

**This Instrument Prepared By:**

Felton W. Smith  
Balch & Bingham  
P. O. Box 306  
Birmingham, Alabama 35201

Inst # 1994-20501

**STATE OF ALABAMA**

**SHELBY COUNTY**

06/29/1994-20501  
09:05 AM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
005 MCD 19.00

**INGRESS AND EGRESS EASEMENT**

**KNOW ALL MEN BY THESE PRESENTS,** That for in consideration of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, in hand paid by the Grantee herein, the receipt and sufficiency of which are hereby acknowledged, **THE HARBERT-EQUITABLE JOINT VENTURE**, an Alabama general partnership (herein referred to as "Grantor"), does by these presents, grant, bargain, sell and convey unto **PARKWAY PARTNERS**, an Alabama general partnership ("Grantee"), a non-exclusive easement for vehicular and pedestrian ingress and egress, roadway and right-of-way purposes upon, over and across the real property located in Shelby County, Alabama, more particularly described on **Exhibit A** attached hereto and made a part hereof (the "Property"), together with all rights and privileges necessary or convenient for the full use and enjoyment thereof, including without limitation the right to pave and maintain said Property.

Grantor, for itself, its successors and assigns, covenants with Grantee that Grantee's rights of ingress and egress to and from said Property shall be equal in all respects to those of Grantor, its successors and assigns.

Grantor and Grantee covenant, for themselves and each of their successors and assigns, to share equally any costs incurred after the date hereof by either party in the reasonable maintenance of said Property, including any paving or resurfacing thereof.

Grantor reserves unto Grantor, its successors and assigns, the right to use said Property with Grantee in common with others and reserves further the right to dedicate to a municipality, county, state or other governmental entity said Property for roadway purposes, without consent of Grantee, or any beneficiary hereof.

**TO HAVE AND TO HOLD** unto the said Grantee, its successors and assigns forever.

**IN WITNESS WHEREOF**, the Grantor has caused this conveyance to be executed as of June 13, 1994.

*Caroline Little*

**GRANTOR:**

**THE HARBERT-EQUITABLE JOINT  
VENTURE**, an Alabama general partnership

**WITNESS:**

Marta G. Gibson

By: **THE EQUITABLE LIFE  
ASSURANCE SOCIETY OF THE  
UNITED STATES**, its general partner

By: Timothy C. Saffer  
Its:

**WITNESS:**

Ann Pernie Auel

By: **HARBERT PROPERTIES  
CORPORATION**, its general partner

By: Barnett J. Earles  
Its: **BARNETT J. EARLES  
PRESIDENT**

**GRANTEE:**

**WITNESS:**

Susan J. Reeves

**PARKWAY PARTNERS**

By: Paul K. Foster  
Its General Partner

STATE OF Georgia  
COUNTY OF Fulton

I, J. Sue King, a notary public in and for said county in said state, hereby certify that Charles E. Daffer, whose name as Investment Officer of THE EQUITABLE LIFE ASSURANCE SOCIETY OF THE UNITED STATES, a corporation, as general partner of THE HARBERT-EQUITABLE JOINT VENTURE, an Alabama general 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 such instrument, \_\_\_\_\_, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation, as general partner of said partnership.

Given under my hand and official seal this 10 day of June, 1994.

J. Sue King  
Notary Public

[ Notarial Seal ]

My Commission Expires: \_\_\_\_\_

**Notary Public, Cobb County, Georgia**  
**My Commission Expires April 27, 1995.**

STATE OF ALABAMA

COUNTY OF Jefferson

I, Linda C. Warren, a notary public in and for said county in said state, hereby certify that Barnett T. Peoples, whose name as President of HARBERT PROPERTIES CORPORATION, a corporation, as general partner of THE HARBERT-EQUITABLE JOINT VENTURE, an Alabama general 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 such instrument, \_\_\_\_\_, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation, as general partner of said partnership.

Given under my hand and official seal this 13 day of June, 1994.

Linda C. Warren  
Notary Public

**Notary Public, Alabama State At Large**  
**My Commission Expires September 16, 1997**

[ Notarial Seal ]

My Commission Expires: \_\_\_\_\_

STATE OF ALABAMA

COUNTY OF SHELBY

I, Helen W. Wheaton, a notary public in and for said county in said state, hereby certify that Still Hunter, Jr., whose name as general partner of PARKWAY PARTNERS, a general 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 such instrument, he, as such general partner and with full authority, executed the same voluntarily for and as the act of said general partnership.

Given under my hand and official seal this 22<sup>d</sup> day of June, 1994.

Helen W. Wheaton  
Notary Public

[ Notarial Seal ]

My Commission Expires: 9/2/97



## EXHIBIT A

Part of the NW 1/4 of the SE 1/4 of Section 30, Township 19 South, Range 2 West, Shelby County, Alabama, being more particularly described as follows:

From the NE corner of said NW 1/4 of SE 1/4 run in a westerly direction along the north line of said 1/4-1/4 section for a distance of 192.20 feet; thence turn an angle to the left of 127 degrees 45 minutes 17 seconds and run in a southeasterly direction for a distance of 104.47 feet to an existing iron pin being the point of beginning; thence continue along last mentioned course in a southeasterly direction for a distance of 59.86 feet to an existing iron pin being on the northwest right-of-way line of Valleydale Road; thence turn an angle to the left of 92 degrees 09 minutes 23 seconds and run in a northeasterly direction along the northwest right-of-way line of said Valleydale Road for a distance of 55.0 feet to an existing iron pin; thence turn an angle to the left of 131 degrees 24 minutes 22 seconds and run in a northwesterly direction for a distance of 79.75 feet, more or less, to the point of beginning. Containing 1645 square feet, more or less.

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