

GRANT OF EASEMENT WITH RESTRICTIVE COVENANTS

THIS AGREEMENT was executed on the 21st day of November, 1994, by W. Douglas Haskew and wife, Neal M. Haskew (sometimes referred to as the "Haskews" or the "Grantors"), and James Donald Huff and wife, Susan Huff (sometimes referred to as the "Huffs" or the "Grantees").

RECITALS

A. The Haskews have an interest in four (4) parcels of real property, as particularly described in **Exhibit "1"** attached to this Agreement and incorporated by reference (hereinafter described as "Parcel A", "Parcel B", "Parcel C" and "Parcel D", respectively). The Cahaba River traverses Parcels A and B generally in a north-south direction.

B. The Haskews are beneficiaries of a Grant of Easements and Restrictive Covenants dated December 21, 1984 and recorded in Real Book 2624, Page 42 in the Probate Office of Jefferson County, Alabama. The Haskews are desirous of transferring Parcel A and Parcel B, to the Huffs in conformity with the Real Estate Contract executed by both parties on November 2, 1994, the decisions of the Arbitration Panel of the Briarwood Presbyterian Church, and the easements and restrictive covenants under the terms and provisions of this Agreement.

NOW, THEREFORE, in consideration of the premises recited above, the mutual covenants set forth below, and other good and valuable consideration, the receipt and sufficiency of which are acknowledged, the parties agree as follows:

1. Easements for Ingress and Egress:

a. Grant of Two (2) Easements for Ingress and Egress to Huffs: The Haskews hereby grant, bargain, sell and convey unto the Huffs, and their heirs and assigns, an easement for ingress and egress over the existing road in Shelby County traversing the northwest

11/28/1994
09:24 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
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Inst # 1994-34932

corner of Parcel A as described in **Exhibit "2"**, and which is shown on the October 5, 1994 survey performed by Amos Cory and Associates attached hereto as **Exhibit "4"** (hereinafter "Survey"). The Haskews hereby grant, bargain, sell and convey unto the Huffs, and their heirs and assigns, an easement for ingress and egress over the existing road in Jefferson County as described in **Exhibit "3"** and as shown on the Survey.

b. Retention of Two (2) Easements for Ingress and Egress by Haskews: The Haskews retain a right-of-way and easement for ingress and egress over the existing road in Shelby County traversing the northwest corner of Parcel A as described in **Exhibit "2"** and as shown on the Survey. The Haskews retain a right-of-way and easement for ingress and egress over the existing road in Jefferson County as described in **Exhibit "3"** and as shown on the Survey.

c. Scope of Easement: The easements for ingress and egress granted to the Huffs and their heirs and assigns under this paragraph is granted only for the ingress and egress to and from the residences lying west of the Cahaba River. The easement for ingress and egress is granted only for ingress and egress by the Huffs, their successors or assigns and their guests and business invitees.

d. Maintenance of Private Road: The Grantees shall have the right to construct, grade and pave the easements for ingress and egress over the existing road in Shelby County traversing the northwest corner of Parcel A as described in **Exhibit "2"** and **"3"** and as shown on the Survey. So long as the easement described on **Exhibit "2"** serves only Parcels A and B, Grantees shall be responsible for the maintenance of the easement described on **Exhibit "2"**. The Grantees shall be responsible for the repair of the existing road that is the subject of

this paragraph accessing the property described on **Exhibit "1"** if the roadway is damaged in the course of construction of any improvements conducted on the property described on **Exhibit "1"**. The Haskews and Huffs shall be responsible pro rata for the expenses and maintenance of the easement of ingress and egress over the existing road in Jefferson County as described in **Exhibit "3"**, and as shown on the Survey.

2. Easement for Utilities:

- a. Grant of Easement to Huffs: The Haskews do hereby grant, bargain, sell and convey unto the Huffs, their heirs and assigns, an easement for the installation of underground public utilities serving the residences lying west of the Cahaba River. This easement for utilities is not granted as to any residences or structures located now or in the future located east of the Cahaba River.
- b. Location of Easement: The Easement granted under this paragraph shall be within the easement areas described on **Exhibit "2"** and **"3"** attached hereto.
- c. Retention Easement by Haskews: The Haskews, their heirs, successors and assigns, retain an easement for utilities in common with Grantees as described in this paragraph.
- d. Maintenance: To the extent of utility lines installed by the Huffs, the Huffs shall bear the costs and expenses of maintaining the easement granted under this paragraph in good repair, including any expenses required in the installation of utilities or required (i) to repair any damage caused to the Grantors' property by such installation or by use of said easement or (ii) to restore the surface of the Grantors' property to its original configuration.

Haskews shall be responsible and bear the costs and expenses of maintaining the easement pertaining to utility lines installed by the Haskews or serving the Haskews' property.

3. Restrictive Covenants:

a. Imposition: The restrictions set forth in paragraph 3(b)(i) are hereby established by the parties hereto with respect to Parcel A and Parcel B as shown on the Survey; and, the restrictions set forth in paragraph 3(b)(ii) are hereby established by the parties hereto with respect to Parcel A shown on the Survey. Such restrictions shall constitute covenants running with the land, and shall be binding upon the Huffs and their successors and assigns, subject to 3(c) below.


b. Restrictions:


(1) Limitation of Use: The only buildings or structures which shall ever be located on Parcel A shall be no more than three (3) single-family residences of the seven (7) single-family residences allowed in paragraph 4(b) of the Grant of Easement with Restrictive Covenants dated December 21, 1984 and recorded in Real Book 2624, Page 42 in the Probate Office of Jefferson County and such other associated structures that do not violate the terms of such Easement. No commercial structures, multi-family residences, or single-family residences in excess of the three (3) such single-family residences permitted hereunder shall be constructed or allowed to remain on said property.

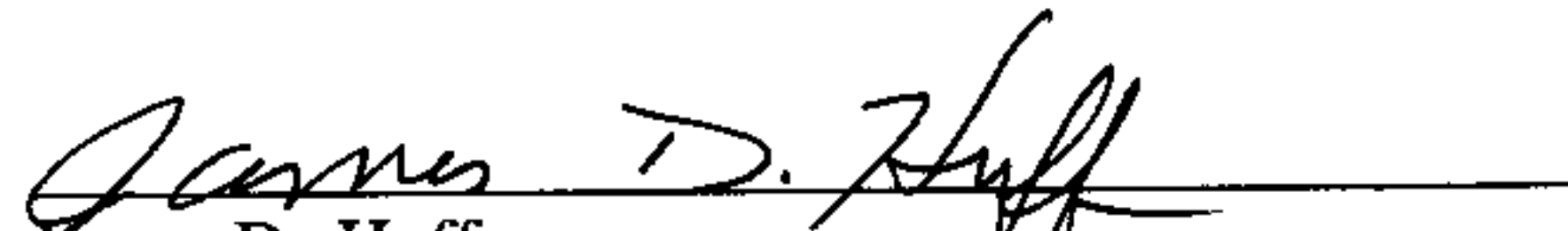
(2) Further Subdivision by Grantees: If the Grantees further divide the property described as Parcel A it shall be divided into not more than three approximately equal parcels.

c. Termination: The restrictions set forth in paragraph 4(b) shall be terminated upon recordation of an instrument executed and acknowledged by the Haskews, their heirs or assigns setting forth the intention of such parties that said restrictions be terminated.

IN WITNESS WHEREOF, the undersigned parties have executed this Grant of Easement with Restrictive Covenants on the day and year first above written.


William D. Haskew


Neal M. Haskew


James D. Huff

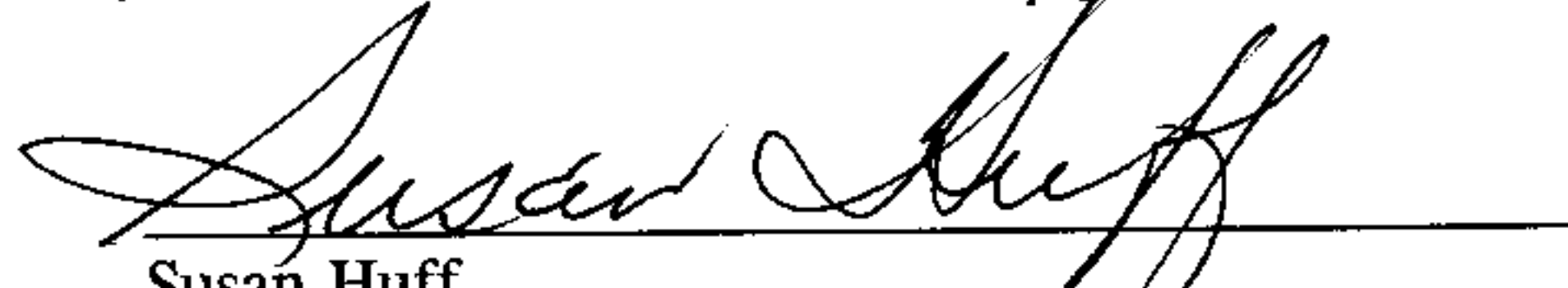

Susan Huff

Exhibit 1

{ State of Alabama }
{ Shelby County }

re: HASKEW (PARCEL A)

A parcel of land in the N.E.1/4 of the N.E.1/4 of Section Three, Township 19 South, Range Two West, Shelby County, Alabama; described as follows:

Begin at a point in the center of the Cahaba River on the West line of said 1/4-1/4 section,
Thence run North 1294 feet, more or less to the Northwest corner of said 1/4-1/4 section,
Thence turn Left 92 deg. 21 min. 00 sec and run East along the North line of said 1/4-1/4 section 293.05 feet,
Thence turn right 57 deg. 34 min. 14 sec. and run Southeast 100.14 feet to the point of a counter-clockwise curve having a Delta angle of 21 deg. 14 min. 25 sec. and a Radius of 106.66 feet and a tangent of 23.75 feet,
Thence run along the arc of said curve 39.54 feet,
Thence continue tangent to said curve 72.77 feet,
Thence turn left 27 deg. 56 min. 22 sec. and run Southeast 167.73 feet,
Thence turn left 06 deg. 00 min. 00 sec. and run Southeast 320 feet, more or less to the center of the Cahaba River,
Thence run Southwesterly 1600 feet, more or less, along the center of said river to the POINT OF BEGINNING.

(PARCEL C)

SUBJECT TO AND BENEFITING FROM a 40 foot easement for ingress, egress and utilities, 20 feet on each side of the following described centerline in Shelby County, Ala.

Commence at the Northwest corner of the N.E.1/4 of the N.E.1/4 of Section Three, Township 19 South, Range 2 West, Shelby County, Alabama,
Thence run East along the North section line 269.36 feet to the POINT OF BEGINNING OF SAID CENTERLINE,

Thence turn right 57 deg. 34 min. 13 sec. and run Southeast 112.84 feet to the point of a counter-clockwise curve having a Delta angle of 21 deg. 14 min. 25 sec. and a Radius of 126.66 feet and a tangent of 23.75 feet,
Thence run along the arc of said curve 46.95 feet,
Thence continue tangent to said curve 72.77 feet TO THE END OF SAID CENTERLINE.

(PARCEL D)

ALSO a 40 foot easement for ingress, egress and utilities, 20 feet on each side of the following described centerline in Jefferson County, Al.

Commence at the Southwest corner of the S.E.1/4 of the S.E.1/4 of Section 34, Township 18 South, Range 2 West, Jefferson County, Alabama,
Thence run East along the South section line 269.36 feet to the POINT OF BEGINNING OF SAID CENTERLINE,

Thence turn left 122 deg. 25 min. 47 sec. and run Northwest 11.15 feet to the point of a clockwise curve having a Delta angle of 23 deg. 55 min. 57 sec. and a Radius of 148.06 feet and a tangent of 31.38 feet,
Thence run along the arc of said curve 61.84 feet,
Thence continue tangent to said curve 211.53 feet to the center of a paved public road and THE END OF SAID CENTERLINE.

{ State of Alabama }
{ Shelby County }

re: HASKEW (PARCEL B)

All that part of the N.E.1/4 of the N.E.1/4 of Section 3, Township 19 South, Range 2 West, Shelby County, Alabama lying East of the Cahaba River.

I, Amos Cory, a Registered Land Surveyor, hereby state that this is a true and correct plat or map of the above described property and that all parts of this survey and drawing have been completed in accordance with the requirements of the Minimum Technical Standards for the Practice of Land Surveying in the State of Alabama, and that I have consulted the Federal Insurance Administration Flood Hazard Boundary Maps and found that the above described property is not within a special flood hazard area.

According to my survey this 3rd day of October 1994.
11-13-94 Parcel letters changed to conform to arbitration letters.

Type Survey: Loan or Closing
PB/P: 475/64
JOB #: 571-94

Amos Cory P.L.S.#10550
P.O. Box 684 - 3120 Highway 52, West
Palham, AL 35124
Phone 663-9379 Fax 663-9155

Exhibit 2

ALSO a 40 foot easement for ingress, egress and utilities, 20 feet on each side of the following described centerline in Shelby County, Ala.
Commence at the Northwest corner of the N.E.1/4 of the N.E.1/4 of Section Three, Township 19 South, Range 2 West, Shelby County, Alabama,
Thence run East along the North section line 269.36 feet to the POINT OF BEGINNING OF SAID CENTERLINE,
Thence turn right 57 deg. 34 min. 13 sec. and run Southeast 112.84 feet to the point of a counter-clockwise curve having a Delta angle of 21 deg. 14 min. 25 sec. and a Radius of 126.66 feet and a tangent of 23.75 feet,
Thence run along the arc of said curve 46.95 feet,
Thence continue tangent to said curve 72.77 feet TO THE END OF SAID CENTERLINE.

Exhibit 3

ALSO a 40 foot easement for ingress, egress and utilities, 20 feet on each side of the following described centerline in Jefferson County, Al.
Commence at the Southwest corner of the S.E.1/4 of the S.E.1/4 of Section 34, Township 18 South, Range 2 West, Jefferson County, Alabama,
Thence run East along the South section line 269.36 feet to the POINT OF BEGINNING OF SAID CENTERLINE,
Thence turn left 122 deg. 25 min. 47 sec. and run Northwest 11.15 feet to the point of a clockwise curve having a Delta angle of 23 deg. 55 min. 57 sec. and a Radius of 148.06 feet and a tangent of 31.38 feet,
Thence run along the arc of said curve 61.84 feet,
Thence continue tangent to said curve 211.53 feet to the center of a paved public road and THE END OF SAID CENTERLINE.

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SECTION 3.

~~PARCEL Z A~~

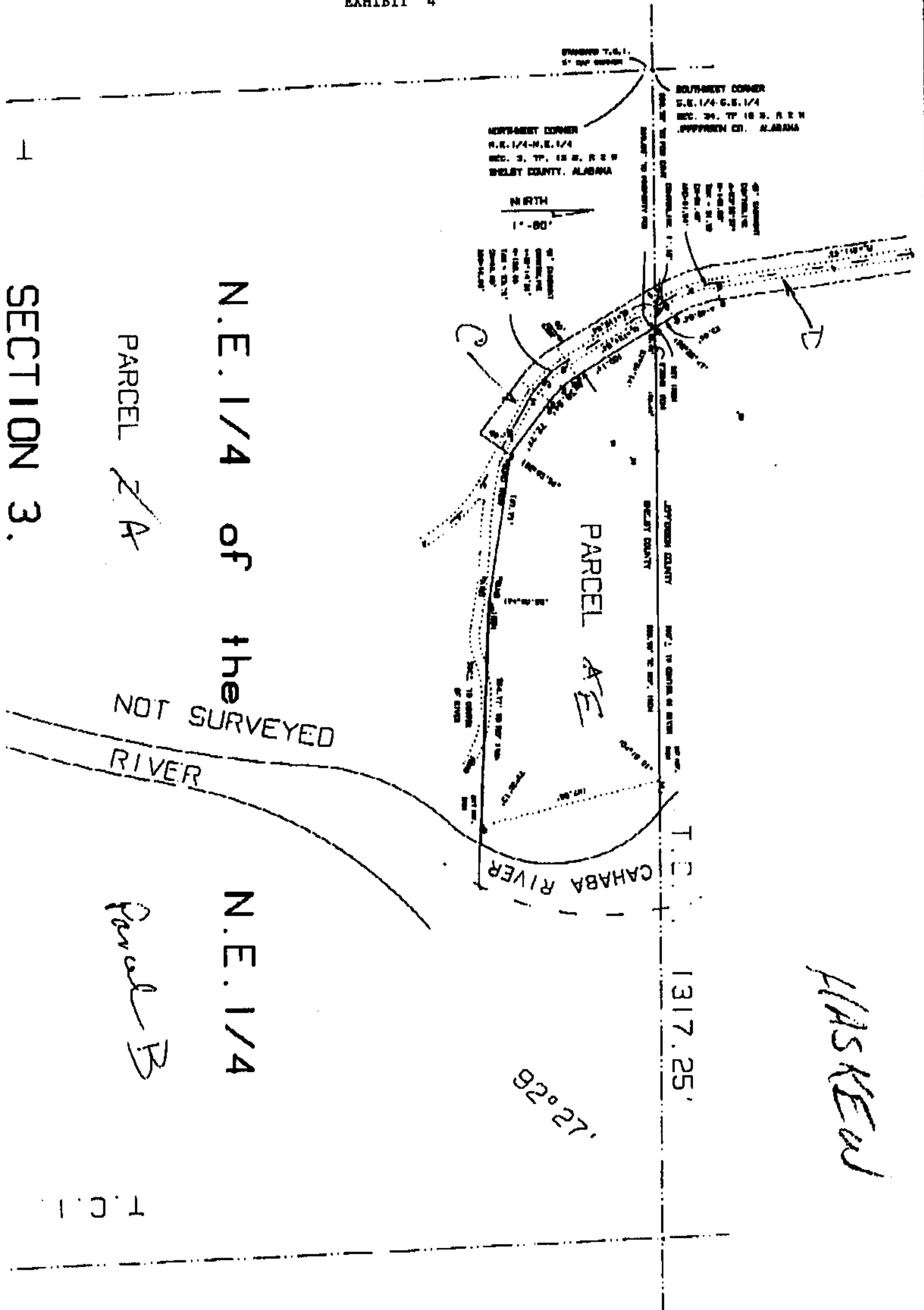
N.E. 1/4 of the

NOT SURVEYED
RIVER

Paul M.

N.E. 14

T.C.I.



PARCEL C

SECTION 3.

TOWNSHIP

RANGE

SHELBY

CAHABA

NOT SURVEYED

NOT SURVEYED
RIVER

19 SOUTH.

2 WEST.

PARCEL B

COUNTY

ALABAMA

87° 43' 15"

T.C.I. 1319.25'

92° 07'

T.C.I. 1306.44'

T.C.I. 1300.25'

EXHIBIT "4"

1294' ±

WASKEW

EXHIBIT "4"

(State of Alabama)
 (Shelby County)

re: HASKEW (PARCEL A)

A parcel of land in the N.E.1/4 of the N.E.1/4 of Section Three, Township 19 South, Range Two West, Shelby County, Alabama; described as follows:

Begin at a point in the center of the Cahaba River on the West line of said 1/4-1/4 section,
 Thence run North 1294 feet, more or less to the Northwest corner of said 1/4-1/4 section,
 Thence turn Left 92 deg. 21 min. 00 sec and run East along the North line of said 1/4-1/4 section 293.05 feet,
 Thence turn right 57 deg. 34 min. 14 sec. and run Southeast 100.14 feet to the point of a counter-clockwise curve having a Delta angle of 21 deg. 14 min. 25 sec. and a Radius of 106.66 feet and a tangent of 23.75 feet,
 Thence run along the arc of said curve 39.54 feet,
 Thence continue tangent to said curve 72.77 feet,
 Thence turn left 27 deg. 56 min. 22 sec. and run Southeast 167.73 feet,
 Thence turn left 06 deg. 00 min. 00 sec. and run Southeast 320 feet, more or less to the center of the Cahaba River,
 Thence run Southwesterly 1600 feet, more or less, along the center of said river to the POINT OF BEGINNING.

(PARCEL C)

SUBJECT TO AND BENEFITING FROM a 40 foot easement for ingress, egress and utilities, 20 feet on each side of the following described centerline in Shelby County, Ala.

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 Thence run East along the North section line 269.36 feet to the POINT OF BEGINNING OF SAID CENTERLINE,

Thence turn right 57 deg. 34 min. 13 sec. and run Southeast 112.84 feet to the point of a counter-clockwise curve having a Delta angle of 21 deg. 14 min. 25 sec. and a Radius of 126.66 feet and a tangent of 23.75 feet,
 Thence run along the arc of said curve 46.95 feet,
 Thence continue tangent to said curve 72.77 feet TO THE END OF SAID CENTERLINE.

(PARCEL D)

ALSO a 40 foot easement for ingress, egress and utilities, 20 feet on each side of the following described centerline in Jefferson County, Al.

Commence at the Southwest corner of the S.E.1/4 of the S.E.1/4 of Section 34, Township 18 South, Range 2 West, Jefferson County, Alabama,
 Thence run East along the South section line 269.36 feet to the POINT OF BEGINNING OF SAID CENTERLINE,

Thence turn left 122 deg. 25 min. 47 sec. and run Northwest 11.15 feet to the point of a clockwise curve having a Delta angle of 23 deg. 55 min. 57 sec. and a Radius of 148.06 feet and a tangent of 31.38 feet,
 Thence run along the arc of said curve 61.84 feet,
 Thence continue tangent to said curve 211.53 feet to the center of a paved public road and THE END OF SAID CENTERLINE.

EXHIBIT "4"

{ State of Alabama }
{ Shelby County }

re: HASKEW (PARCEL B)

All that part of the N.E.1/4 of the N.E.1/4 of Section 3, Township 19 South, Range 2 West, Shelby County, Alabama lying East of the Cahaba River.

I, Amos Cory, a Registered Land Surveyor, hereby state that this is a true and correct plat or map of the above described property and that all parts of this survey and drawing have been completed in accordance with the requirements of the Minimum Technical Standards for the Practice of Land Surveying in the State of Alabama, and that I have consulted the Federal Insurance Administration Flood Hazard Boundary Maps and found that the above described property is not within a special flood hazard area.

According to my survey this 3rd day of October 1994.
11-13-94 Parcel letters changed to conform to arbitration letters.

Type Survey: Loan or Closing
PB/P: 475/64
JOB #: 571-94

Amos Cory P.L.S.#10550
P.O. Box 684 - 3120 Highway 52, West
Palham, AL 35124
Phone 663-9379 Fax 663-9155

EXHIBIT "4"

{ State of Alabama }
{ Shelby County }

re: HASKEW (PARCEL E)
ADDRESS: SHADY WATERS DRIVE

Two acres of land in the N.E.1/4 of the N.E.1/4 of Section Three,
Township 19 South, Range Two West, Shelby County, Alabama;
described as follows:

Commence at the Northwest corner of said 1/4-1/4 section:

Thence run East along the North Section line 293.05 feet to the
POINT OF BEGINNING:

Thence turn right 57 deg. 34 min. 14 sec. and run Southeast 100.14 feet to
the point of a counter-clockwise curve having a Delta angle of 21 deg.
14 min. 25 sec. and a Radius of 106.66 feet and a tangent of 23.75 feet,

Thence run along the arc of said curve 39.54 feet,

Thence continue tangent to said curve 72.77 feet,

Thence turn left 27 deg. 56 min. 22 sec. and run Southeast 167.73 feet,

Thence turn left 06 deg. 00 min. 00 sec. and run Southeast 322 feet, more
or less to the center of the Canaba River,

Thence run Northwest along said river 220 feet, more or less to a point on
the North line of said Section Three,

Thence run West along the North Section line 650 feet, more or less to the
POINT OF BEGINNING.

(PARCEL C)

ALSO a 40 foot easement for ingress, egress and utilities, 20 feet on each
side of the following described centerline in Shelby County, Ala.

Commence at the Northwest corner of the N.E.1/4 of the N.E.1/4 of Section
Three, Township 19 South, Range 2 West, Shelby County, Alabama,

Thence run East along the North section line 269.36 feet to the POINT OF
BEGINNING OF SAID CENTERLINE,

Thence turn right 57 deg. 34 min. 13 sec. and run Southeast 112.84 feet to
the point of a counter-clockwise curve having a Delta angle of 21 deg.
14 min. 25 sec. and a Radius of 126.66 feet and a tangent of 23.75 feet,

Thence run along the arc of said curve 46.95 feet,

Thence continue tangent to said curve 72.77 feet TO THE END OF SAID
CENTERLINE.

(PARCEL D)

ALSO a 40 foot easement for ingress, egress and utilities, 20 feet on each
side of the following described centerline in Jefferson County, Al.

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Section 34, Township 18 South, Range 2 West, Jefferson County, Alabama,

Thence run East along the South section line 269.36 feet to the POINT OF
BEGINNING OF SAID CENTERLINE,

Thence turn left 122 deg. 25 min. 47 sec. and run Northwest 11.15 feet to
the point of a clockwise curve having a Delta angle of 23 deg. 55 min. 57
sec. and a Radius of 148.06 feet and a tangent of 31.38 feet,

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