

STATE OF ALABAMA )

COUNTY OF SHELBY )

KNOW ALL MEN BY THESE PRESENTS, that in consideration of the sum of Twenty-Nine Thousand Eighty and No/100 Dollars (\$29,080.00) in hand paid by Leon A. Nolen, III (hereinafter referred to as "Grantees", whether one or more), to the undersigned, ALABAMA POWER COMPANY, a corporation (hereinafter referred to as "Grantor"), the receipt and sufficiency of which is hereby acknowledged, the said Grantor does by these presents grant, bargain, sell and convey unto the said Grantees, the surface interest only in the following described real estate situated in Shelby County, Alabama (the "Property"):

A parcel of land in the NE 1/4 of the SE 1/4, Section 26, Township 21 South, Range 1 East in Shelby County, Alabama, more particularly described as follows: Commence at the southwest corner of said NE 1/4 of the SE 1/4 for a point of beginning; thence N 0° 10' 12" E 433.99 feet, more or less, to a point on the 397 foot contour (above the mean sea level) of Lay Lake; thence southeasterly along the meanderings of the said 397 foot contour of Lay Lake 442.48 feet, more or less to a point; thence S 18° 16' 59" W 306.45 feet, more or less, to a point; thence N 89° 35' 13" W 311.13 feet to the point of beginning. Said parcel containing 3.2 acres, more or less.

Such Property is conveyed subject to the following:

1. Ad valorem taxes due and payable October 1, 1993.
2. Any applicable zoning ordinances.
3. Mineral and mining rights not owned by Grantor. Grantor hereby specifically excepts and reserves from this conveyance all other coal, oil, gas and other minerals of whatsoever nature lying on or underneath the above-described property, together with all mining rights necessary or convenient with respect thereto; provided, that Grantor shall not have the right to mine the above property by strip or surface mining methods; and provided further that Grantor does not reserve any right of access to the surface of the property.
4. Existing utility and ingress-egress easements and the facilities thereon, whether or not of record, and which would be disclosed by an inspection of the Property.
5. That certain indenture executed by Alabama Power Company to the Chemical Bank and Trust Company (now Chemical Bank), as Trustee, dated January 1, 1942, as amended and supplemented. Alabama Power Company warrants that it will, within One Hundred Twenty (120) days from the date of this conveyance, secure the release from said indenture of the Property conveyed hereunder.
6. Grantor hereby reserves flood easement rights located within the 397 and 400 foot elevation above mean sea level.

Also, as a part of the consideration for this conveyance, Grantee, for itself and for its successors and assigns, covenants and agrees with Grantor, its successors and assigns, that no improvements which are used or which are designed or intended to be used for habitation by persons or animals shall ever hereafter be constructed on that portion of the lands subject to the flood easement hereby granted and lying between elevations 397 and 400 feet above the mean sea level heretofore mentioned as such area is subject to flooding from time to time, and that Grantee shall, and its successors and assigns will remove or cause to be removed from such area any such improvements which are now or may hereafter be located on such area. Grantor

Inst # 1993-04223  
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SHELBY COUNTY JUDGE OF PROBATE  
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*M. C. Wane Inc.*  
*Leon Nolen*  
*5th Floor*  
*P.O. Box 00686*  
*Birmingham, AL 35202-3606*

and Grantee further covenant and agree that the foregoing covenant and agreement touches, benefits and concerns the land hereby conveyed and that such covenants and agreement is intended to run and shall run with the land and shall be binding upon Grantee, its successors and assigns, forever.

IN WITNESS WHEREOF, the Grantor, Alabama Power Company, has caused this conveyance to be executed by its duly authorized officer effective on this the 8<sup>th</sup> day of February, 1993.

WITNESS

Rita Sue Porter

ALABAMA POWER COMPANY

By Randy S. Hardigree  
Vice President  
Corporate Real Estate

STATE OF ALABAMA )

COUNTY OF )

I, Mary E. Brown, a Notary Public in and for said County in said State, hereby certify that Randy S. Hardigree, whose name as Vice President, of Alabama Power Company, a corporation, 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 above and foregoing instrument, he, as such agent and with full authority, executed the same voluntarily for and as the act of said corporation on the day the same bears date.

Given under my hand and official seal of office this 8<sup>th</sup> day of February, 1993.

Mary E. Brown  
Notary Public

My Commission expires: 6-1-94

THIS DOCUMENT PREPARED BY:

NAME: Stell F. Benefield  
ADDRESS: P. O. Box 540  
Clanton, AL 35045

APPROVED AS TO TERMS, CONDITIONS <sup>meb</sup>  
AND LEGAL DESCRIPTIONS

Stell F. Benefield

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