

This instrument prepared by:

Peter E. Barber
Wallace, Jordan, Ratliff, Byers & Brandt
2000 SouthBridge Parkway, Suite 525
Birmingham, Alabama 35209

USE EASEMENT

STATE OF ALABAMA)

SHELBY COUNTY)

Inst # 1994-15535

KNOW ALL MEN BY THESE PRESENTS, it is hereby agreed that **THE PEGGY P. SCOTCH CHARITABLE REMAINDER UNITRUST** (hereinafter, the "GRANTOR"), in consideration of the sum of TEN and No/100 Dollars (\$10.00), and other good and valuable consideration the receipt and sufficiency of which are hereby acknowledged, paid by **JOE A. SCOTCH, JR. and WAYNE J. SCOTCH** (hereinafter, the "GRANTEES"), does hereby grant, sell, bargain and convey unto GRANTEE an easement and right of way upon and across the following described real estate situated in Shelby County, Alabama, to wit:

The following is a legal description for the centerline of a driveway with a 60' Right-of-Way located off of Alabama Highway 119 (Cahaba Valley Road) near Briarwood Christian High School and located in Section 7, Township 19 South, Range 1 West, Shelby County, Alabama and more particularly described as follows:

Commence at the NW Corner of the NW ¼ of the SW ¼ of Section 7, Township 19 South, Range 1 West, Shelby County, Alabama; thence continue South along said section-line 1014.00'; thence 90° right, 127.60' the intersection of the centerline of Alabama Highway 119 and the centerline of said driveway being the Point of Beginning; thence 138°06'29" left, 315.28'; thence 8°44'31" right, 154.93'; thence 9°03'20" right, 374.42'; thence 110°43'58" left, 799.85'; thence 42°37'30" right, 273.27'; thence 4°28'39" right, 61.34'; thence 1°20'41" right, 936.91'; thence 42°44'38" right 274.23'; thence 76°05'48" left, 200.12'; thence 10°00'18" right, 57.96'; thence 4°22'44" right, 65.22'; thence 18°56'50" left 39.88' to the Point of Ending.

This description describes the Point of Intersections (P.I.'s) and is not intended to describe the enclosed curve data nor to design the road layout.

The right-of-way, easement, rights and privileges herein granted shall be used only for the purpose of providing pedestrian and vehicular ingress and egress for GRANTEES, their invitees and guests. It is expressly prohibited for GRANTEES to use the right-of-way,

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easement, rights and privileges herein granted to develop any property owned by them for any use other than their own personal residence or the residence of their heirs and assigns.

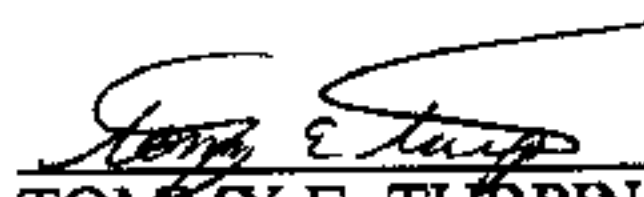
The right-of-way, easement, rights and privileges herein granted shall, by its terms, expire upon the earlier of i) completed and useable alternative access to the property described as follows:

The Northwest quarter of the Southeast quarter of Section 7, Township 19 South, Range 1 West, LESS AND EXCEPT: The South 400' of said quarter - quarter section deeded by separate deed dated May 3, 1984, Map Book 355, Page 387 in Shelby County Probate Office.

(the "Alternate Access"), or ii) November 1, 1994, unless Alternate Access has not been completed by said date. In order for the Easement to continue after November 1, 1994, it will be necessary for Joe A. Scotch, Jr. and Wayne J. Scotch to file for record in the Shelby County Probate Court an affidavit stating that the Alternate Access has not been completed, whereupon, the Easement shall continue for a period of an additional six (6) months thereafter.

IN WITNESS WHEREOF, this instrument is executed this 29 day of April, 1994.


E. LEE TRINKLE, III, as trustee of
The Peggy P. Scotch Charitable Remainder
Unitrust



TOMMY E. TURPIN, as trustee of
The Peggy P. Scotch Charitable Remainder
Unitrust

STATE OF ALABAMA)

COUNTY OF SHELBY)

I, the undersigned, a Notary Public in and for said county in said state, hereby certify that E. Lee Trinkle, III, whose name as Co-trustee under The Peggy P. Scotch Charitable Remainder Unitrust 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 trustee and with full authority, executed the same as and for the act of said trust.

Given under my hand and seal this the 29th day of April, 1994.


NOTARY PUBLIC
My Commission Expires: 10/9/95

STATE OF ALABAMA)

COUNTY OF SHELBY)

I, the undersigned, a Notary Public in and for said county in said state, hereby certify that Tommy E. Turpin, whose name as trustee under The Peggy P. Scotch Charitable Remainder Unitrust 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, she, as such trustee and with full authority, executed the same as and for the act of said trust.

Given under my hand and seal this the 29th day of April, 1994.

Patricia B. Jenbrink
NOTARY PUBLIC
My Commission Expires: 10/9/95

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