

6347W  
SCA

STATE OF ALABAMA )

SHELBY COUNTY )

**RELEASE OF RIGHT OF INGRESS AND EGRESS**

This Release of Right of Ingress and Egress, is executed as of the 31st day of October, 1993 by MSR, LTD., an Alabama limited partnership ("MSR") in favor of Peltown Realty Company, an Alabama general partnership, and the Industrial Development Board of the town of Pelham, an Alabama public corporation.

**Recitals**

A. By that certain Warranty Deed (the "Upton Deed") dated September 30, 1977, recorded in Book 308, Page 127 of the Office of the Judge of Probate of Shelby County, Alabama. W.D. Upton and wife, Ann Y. Upton conveyed to B.E. & K., Inc. the real estate ("Real Estate") described as follows:

Commence at the S.W. Corner of the S.E.  $\frac{1}{4}$  of the N.W.  $\frac{1}{4}$  of Section 12, Township 20 South, Range 3 West; thence east along the south line of said  $\frac{1}{4}$  -  $\frac{1}{4}$  Section 1091.42 feet to the centerline of Old U.S. Highway 31; thence 69°30'00" left in a Northeasterly direction, along said centerline 497.46 feet; thence 94°13'30" left 191.58 feet; thence 09°46'30" right 80.00 feet, thence 26°02'30" left 589.60 feet to the point of beginning; thence 88°35'00" right 400.00 feet; thence 88°35'00" left 631.35 feet to a point, said point being 35 feet east of the centerline of the Cahaba Valley Creek which is the property line; thence 119° left to a line, said line being a random survey line located approximately 35 feet Northeasterly and parallel to the centerline of said Creek; thence continue along said course 98.70 feet to a point, thence 10°38'49" left 265.19 feet; thence 16°00'00" right 119.36 feet to a point, said point being 45 feet east of the centerline of said creek, thence leaving the random survey line 66°21'11" left 376.30 feet to the point of beginning and containing 4.953 acres more or less.

B. By Warranty Deed dated January 25, 1991, recorded in Book 334, Page 980 in the Office of the Judge of Probate of Shelby

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SHELBY COUNTY JUDGE OF PROBATE  
003 MCD 13.50

# 1994-02123

County, Alabama, BE&K, Inc. (being one and the same as B.E. & K., Inc.) conveyed, among other real property, the Real Estate to MSR.

C. The Upton Deed contained the following; "the Grantor hereby grants right of ingress and egress from Cross Creek Trail to the [Real Estate] by any route that may in the future be mutually acceptable to grantor and grantee." (Said right of ingress and egress granted in the Upton Deed is herein referred to as the "Right of Ingress and Egress").

D. Since purchasing the Real Estate, MSR has obtained access to the Real Estate by other means and no longer needs the Right of Ingress and Egress. The property that was subjected to the Right of Ingress and Egress has been developed for manufacturing and other purposes, and it is no longer practical to maintain the Right of Ingress and Egress thereover.

#### AGREEMENT

NOW, THEREFORE, in consideration of the recitals, of the payment of Ten Dollars (\$10.00) to MSR and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, MSR does hereby release, relinquish, vacate and declare null and void the Right of Ingress and Egress and all of its right title and interest therein and thereto.

IN WITNESS WHEREOF, MSR has caused this Release of Right  
of Ingress and Egress to be executed by its duly authorized \_\_\_\_\_  
General Partner on the day and year first written above.

MSR, LTD.

By: [Signature]

Title: General Partner

STATE OF ALABAMA     )  
Shelby COUNTY     )

I, the undersigned, a Notary Public in and for said County, in  
said State, hereby certify that James A. Woods, whose name as  
general partner of MSR, LTD. 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 executed the  
same voluntarily on the day the same bears date as the act and deed  
of the said partnership.

Given under my hand and official seal this 18<sup>th</sup> day of  
January, 19 94.

[Signature]  
Notary Public

(SEAL)

My Commission Expires August 1, 1994

This instrument prepared by:

Edward J. Ashton  
WALSTON, STABLER, WELLS,  
ANDERSON & BAINS  
505 20th Street North, Suite 500  
P. O. Box 830642  
Birmingham, Alabama 35283-0642  
Telephone: (205) 251-9600  
Telecopier: (205) 251-0700

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