

DECLARATION OF EASEMENT

KNOW ALL MEN BY THESE PRESENTS THAT:

RECITALS

A. Roy W. Gilbert, Jr. and wife, Judith L. Gilbert (the "Gilberts"), are the owners in fee simple of all that certain property described in Exhibit A, which is attached hereto and made a part hereof (the "Gilbert Property");

B. Ann T. Beavers and husband, Sims R. Beavers (the "Beavers"), are contemporaneously herewith, executing and delivering their deed to Roy W. Gilbert, III and wife, Sharon R. Gilbert, to a parcel comprised of approximately 3.18 acres, more particularly described in Exhibit B, which is attached hereto and made a part hereof (the "Homesite").

C. The Gilberts and the Beavers acquired, contemporaneously, the properties described in Exhibits A and B, together with all that certain property described in Exhibit C, which is attached hereto and made a part hereof (the "Additional Beavers Property") on or about June 30, 1983. A road, over and across the Gilberts Property, was in existence at the time the Gilberts and the Beavers acquired their respective properties, which served the Homesite, the Additional Beavers Property and the Gilberts Property, and such road had been in existence since approximately 1953. The Gilberts have agreed to execute this easement to memorialize the existence of the easement that serves each of the properties referred to herein.

NOW THEREFORE, in consideration of the premises and the sum of One Dollar (\$1.00) in hand paid by the Beavers to the Gilberts, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. The Gilberts do hereby grant, bargain, sell and convey to the owners of the Homesite, the Gilbert Property and the Additional Beavers Property a perpetual easement for a road for ingress and egress for vehicular and pedestrian traffic and for the installation of utilities over and across the existing road crossing the Gilberts Property that now serves the Homesite and the Additional Beavers Property.

2. The Gilberts represent and warrant that they have full power and authority to grant this easement and the same is free and clear of all liens and encumbrances except for a mortgage on the Gilberts Property to SouthTrust Bank of Alabama, National Association.

3. The Gilberts specifically reserve the right to relocate the present road, so long as alternative convenient means of ingress/egress are afforded to the owners of the Homesite and/or the Additional Beavers Property.

Inst # 1995-06008

03/08/1995-06008
11:33 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
008 MCD 26.00

4. The owners of the various properties shall cooperate in good faith with regard to the maintenance of the road and the owners of the Homesite and the Gilbert Property shall share equally the cost of maintenance of the road for ingress/egress.

5. This easement shall be a covenant running with the land and shall inure to and be binding upon each of the owners of the Gilbert Property, the Additional Beavers Property and the Homesite, and their heirs, executors, administrators, successors and assigns unless such rights are terminated in writing or otherwise amended in writing by all the then owners of each of the aforesaid properties.

IN WITNESS WHEREOF, the parties have caused this Agreement to be signed the date first above written.

Roy W. Gilbert
ROY W. GILBERT

Judith L. Gilbert
JUDITH L. GILBERT

STATE OF ALABAMA)

COUNTY OF JEFFERSON)

I, BETTY O. SNODDY, a Notary Public in and for said county in said state, hereby certify that Roy W. Gilbert and wife Judith L. Gilbert are signed to the foregoing instrument, and who are known to me, acknowledged before me on this day that, being informed of the contents of the instrument, they executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 27th day of February, 1995

Betty O. Snoddy
Notary Public

My Commission Expires: _____

MY COMMISSION EXPIRES SEPTEMBER 17, 1997

SouthTrust Bank of Alabama, National Association, the Holder of a first mortgage on the Gilbert Property, joins in the execution of this Easement for the sole purpose of granting its consent to the easement granted hereby.

SOUTHTRUST BANK OF ALABAMA,
NATIONAL ASSOCIATION

By *Mark Wilson*
Its *Vice President*

STATE OF ALABAMA)

COUNTY OF JEFFERSON)

I, *The undersigned*, a Notary Public in and for said county in said state, hereby certify that *Mark Wilson*, as *Vice President* 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 instrument, he, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation.

Given under my hand and official seal, this *25* day of *February*, 19*95*

[Signature]
Notary Public

My Commission Expires: *10-21-95*

EXHIBIT A

The NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 28, Township 18 South, Range 1 West, and the SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 21, Township 18 South, Range 1 West, Shelby County, Alabama, LESS AND EXCEPT the following described parcels of land:

(1) begin at the Northwest corner of said SE $\frac{1}{4}$ of SE $\frac{1}{4}$; thence 348.39 ft. south along the west line of said SE $\frac{1}{4}$ of SE $\frac{1}{4}$ to top of ridge; thence Northwesterly 410.1 ft., more or less to a point on the North line of said SE $\frac{1}{4}$ of SE $\frac{1}{4}$, said point being 211.93 ft. east of the point of beginning as measured along said North line; thence 211.93 ft. westerly along the North line of said SE $\frac{1}{4}$ of SE $\frac{1}{4}$ to the Northwest corner of said SE $\frac{1}{4}$ of SE $\frac{1}{4}$ which is the point of beginning to the excepted area herein described.

(2) Part of the SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 21 and the NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 28, all in Township 18 South, Range 1 West, Shelby County, Alabama, being more particularly described as follows: Beginning at the southeast corner of said NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 28, run in a Northerly direction along the east line of said $\frac{1}{4}$ - $\frac{1}{4}$ Section for a distance of 1322.75 ft., more or less, to the southeast corner of the SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 21; thence turn an angle to the right of 0 Deg. 35' and run in a northerly direction along the east line of said SE $\frac{1}{4}$ of SE $\frac{1}{4}$ for a distance of 97.91 ft.; thence turn an angle to the left of 79 deg. 23' 10" and run in a northwesterly direction for a distance of 103.60 ft.; thence turn an angle to the right of 38 deg. 07' 40" and run in a northwesterly direction for a distance of 308.71 ft.; thence turn an angle to the left of 101 deg. 09' 05" and run in a southwesterly direction for a distance of 818.93 ft.; thence turn an angle to the left of 28 deg. 18' 57" and run in a southwesterly direction for a distance of 1049.84 ft., more or less, to a point on the south line of said NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 28, Township 18 South, Range 1 West; thence turn an angle to the left of 100 deg. 02' 43" and run in an easterly direction for a distance of 987.72 ft., more or less to the point of beginning.

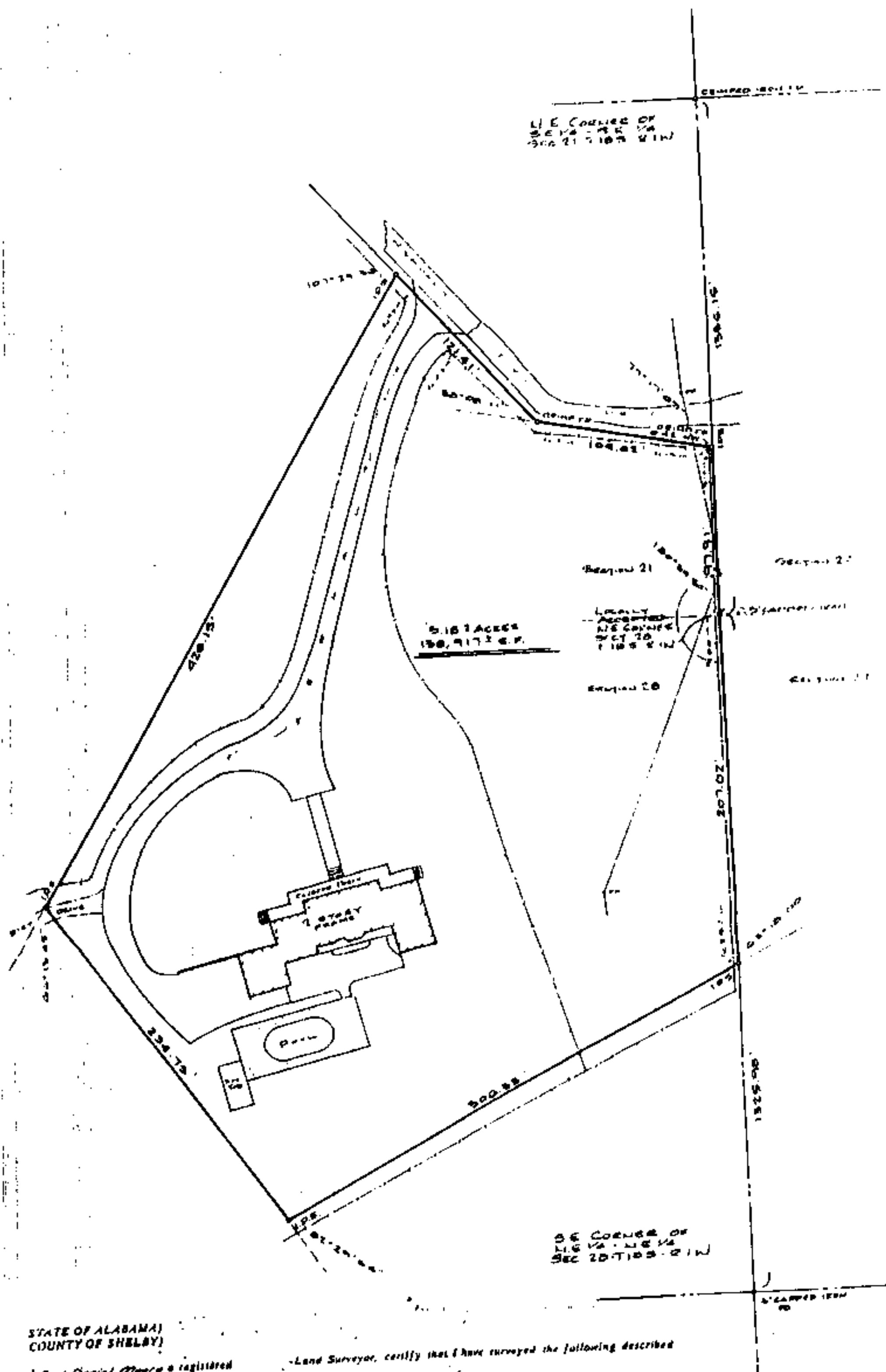
(3) Starting at the northwest corner of SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 21, Township 18 South, Range 1 West, go south along the western line of said $\frac{1}{4}$ - $\frac{1}{4}$ Section for a distance of 348.39 ft. to the point of beginning; thence continue South along said westerly line of said $\frac{1}{4}$ - $\frac{1}{4}$ section for a distance of 335 feet, more or less to the point where said west line of said $\frac{1}{4}$ - $\frac{1}{4}$ section intersects with the county road, thence turn to the left and go northeasterly along and parallel with the western edge of said county road to the point where said western edge of said county road intersects with the north line of said $\frac{1}{4}$ - $\frac{1}{4}$ section; thence turn west and go along said north line of said $\frac{1}{4}$ - $\frac{1}{4}$ section to a point that is 211.93 ft. east of the northwest corner of said $\frac{1}{4}$ - $\frac{1}{4}$ Section; then turn to the left and go in a southwesterly direction 410.1 feet to the point of beginning.

EXHIBIT B

Begin at a three inch capped iron locally accepted to be the southeast corner of said Section 21; thence run in a northerly direction along the east line of said Section 21 for a distance of 97.91 feet to an iron pin set, said iron being 0.42 feet southeast of a crimped iron found; thence turn an angle to the left of 79 degrees 17 minutes 07 seconds and run in a northwesterly direction for a distance of 104.02 feet to a crimped iron found; thence turn an angle to the right of 38 degrees 08 minutes 11 seconds and run in a northwesterly direction for a distance of 121.41 feet to an iron pin set; thence turn an angle to the left of 107 degrees 29 minutes 36 seconds and run in a southwesterly direction for a distance 426.15 feet to an iron pin set; thence turn an angle to the left of 66 degrees 13 minutes 45 seconds and run in a southeasterly direction for a distance of 234.73 feet to an iron pin set; thence turn an angle to the left of 82 degrees 29 minutes 34 seconds and run in a northeasterly direction for a distance of 306.33 feet to an iron pin set on the east line of said Section 28; thence turn an angle to left of 63 degrees 18 minutes 00 seconds and run in a northerly direction along the east line of said Section 28 for a distance of 207.02 feet the point of beginning. Said parcel containing 3.18 acres, more or less.

EXHIBIT C

Beginning at the Southeast corner of said NE 1/4 of NE 1/4 of Section 28, run in northerly direction along the east line of said 1/4-1/4 section for a distance of 1322.75 feet, more or less, to the southeast corner of the SE 1/4 of SE 1/4 of said Section 21; thence turn an angle to the right of 0 degrees 35 minutes and run in a northerly direction along the east line of said SE 1/4 of SE 1/4 for a distance of 97.91 feet; thence turn an angle to the left of 79 degrees 23 minutes 10 seconds and run in a northwesterly direction for a distance of 103.60 feet; thence turn an angle to the right of 38 degrees 07 minutes 40 seconds and run in a northwesterly direction for a distance of 308.71 feet; thence turn an angle to the left of 101 degrees 09 minutes 05 seconds and run in a southwesterly direction for a distance of 818.93 feet; thence turn an angle to the left of 28 degrees 18 minutes 57 seconds and run in a southwesterly direction for a distance of 1049.84 feet, more or less, to a point on the south line of said NE 1/4 of NE 1/4 of Section 28, Township 18 South, Range 1 West; thence turn an angle to the left of 100 degrees 02 minutes 43 seconds and run in an easterly direction for a distance of 987.72 feet, more or less, to a point to the point of beginning. Containing 28.38 acres, more or less.



STATE OF ALABAMA)
COUNTY OF SHELBY)

I, Carl Daniel Moore a registered
surveyor,

Land Surveyor, certify that I have surveyed the following described

A parcel of land situated in Sections 21 and 22, Township 18 South, Range 1 West, Shelby County, Alabama, being more
particularly described as follows:

STATE OF ALABAMA)
COUNTY OF SHELBY)

I, Carl Daniel Moore a registered
property:

Land Surveyor, certify that I have surveyed the following described

A parcel of land situated in Sections 21 and 28, Township 18 South, Range 1 West, Shelby County, Alabama, being more particularly described as follows:

Begin at a three inch capped iron locally accepted to be the southeast corner of said Section 21; thence run in a northerly direction along the east line of said Section 21 for a distance of 97.91 feet to an iron pin set, said iron being 0.42 feet southeast of a crimped iron found; thence turn an angle to the left of 79 degrees 17 minutes 07 seconds and run in a northwesterly direction for a distance of 104.02 feet to a crimped iron found; thence turn an angle to the right of 38 degrees 08 minutes 11 seconds and run in a northwesterly direction for a distance of 121.41 feet to an iron pin set; thence turn an angle to the left of 107 degrees 29 minutes 36 seconds and run in a southwesterly direction for a distance 426.15 feet to an iron pin set; thence turn an angle to the left of 66 degrees 13 minutes 45 seconds and run in a southeasterly direction for a distance of 234.73 feet to an iron pin set; thence turn an angle to the left of 82 degrees 29 minutes 34 seconds and run in a northeasterly direction for a distance of 306.33 feet to an iron pin set on the east line of said Section 28; thence turn an angle to left of 63 degrees 18 minutes 00 seconds and run in a northerly direction along the east line of said Section 28 for a distance of 207.02 feet the point of beginning. Said parcel containing 3.18 acres, more or less.

I furthermore certify that there are no rights-of-way, easements, or joint driveways over or across said land visible on the surface except as shown; that there are no electric or telephone wires (excluding wires which serve premises only) or structures or supports therefor, including poles, anchors and guy wires, on or over said premises except as shown; that I have consulted the Federal Insurance Administration "Flood Hazard Boundary Map" and found that this property is not located in "a special flood hazard area"; that there are no encroachments on said land except as shown, that improvements are located as shown above; and that the correct address is as follows: 5430 Saddle Creek Lane

according to my survey of: 2-23-95

I furthermore certify 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. Valid only if crimped or stamped in red ink.

K. B. WEYGAND & ASSOCIATES, P.C.

Order No. 56628
Purchaser: Gilbert

Carl Daniel Moore
Carl Daniel Moore Reg. -L.S.# 12159
Telephone: (205) 991-8965

Inst # 1995-06008

03/08/1995-06008
11:33 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
008 HCD 26.00