds west for a distance of 79.54 feet to a point on the southeasterly right-of-way line of Valleydale Road, said right-of-way being situated on the curve, said curve curving to the left in a northeasterly direction having a central angle of 1 degree 33 minutes 12 seconds and a radius of 2913.72 feet and a chord bearing of north 54 degrees 56 minutes 14 seconds east and a chord distance of 78.99 feet; thence run along arc of said curve in a northeasterly direction along southeasterly right-of-way line of Valleydale Road for a distance of 79.00 feet; thence run south 40 degrees 50 minutes 56 seconds east for a distance of 113.48 feet to a point of commencement of a curve to the right, said curve having a central angle of 41 degrees 40 minutes and a radius of 254.91 feet; thence run along the arc of said curve in a southeasterly direction for a distance of 185.38 feet to the end of said curve; thence run south 0 degrees 49 minutes 04 seconds west for a distance of 40.00 feet to a point of commencement of a curve to the right, said curve having a central angle of 9 degrees 35 minutes 56 seconds and a radius of 231.50 feet; thence run along the arc of said curve to the right in a southwesterly direction for a distance of 38.78 feet to the point of beginning.

EXHIBIT "A" CON'T

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EXHIBIT "B"

OVERALL DESCRIPTION

A parcel of land situated in the southeast one-quarter of the northwest one-quarter and the southwest one-quarter of the northwest one-quarter of Section 15, Township 19 South, Range 2 West, more particularly described as follows:

Commence at the southwest corner of the north one-half of the southeast one-quarter of the northwest one-quarter of said Section and run south 89 degrees 10 minutes 56 seconds east along the north line of the north one-half of southeast one-quarter of the northwest one-quarter of said section for a distance of 345.00 feet to the point of beginning of herein described property; thence run south 8 degrees 37 minutes 32 seconds west for a distance of 100.93 feet; thence run north 89 degrees 10 minutes 56 seconds west for a distance of 91.29 feet; thence run south 85 degrees 22 minutes 23 seconds west for a distance of 105.48 feet; thence run south 86 degrees 46 minutes 24 seconds west for a distance of 99.25 feet; thence run north 85 degrees 51 minutes 01 seconds west for a distance of 34.57 feet; thence run north 0 degrees 04 minutes 46 seconds east for a distance of 15.00 feet; thence run north 89 degrees 10 minutes 56 seconds west for a distance of 120.11 feet; thence run north 44 degrees 19 minutes 31 seconds west for a distance of 74.56 feet to the point of commencement of a curve to the left, said curve having a central angle of 22 degrees 43 minutes 08 seconds and a chord bearing of north 12 degrees 10 minutes 38 seconds east and a radius of 231.50 feet; thence travel in a northerly direction along the arc of said curve for a distance of 91.79 feet; thence run north 0 degrees 49 minutes 04 seconds east for a distance of 40.00 feet to the point of commencement of a curve to the left, said curve having a central angle of 41 degrees 40 minutes 00 seconds, and a chord bearing of north 20 degrees 00 minutes 56 seconds west and a radius of 254.91 feet; thence run in a northwesterly direction along the arc of said curve for a distance of 185.38 feet; thence run north 40 degrees 50 minutes 56 seconds west for a distance of 113.48 feet to a point on the southerly right-of-way line of Valleydale Road, said point also being the point of commencement of a curve to the left having a central angle of 3 degrees 19 minutes 18 seconds, and a chord bearing of north 52 degrees 29 minutes 59 seconds east and a radius of 2913.72 feet; thence run in a northeasterly direction along the arc of said curve for a distance of 168.92 feet; thence run north 50 degrees 50 minutes 23 seconds east for a distance of 199.55 feet; thence run south 0 degrees 00 minutes 32 seconds east for a distance of 92.74 feet; thence run south 32 degrees 50 minutes 13 seconds east for a distance of 200.63 feet; thence run north 33 degrees 20 minutes 43 seconds east for a distance of 130.22 feet to a point on the southwest right-of-way line of Caldwell Mill Road; thence run south 36 degrees 39 minutes 17 seconds east for a distance of 672.21 feet; thence run north 89 degrees 10 minutes 56 seconds west for a distance of 359.33 feet, to the point of beginning. Said parcel contains 9.1584 acres.

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