

Execution Copy  
10/7/93

DECLARATION OF SIGN EASEMENT

THIS DECLARATION OF SIGN EASEMENT ("Declaration") is made this 13<sup>th</sup> day of October, 1993, by BROOK HIGHLAND LIMITED PARTNERSHIP, a Georgia limited partnership ("Developer") which declares that a portion of the Property (hereinafter defined) is, and shall be held, transferred, sold, conveyed and occupied subject to the easements, charges and obligations hereinafter set forth.

W I T N E S S E T H:

WHEREAS, Developer is the owner of a certain property located in Shelby County, Alabama, being more particularly described as Lot 1 and Lot 2, Brook Highland Plaza, as shown on plat recorded at Map Book 16, page 102, Probate Records of Shelby County, Alabama (the "Property"); and

WHEREAS, Developer intends to enter into this Declaration to grant and create a sign easement for the benefit of the owner of the shopping center to be developed on Lot 1 and Lot 2;

NOW, THEREFORE, Developer hereby declares as follows:

1. Grant of Easement. Developer hereby grants, declares and establishes for the benefit of the Property and the shopping center constructed or to be constructed thereon a perpetual and nonexclusive easement for the construction, use and maintenance of a pylon sign through, on, over or under that portion of the property more particularly described on Exhibit "A" attached hereto and by this reference made a part hereof ("Easement Area") and for the installation and maintenance of landscaping in the Easement Area. Developer, its successors and assigns shall have the right to landscape the Easement Area in accordance with the general landscaping plan for the Property and shall have all rights of egress and ingress as are necessary for the installation, use and maintenance of and for a pylon sign and the landscaping placed in the Easement Area by Developer.

*Carla A. Little*  
This Agreement prepared by:  
Jeanna A. Brannon, Esq.  
Morris, Manning & Martin  
1600 Atlanta Financial Center  
3343 Peachtree Road, N.E.  
Atlanta, Georgia 30326  
(404) 233-7000

Inst # 1993-32516

10/20/1993-32516  
08:55 AM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
004 MCD 16.00  
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2. Successors and Assigns. All easements contained herein shall be non-exclusive and run with and be appurtenant to the lands herein described, and except as hereinafter set forth, shall run with said lands forever and be binding upon and inure to the benefit of, and be enforceable by the heirs, legal representatives, successors and assigns of the parties hereto. The covenants and obligations herein are only personal to and enforceable against the owners or successors-in-title, as the case may be, owning title to the respective property at the time any liability or claim arising under this Declaration shall have occurred; it being intended that upon the conveyance of title by a party, the party conveying title thereupon shall be released of any liability hereunder for any breach of this Declaration or for any claim arising under this Declaration after the date of such conveyance.
3. Governing Law. This agreement shall be construed under and in accordance of the laws of the State of Alabama.

IN WITNESS WHEREOF, Developer has caused its general partner to execute under seal this Declaration as of the day and year first above written.

DEVELOPER:

BROOK HIGHLAND LIMITED PARTNERSHIP, a  
Georgia limited partnership

By: BW 280 Limited Partnership, a  
Georgia limited partnership,  
general partner

By: Alex Baker, Inc., an Alabama  
corporation, general partner

By:   
Alex D. Baker,  
President

(CORPORATE SEAL)

STATE OF ALABAMA

COUNTY OF JEFFERSON

I, Glenda P. Breland, a Notary Public in and for said County in said State, hereby certify that Alex D. Baker, whose name as President of Alex Baker, Inc., an Alabama corporation, as general partner of BW 280 Limited Partnership, a Georgia limited partnership, as general partner of Brook Highland Limited Partnership, a Georgia limited partnership, 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 foregoing instrument, he, as such officer, and with full authority, executed the same voluntarily for and as the act of Alex Baker, Inc., in its capacity as general partner of BW 280 Limited Partnership, in its capacity as general partner of Brook Highland Limited Partnership, on the day the same bears date.

Given under my hand and official seal this the 13<sup>th</sup> day of October, 1993.

Glenda P. Breland  
NOTARY PUBLIC

My Commission Expires:

8/28/95

Pylon Sign Easement  
9/23/93

Exhibit A

ALL THAT TRACT OR PARCEL OF LAND situated in the Southeast Quarter of Section 31, Township 18 South, Range 1 West, Shelby County, Alabama, and being more particularly described by metes and bounds as follows:

COMMENCE at a point at the intersection of the Southeast corner of Lot 2 and the Southwest corner of Lot 3, Brook Highland Plaza, as shown on plat recorded in Map 16, page 102, in the office of the Judge of Probate, Shelby County, Alabama; thence along the southerly line of Lot 2 South 82°30'03" West for a distance of 670.68 feet to a point, said point being the TRUE POINT OF BEGINNING; FROM THE TRUE POINT OF BEGINNING AS THUS ESTABLISHED, continue to run along the southerly line of Lot 2 South 82°30'03" West for a distance of 15.00 feet to a point; thence leave the southerly line of Lot 2 and run North 07°29'57" West for a distance of 15.00 feet to a point; thence North 82°30'03" East for a distance of 15.00 feet to a point; then South 07°29'57" East for a distance of 15.00 feet to the TRUE POINT OF BEGINNING.

Said tract being more particularly shown as "Proposed Sign Easement" on that certain Development Plan, Brook Highland Plaza, prepared for Brook Highland Limited Partnership by Sain Associates, Inc., dated September 22, 1993.

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16.00