

STATE OF ALABAMA )

SHELBY COUNTY )

**ROADWAY, SLOPE AND SIGNAGE EASEMENT**

THIS EASEMENT is made and entered into as of this 5<sup>th</sup> day of January, 1996 by and between MRS. A. H. GREEN ("Grantor") and COLONIAL REALTY LIMITED PARTNERSHIP, a Delaware limited partnership ("Grantee").

**W I T N E S S E T H:**

WHEREAS, Grantor is the owner of the real property located in Shelby County, Alabama, commonly known as Greenhill Parkway, shown on Exhibit "A" which is attached hereto and incorporated herein by reference (the "Road"); and

WHEREAS, Grantor is also the owner of that piece of property described on Exhibit "B" which is attached hereto and incorporated herein by reference which Grantor hereby conveys to Grantee the right to place a sign thereon for notification as to access to Grantee's premises (the "Sign Easement"); and

WHEREAS, Grantor, contemporaneously herewith has sold to Grantee that property described on Exhibit "C" (the "Grantee Land"). Grantor owns the property on either side of the Grantee Land and desires to grant to Grantee the right to fill, install and construct a slope on the property up to twenty (20) feet on the west boundary line and up to thirty (30) feet on the east boundary line of the Grantee Land (the "Slope Easement") in order for Grantee to build a roadway and other improvements on the Grantee Land; and

WHEREAS, Grantee is the owner of the real property located in Shelby County, Alabama commonly described as the Heatherbrooke Apartments (as described on Exhibit ("C-1") and has purchased from Grantor that property shown on Exhibit "C-2". Both parcels described on Exhibits "C-1" and "C-2" shall be referred to as the "Benefitted Premises"; and

WHEREAS, Grantor desires to grant to Grantee and Grantee desires to accept from Grantor a perpetual easement for ingress and egress over and across the Road and for construction of a sign on the Sign Easement and to construct a slope across the Slope Easement; and

WHEREAS, the parties desire the establishment of this Easements herein to be governed according to the terms and provisions hereinafter set forth.

Inst # 1996-00974

bgs\cpi\crlp\greenlnd\roadsign.eas 8/01/95

01/11/1996-00974  
09:30 AM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
014 MCD 41.00

Inst # 1996-00974

NOW, THEREFORE, for and in consideration of the Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Grantor and Grantee covenant and agree for themselves, their successors and assigns, as follows:

1. **GRANT OF ROAD EASEMENT:** The Grantor does hereby grant, bargain, sell and convey unto the Grantee and its successors and assigns for the benefit of the Benefitted Premises, a perpetual easement for ingress and egress for vehicular and pedestrian traffic upon, over and through the "Road" together with all rights and privileges necessary or convenient for the reasonable enjoyment or use thereof. Grantor also agrees to allow Grantee to construct a curb cut on the Road for access to the Grantee Land.

2. **GRANT OF SLOPE EASEMENT:**

(a) **Temporary Construction Easement.** Grantor does hereby declare, grant and establish, for the benefit of the Grantee Land, a temporary construction easement appurtenant to the Grantee Land, over the Slope Easement, for the purpose of filling, installing and constructing a slope and headwall to support a driveway across the Grantee Land. The owner of the Grantee Land, or its designees shall, and hereby agrees that they will, at their sole expense, promptly after said construction, restore the surface of the area disturbed in said construction. Such surface restoration shall include, without limitation, revegetation of the area, cleaning all debris and otherwise complying with all applicable federal, state and local laws and the rules and regulations of any governmental authority or agency having jurisdiction thereover, including but not limited to, the Alabama Department of Environmental Management, the Alabama Department of Conservation and Natural Resources and the Alabama Department of Transportation. The restoration required under this Agreement shall be as reasonably required by Grantor.

(b) **Slope Easement.** Declarant does hereby declare, grant and establish over the Slope Easement for the benefit of the Grantee Land, an easement appurtenant to the Grantee Land, for the purpose of maintaining, repairing, replacing and renewing a slope to support the driveway to be constructed on the Grantee Land. Said easement shall be located on the Slope Easement. In no event shall the Slope Easement interfere with the parking lot shown on the Grading Plan attached hereto as Exhibit "D".

(c) **Amendment.** Once Grantee has constructed improvements over the Slope Easement, Grantee agrees to prepare a metes and bounds description of the location of the improvements on the Slope Easement. Such metes and bounds description shall be recorded by Grantee as an amendment to the granted portion of the Slope Easement on or before December 31, 1996 and shall supplement the current description of the Slope Easement. The easements and rights granted



pursuant to Section 2 of this instrument shall thereafter cover only the portion of the Slope Easement upon which the improvements are constructed, as shown by the amended metes and bounds description. If the amended description is not filed on or before December 31, 1996, the easements and rights granted pursuant to Section 2 of this instrument shall thereupon terminate.

3. **GRANT OF SIGN EASEMENT:** Grantor does hereby grant, bargain, sell and convey unto Grantee, its successors and assigns, and the subsequent owners of the Grantee Land and Heatherbrooke Apartments, the right to install a sign on the Sign Easement. Grantee agrees to maintain the sign on the Sign Easement in good condition and repair. Grantee is hereby granted an easement for access to the Sign Easement for maintenance and repair and to construct and install the sign thereon or any replacement thereof. Grantee acknowledges and agrees that any governmental requirements for such signage must be obtained at Grantee's sole cost and expense. In no event shall the sign impair the visibility of the pylon sign of Superior Bar & Grill currently constructed on the Grantor's property.

4. **MAINTENANCE OF EASEMENT PREMISES:** Grantee hereby agrees to maintain and repair at Grantee's sole cost and expense, with no cost to Grantor whatsoever, the Sign Easement and the sign contained therein and the Slope Easement and the slope created thereby from the date of the installation of the sign and the Slope, respectively. Grantee hereby indemnifies and saves the Grantor harmless from any liens, claims, damages, or encumbrances resulting from the construction, maintenance, operation, or use of the Easements herein caused by Grantee or its designees, tenants, contractors, licensees or invitees.

5. **COVENANT RUNNING WITH THE LAND:** The Easements hereby granted, the restrictions hereby imposed, and the agreements herein contained shall be easements, restrictions and covenants running with the land and shall inure to the benefit of, and be binding upon, the parties hereto, their respective successors and assigns.

6. **PRIVATE EASEMENT:** The easements, rights and covenants established, created and granted in this instrument are for the benefit of the parties hereto and shall be construed only as creating a private right of such persons, their successors and assigns, and not of creating any rights in the public.

7. **COST OF CONSTRUCTION:** Unless otherwise agreed in writing, the cost of construction, installation and building of the improvements on the Sign Easement and the Slope Easement shall be borne by the Grantee. All construction and building shall be done in accordance with all applicable laws, ordinances and regulations. The Grantee hereby agrees that no lien shall be permitted to attach to the Grantor's Property during any maintenance or repair of the Easement or the improvements thereon by Grantee. In the event such a lien is filed based upon work performed by Grantee or its contractors, Grantee shall immediately pay to have the same removed.

8. **REASONABLE USE:** The parties agree that the easement rights created pursuant to this agreement will be exercised in a reasonable manner which is calculated to minimize any interference with the conduct of business on any of the properties referred to herein.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed as of the day and year first set forth above.

**GRANTOR:**

Mrs. A. H. Green  
MRS. A. H. GREEN

**GRANTEE:**

COLONIAL REALTY LIMITED PARTNERSHIP  
a Delaware limited partnership

By: Colonial Properties Holding Company, Inc.  
Its: General Partner

By: Douglas Munnell  
Its: SR. VICE-PRES & CHIEF FINANCIAL OFFICER

STATE OF ALABAMA )

Jefferson COUNTY )

I, the undersigned, a Notary Public, in and for said County, in said State, do hereby certify that Mrs. A. H. Green, an individual whose name is signed to the foregoing Roadway, Slope and Signage Easement, and who is known to me, acknowledged before me on this day, that, being informed of the contents of said Agreement, she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 5<sup>th</sup> day of January, 1996

Carroll B. Feltz

NOTARY PUBLIC

MY COMMISSION EXPIRES:

MY COMMISSION EXPIRES FEBRUARY 11, 1998

STATE OF ALABAMA )

JEFFERSON COUNTY )

I, the undersigned, a Notary Public in and for said County, in said State hereby certify that Douglas B. Nunnolley, whose name as SE VP-CFO of Colonial Properties Holding Company, Inc., as General Partner of Colonial Realty Limited Partnership, a Delaware limited partnership, is signed to the foregoing Roadway, Slope and Signage Easement, and who is known to me, acknowledged before me on this day, that, being informed of the contents thereof, he, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation in its capacity as General Partner as aforesaid.

Given under my hand and official seal this 5<sup>th</sup> day of January, 1996.

Bradley G. S. P.  
Notary Public  
My Commission Expires: \_\_\_\_\_

MY COMMISSION EXPIRES NOVEMBER 27, 1997



# EXHIBIT "A"

## DESCRIPTION OF INGRESS AND EGRESS EASEMENT FOR PARCEL II:

BEING A PART OF THE S.W. 1/4 OF THE N.E. 1/4 OF SECTION 36, TOWNSHIP 18 SOUTH, RANGE 2 WEST, SHELBY COUNTY, ALABAMA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 36, TOWNSHIP 18 SOUTH, RANGE 2 WEST, SHELBY COUNTY, ALABAMA, AND RUN WEST ALONG THE SOUTH LINE OF SAID 1/4 1/4 SECTION A DISTANCE OF 1,020.17 FEET; THENCE TURN AN ANGLE TO THE LEFT OF 62°-50'-45" AND RUN SOUTHWESTERLY FOR 54.50 FEET TO A POINT ON THE NORTHEASTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY 280, SAID POINT BEING ON A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 5,639.58 FEET AND SUBTENDING A CENTRAL ANGLE OF 02°-23'-16"; THENCE TURN AN ANGLE TO THE RIGHT OF 91°-16'-35" TO BECOME TANGENT WITH SAID CURVE; THENCE RUN NORTHWESTERLY ALONG THE ARC OF SAID CURVE AND SAID NORTHEASTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY 280 FOR 235.02 FEET TO THE POINT OF BEGINNING, SAID POINT ALSO BEING THE INTERSECTION OF THE NORTHEASTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY 280 AND THE SOUTHERLY LINE OF THE ROADWAY INGRESS AND EGRESS EASEMENT FOR GREENHILL PARKWAY, AS RECORDED IN REAL BOOK 066, PAGE 146, THE OFFICE OF THE JUDGE OF PROBATE OF SHELBY COUNTY, ALABAMA; THENCE FROM TANGENT OF SAID CURVE OF U.S. HIGHWAY 280 TURN 91°-35'-26" RIGHT TO BECOME TANGENT A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 377.81 FEET AND SUBTENDING A CENTRAL ANGLE OF 22°-27'-01"; THENCE RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE AND ALONG SAID SOUTHERLY EASEMENT LINE FOR 148.04 FEET TO THE END OF SAID CURVE; THENCE AT TANGENT TO SAID CURVE RUN NORTHEASTERLY ALONG SAID SOUTHERLY EASEMENT LINE FOR 130.32 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 610.14 FEET AND SUBTENDING A CENTRAL ANGLE OF 16°-21'-38"; THENCE RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE AND ALONG SAID SOUTHEASTERLY EASEMENT LINE FOR 174.22 FEET; THENCE 90°-00'-00" LEFT FROM THE TANGENT OF SAID CURVE AND RUN NORTHWESTERLY FOR 60.00 FEET TO A POINT ON THE NORTHERLY LINE OF SAID EASEMENT, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF PARCEL II OF A SURVEY RUN BY JOSEPH A. MILLER, JR., P.E. & P.L.S., ALA. REG. #2875, MILLER TRIPLETT & MILLER ENGINEERS, INC., ON 05-22-95, SAID POINT ALSO BEING ON A CURVE TO THE LEFT; THENCE 87°-22'-16" LEFT TO BECOME TANGENT TO SAID CURVE, SAID CURVE HAVING A RADIUS OF 670.14 FEET AND SUBTENDING A CENTRAL ANGLE OF 05°-07'-48"; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE AND ALONG THE NORTHERLY LINE OF SAID EASEMENT AND ALONG THE SOUTHERLY LINE OF SAID PARCEL II FOR 60.00 FEET TO A POINT AT THE SOUTHWEST CORNER OF SAID PARCEL II AND ALSO THE MOST EASTERLY CORNER OF PARCEL I OF SAID SURVEY OF SAID JOSEPH A. MILLER, JR., SAID POINT BEING AT THE BEGINNING OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 670.14 FEET AND SUBTENDING A CENTRAL ANGLE OF 11°-13'-50"; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF SAID CURVE AND ALONG THE NORTHERLY LINE OF SAID EASEMENT AND ALONG SAID PARCEL I FOR 131.36 FEET TO THE END OF SAID CURVE; THENCE FROM TANGENT OF SAID CURVE TURN 90°-00'-00" RIGHT AND RUN NORTHWESTERLY ALONG SAID PARCEL I AND ALONG THE NORTHERLY LINE OF SAID EASEMENT FOR 15.00 FEET; THENCE 90°-00'-00" LEFT AND RUN SOUTHWESTERLY ALONG SAID EASEMENT AND ALONG SAID PARCEL I FOR 179.92 FEET TO A POINT AT THE BEGINNING OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 422.57 FEET AND SUBTENDING A CENTRAL ANGLE OF 17°-23'-48"; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF SAID CURVE AND ALONG SAID EASEMENT LINE AND ALONG SAID PARCEL I FOR 128.30 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL I, SAID POINT ALSO BEING THE INTERSECTION OF SAID NORTHEASTERLY RIGHT OF WAY LINE OF SAID U.S. HIGHWAY 280 AND THE NORTHERLY LINE OF SAID GREENHILL PARKWAY EASEMENT; THENCE FROM TANGENT OF SAID CURVE OF GREENHILL PARKWAY TURN 87°-16'-15" LEFT TO BECOME TANGENT TO A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 5,639.58 FEET AND SUBTENDING A CENTRAL ANGLE OF 00°-54'-54"; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE AND ALONG THE RIGHT OF WAY OF U.S. HIGHWAY 280 FOR 90.06 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINS 34,072.39 SQUARE FEET, MORE OR LESS, OR 0.78 ACRES, MORE OR LESS.

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## EXHIBIT "B"

DESCRIPTION OF SIGN EASEMENT FOR PARCEL II:  
BEING A PART OF THE S.W. 1/4 OF THE N.E. 1/4 OF SECTION 36, TOWNSHIP 18 SOUTH,  
RANGE 2 WEST, SHELBY COUNTY, ALABAMA, AND BEING MORE PARTICULARLY DESCRIBED AS  
FOLLOWS: COMMENCE AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE  
NORTHEAST QUARTER OF SECTION 36, TOWNSHIP 18 SOUTH, RANGE 2 WEST, SHELBY COUNTY,  
ALABAMA, AND RUN WEST ALONG THE SOUTH LINE OF SAID 1/4 1/4 SECTION A DISTANCE OF  
1,020.17 FEET; THENCE TURN AN ANGLE TO THE LEFT OF 62°-50'-45" AND RUN  
SOUTHWESTERLY FOR 54.50 FEET TO A POINT ON THE NORTHEASTERLY RIGHT OF WAY LINE  
OF U.S. HIGHWAY 280, SAID POINT BEING ON A CURVE TO THE RIGHT, SAID CURVE HAVING  
A RADIUS OF 5,639.58 FEET AND SUBTENDING A CENTRAL ANGLE OF 03°-18'-10"; THENCE  
TURN AN ANGLE TO THE RIGHT OF 91°-16'-35" TO BECOME TANGENT WITH SAID CURVE;  
THENCE RUN NORTHWESTERLY ALONG THE ARC OF SAID CURVE AND SAID NORTHEASTERLY RIGHT  
OF WAY LINE OF U.S. HIGHWAY 280 FOR 325.08 FEET TO A POINT AT THE INTERSECTION  
OF THE NORTHEASTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY 280 AND THE NORTHERLY LINE  
OF THE ROADWAY INGRESS AND EGRESS EASEMENT OF GREENHILL PARKWAY, AS RECORDED IN  
REAL BOOK 066, PAGE 146, THE OFFICE OF THE JUDGE OF PROBATE OF SHELBY COUNTY,  
ALABAMA; THENCE FROM TANGENT OF U.S. HIGHWAY 280 RIGHT OF WAY CURVE TURN 92°-43'-  
45" RIGHT TO BECOME TANGENT TO A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS  
OF 422.57 FEET AND SUBTENDING A CENTRAL ANGLE OF 02°-42'-42"; THENCE RUN  
NORTHEASTERLY ALONG THE ARC OF SAID CURVE AND ALONG SAID NORTHERLY EASEMENT LINE  
FOR 20.00 FEET TO THE POINT OF BEGINNING OF THE SIGN EASEMENT HEREIN DESCRIBED,  
SAID POINT BEING ON A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 422.57  
FEET AND SUBTENDING A CENTRAL ANGLE OF 01°-21'-21"; THENCE RUN NORTHEASTERLY  
ALONG ARC OF SAID CURVE AND ALONG SAID NORTHERLY EASEMENT LINE OF GREENHILL  
PARKWAY FOR 10.00 FEET; THENCE FROM TANGENT OF SAID CURVE TURN 90°-00'-00" LEFT  
AND RUN NORTHWESTERLY FOR 10.00 FEET TO A POINT, SAID POINT BEING AT THE  
BEGINNING OF A CURVE TO THE LEFT; THENCE 90°-00'-00" LEFT TO BECOME TANGENT TO  
SAID CURVE, SAID CURVE HAVING A RADIUS OF 432.57 FEET AND SUBTENDING A CENTRAL  
ANGLE OF 01°-21'-21"; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF SAID CURVE FOR  
10.24 FEET; THENCE FROM TANGENT OF SAID CURVE TURN 90°-00'-00" LEFT AND RUN  
SOUTHEASTERLY FOR 10.00 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINS  
101.18 SQUARE FEET, MORE OR LESS, OR 0.0023 ACRES, MORE OR LESS.



## EXHIBIT "C"

PARCEL II: Being a part of the SW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of section 36, Township 13 South, Range 2 West, Shelby County, Alabama, and being more particularly described as follows: Commence at the southeast corner of the southwest quarter of the northeast quarter of Section 36, Township 13 South, Range 2 West, Shelby County, Alabama, and run West along the South line of said  $\frac{1}{4}$  Section a distance of 1,020.17 feet; thence turn an angle to the left of  $62^{\circ}50'45''$  and run southwesterly for 54.50 feet to a point on the northeasterly right of way line of U.S. Highway 280, said point being on a curve to the right, said curve having a radius of 5,639.58 feet and subtending a central angle of  $03^{\circ}18'10''$  thence turn an angle to the right of  $91^{\circ}16'35''$  to become tangent with said curve; thence run northwesterly along the arc of said curve and said northeasterly right of way line of U.S. Highway 280 for 325.08 feet to a point, said point also being the intersection of the northeasterly right of way line of U.S. Highway 280 and the northerly right of way line of Greenhill Parkway, as recorded in Real Book 066, page 146, Shelby County, Alabama; said point is also the beginning of a curve to the right, said curve having a radius of 5,639.58 feet and subtending a central angle of  $00^{\circ}45'06''$ ; thence run along the arc of said curve and along the northeasterly right of way line of U.S. Highway 280 for 73.99 feet to a point, said point being the southeast corner of property recorded in Real Book 051, page 40, Shelby County, Alabama; thence turn an angle to the right of  $106^{\circ}02'17''$  from the tangent of said curve and run northeasterly for 456.71 feet to the point of beginning, said point being the southeasterly corner of Lot 3, Colonial Properties subdivision, as recorded in Map Book 8, page 138, in the Office of the Judge of Probate of Shelby County, Alabama; thence continue along the last stated course for 94.69 feet to a point; thence turn an angle to the right of  $107^{\circ}04'04''$  and run southeasterly for 128.20 feet to a point, said point being on the northerly right of way line of said Greenhill Parkway, said point also being the beginning of a curve to the left, said curve having a radius of 670.14 feet and subtending a central angle of  $05^{\circ}07'48''$ ; thence turn an angle to the right of  $92^{\circ}37'44''$  to become tangent to said curve and run westerly along the arc of said curve and along said Greenhill Parkway right of way line for 60.00 feet to a point; thence from tangent to said curve turn an angle to the right of  $75^{\circ}34'24''$  and run northwesterly for 104.88 feet to the point of beginning.



# EXHIBIT C-1

A part of land situated in the Southwest  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  and the Northwest  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of Section 36, Township 18 South, Range 2 West, Shelby County, Alabama, being more particularly described as follows:

Begin at the Northeast corner of the Southwest  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of Section 36, Township 18 South, Range 2 West, Shelby County, Alabama, and from the East line of said  $\frac{1}{4}$ - $\frac{1}{4}$  Section, turn an angle of  $50^{\circ}21'41''$  to the right and run in a Southwesterly direction a distance of 447.65 feet to a point; thence turn an interior angle of  $107^{\circ}32'48''$  and run to the right in a Northwesterly direction a distance of 581.40 feet to a point; thence turn an interior angle of  $30^{\circ}08'54''$  and run to the right in an Easterly direction a distance of 64.47 feet to a point; thence turn an interior angle of  $271^{\circ}22'10''$  and run to the left in a Northerly direction a distance of 60.02 feet to a point; thence turn an interior angle of  $88^{\circ}50'58''$  and run to the right in an Easterly direction a distance of 270.67 feet to a point; thence turn an interior angle of  $271^{\circ}07'03''$  and run to the left in a Northerly direction a distance of 190.00 feet to a point; thence turn an interior angle of  $76^{\circ}29'45''$  and run to the right in a Southeasterly direction a distance of 327.05 feet to a point; thence turn an interior angle of  $106^{\circ}22'30''$  and run to the right in a Southerly direction a distance of 12.70 feet to a point; thence turn an interior angle of  $270^{\circ}00'00''$  and run to the left in an Easterly direction a distance of 10.00 feet to a point; thence turn an interior angle of  $90^{\circ}00'00''$  and run to the right in a Southerly direction a distance of 56.00 feet to a point; thence turn an interior angle of  $90^{\circ}00'00''$  and run to the right in a Westerly direction a distance of 7.50 feet to a point; thence turn an interior angle of  $270^{\circ}00'00''$  and run to the left in a Southerly direction a distance of 6.00 feet to a point; thence turn an interior angle of  $270^{\circ}00'00''$  and run to the left in an Easterly direction a distance of 7.50 feet to a point; thence turn an interior angle of  $90^{\circ}00'00''$  and run to the right in a Southerly direction a distance of 70.00 feet to a point; thence turn an interior angle of  $270^{\circ}00'00''$  and run to the left in an Easterly direction a distance of 66.00 feet to a point; thence turn an interior angle of  $156^{\circ}43'56''$  and run to the right in a Southeasterly direction a distance of 104.15 feet to the point of beginning.

Together with those certain rights, easements, and privileges for the benefit of the above described parcel of land created by the following described instruments recorded in the Office of the Judge of Probate of Shelby County, Alabama, to-wit:

- (a) Sanitary Sewer Easement recorded in Real Volume 140, page 391, refiled in Real Volume 164, page 398 in the Probate Office of Shelby County, Alabama.
- (b) Sanitary Sewer Easement recorded in Real 164, page 382 and amended by Real Volume 172, page 807, in the Probate Office of Shelby County, Alabama.
- (c) Sanitary Sewer Easement recorded in Real Volume 164, page 450 in the Probate Office of Shelby County, Alabama.
- (d) General Utilities Easement recorded in Real Volume 172, page 812 and Real Volume 164, page 408, in the Probate Office of Shelby County, Alabama.
- (e) Easement for Ingress and Egress recorded in Real Volume 140, page 367, refiled in Real Volume 164, page 465 and amended by Real Volume 172, page 794 in the Probate Office of Shelby County, Alabama.
- (f) Easement for ingress and egress recorded in Real Volume 164, page 433, in the Probate Office of Shelby County, Alabama.
- (g) Grant of Easement recorded in Real 172, page 821, in the Probate Office of Shelby County, Alabama.

DESCRIPTION OF PARCEL OF LAND  
PROVIDE DESCRIPTION OF LAND  
AND ALL EASEMENTS THERETO

Parcel One:

Beginning at the Southwest corner of the NW<sup>1</sup>/<sub>4</sub> of the NW<sup>1</sup>/<sub>4</sub> Section 36, Township 18 South, Range 2 West, run North along the West boundary of said quarter-quarter a distance of 83.35 feet; thence right 45 deg. 06 min. a distance of 63.10 feet; thence left 49 deg. 11 min. 30 sec. a distance of 170.35 feet; thence right 24 deg. 46 min. a distance of 588.25 feet; thence left 36 deg. 03 min. a distance of 156.52 feet; thence right 37 deg. 27 min. a distance of 115.37 feet; thence right 39 deg. 13 min. 30 sec. a distance of 119.33 feet; thence left 80 deg. 18 min. along a converse line which approximates the water's edge of Lake Dine, said water's edge being the true property line, a distance of 204.08 feet; thence right 80 deg. 48 min. and continuing along said converse line a distance of 265.33 feet; thence left 17 deg. 25 min. a distance of 77.06 feet; thence right 5 deg. 11 min. a distance of 65.07 feet; thence right 51 deg. 03 min. a distance of 94.44 feet; thence right 43 deg. 56 min. a distance of 132.54 feet; thence right 18 deg. 31 min. a distance of 230.34 feet; thence right 6 deg. 55 min. a distance of 142.56 feet; thence left 85 deg. 30 min. a distance of 251.21 feet, which ends the converse line approximating the water's edge of Lake Dine, the remaining being the description of the exact property line of the land herein described; thence right 46 deg. 22 min. a distance of 420.00 feet; thence right 91 deg. 07 min. a distance of 271.66 feet; thence left 83 deg. 53 min. a distance of 60.01 feet; thence right 91 deg. 07 min. a distance of 548.37 feet to the point of beginning.

AND:

Beginning at the S.E. Corner of the NW<sup>1</sup>/<sub>4</sub> of the NW<sup>1</sup>/<sub>4</sub> Section 36, Township 18 South, Range 2 West, run North along the East boundary of said NW<sup>1</sup>/<sub>4</sub> a distance of 83.35 feet; thence right 45 deg. 06 min. a distance of 63.10 feet; thence left 49 deg. 11 min. 30 sec. a distance of 170.35 feet; thence left 155 deg. 14 min. along the centerline of a road easement having a width of 30 feet on each side of the center line, a distance of 61.00 feet to the point of tangency of a curve to the left; thence left along the arc of the curve having a radius of 889.67 feet, a distance of 199.15 feet through an angle of 12 deg. 57 min. 23 sec.; thence continue along the projected tangent to the aforementioned curve a distance of 47.12 feet to the South boundary of said NW<sup>1</sup>/<sub>4</sub> Section; thence left 95 deg. 39 min. 01 sec. along said South boundary a distance of 44.10 feet to the point of beginning.

SEE NEXT PAGE FOR CONTINUATION:

# EXHIBIT "C-1"

## Parcel Two:

A non-exclusive easement for ingress and egress and the installation of utilities, 60 feet in width being 30-feet on each side of centerline described as follows:

From the SE corner of the NW $\frac{1}{4}$  of the NW $\frac{1}{4}$ , Section 36, Township 18 South, Range 2 West, Shelby County, Alabama, run West along the South boundary of said  $\frac{1}{4}$  a distance of 44.10 feet to the point of beginning; Thence, 30 feet each side of a line described as: From the said  $\frac{1}{4}$  line, turn an angle to the right of 95 deg. 39'07" and go 47.13 feet; thence right along the arc of a curve with a radius of 280.67 feet, a distance of 199.15 feet; thence along the tangent line to said curve a distance of 570.51 feet; thence, along a curve to the left with a radius of 242.04 feet a distance of 152.29 feet; thence, along the arc of a curve to the right with a radius of 232.35 feet a distance of 42.38 feet, said point being the end of this easement. Said easement being originally created by instrument recorded in Real record 11, page 426 in the Probate Office of Shelby County, Alabama.

## Parcel Three:

From the NW corner of the NW $\frac{1}{4}$  of the NW $\frac{1}{4}$ , Section 36, Township 18 South, Range 2 West, run South along the West boundary of said  $\frac{1}{4}$  a distance of 370.01 feet; thence left 88 deg. 01' 30" a distance of 212.71 feet to the point of beginning, said point on the centerline of a road, said centerline being a curve to the right with a radius of 232.35 feet; thence turn left 97 deg. 53' 56" to the tangent of said curve and follow the arc of the curve a distance of 109.49 feet to the point of tangency of said curve; thence continue along the projection of said tangent a distance of 56.61 feet. Said easement being originally created by instrument recorded in Real record 028, page 673 in the Probate Office of Shelby County, Alabama.

Page  
TOGETHER with those certain easements which benefit the property being insured herein, more particularly described in: Real 361, 805; Real 361, Page 819; Real 140, page 380, as amended in Real 172, Page 787; Real 140, Page 367 as amended in Real 172, Page 794; Real 164, Page 422; Real 164, Page 465, and Real 172, Page 812.



# EXHIBIT C-1

A parcel of land situated in the Northwest 1/4 of the Northeast 1/4 of Section 36, Township 13 South, Range 2 West, Shelby County, Alabama, being more particularly described as follows:

Begin at the Southeast corner of the Northwest 1/4 of the Northeast 1/4 of Section 36, Township 13 South, Range 2 West, Shelby County, Alabama, and from the East line of said 1/4-1/4 Section turn an angle to the left of 68°16'22" and run in a Northwesterly direction a distance of 104.15 feet to a point; thence turn an interior angle of 203°16'04" and run to the left in a Westerly direction a distance of 66.00 feet to a point; thence turn an interior angle of 90°00'00" and run to the right in a Northerly direction a distance of 70.00 feet to a point; thence turn an interior angle of 270°00'00" and run to the left in a Westerly direction a distance of 7.5 feet to a point; thence turn an interior angle of 90°00'00" and run to the right in a Northerly direction a distance of 6.0 feet to a point; thence turn an interior angle of 90°00'00" and run to the right in an Easterly direction a distance of 7.5 feet to a point; thence turn an interior angle of 270°00'00" and run to the left in a Northerly direction a distance of 58.00 feet to a point; thence turn an interior angle of 270°00'00" and run to the left in a Westerly direction a distance of 10.0 feet to a point; thence turn an interior angle of 270°00'00" and run to the right in a Northerly direction a distance of 10.70 feet to a point; thence turn an interior angle of 253°37'30" and run to the left in a Westerly direction a distance of 327.05 feet to a point; thence turn an interior angle of 103°30'15" and run to the right in a Northerly direction a distance of 230.00 feet to a point; thence turn an interior angle of 226°21'56" and run to the left in a Northwesterly direction a distance of 251.21 feet to a point; thence turn an interior angle of 94°29'04" and run to the right in a Northeasterly direction a distance of 142.56 feet to a point; thence turn an interior angle of 186°55'00" and run to the left in a Northeasterly direction a distance of 230.34 feet to a point; thence turn an interior angle of 198°31'00" and run to the right in a Northeasterly direction a distance of 132.54 feet to a point; thence turn an interior angle of 223°56'00" and run to the left in a Northwesterly direction a distance of 94.44 feet to a point; thence turn an interior angle of 231°03'00" and run to the left in a Northwesterly direction a distance of 65.07 feet to a point; thence turn an interior angle of 185°11'00" and run to the left in a Westerly direction a distance of 77.06 feet to a point; thence turn an interior angle of 162°35'00" and run to the right in a Northwesterly direction a distance of 107.00 feet to a point; thence turn an interior angle of 70°49'13" and run to the right in a Northeasterly direction a distance of 164.21 feet to a point; thence turn an interior angle of 101°45'33" and run to the right in a Southeasterly direction a distance of 676.55 feet to a point on the East line of the Northwest 1/4 of the Northeast 1/4 of Section 36; thence turn an interior angle of 119°43'03" and run to the right in a Southerly direction along the East line of said 1/4-1/4 Section a distance of 1029.58 feet to the point of beginning.

Together with all rights, title and interest of Borrower in and to those certain rights contained in those certain Easements recorded in:

Real Volume 140, page 380, amended by Real Volume 172, page 787; Real Volume 164, page 433, Real Volume 140, page 401 and amended by Real Volume 172, page 801, Real Volume 164, page 382 and amended by Real Volume 172, page 807; Real Volume 164, page 375 and Real Volume 164, page 408 in the Probate Office of Shelby County, Alabama.

Heatherbrooke II

# EXHIBIT C-1

## PARCEL I:

Lots 3 and 4, according to the Survey of Heatherbrooke Office Park, as recorded in Map Book 12, Page 2, in the Probate Office of Shelby County, Alabama.

## PARCEL III:

Lots 1-B and 1-C, according to Colonial Properties Survey of Part of Lot 1, Heatherbrooke Office Park, recorded in Map Book 15, Page 46, in the Probate Office of Shelby County, Alabama.

## EXHIBIT "C-2"

PARCEL II: Being a part of the SW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of section 36, Township 18 South, Range 2 West, Shelby County, Alabama, and being more particularly described as follows: Commence at the southeast corner of the southwest quarter of the northeast quarter of Section 36, Township 18 South, Range 2 West, Shelby County, Alabama, and run West along the South line of said  $\frac{1}{4}$  Section a distance of 1,020.17 feet; thence turn an angle to the left of  $62^{\circ}50'45''$  and run southwesterly for 54.50 feet to a point on the northeasterly right of way line of U.S. Highway 280, said point being on a curve to the right, said curve having a radius of 5,639.58 feet and subtending a central angle of  $03^{\circ}18'10''$  thence turn an angle to the right of  $91^{\circ}16'35''$  to become tangent with said curve; thence run northwesterly along the arc of said curve and said northeasterly right of way line of U.S. Highway 280 for 325.08 feet to a point, said point also being the intersection of the northeasterly right of way line of U.S. Highway 280 and the northerly right of way line of Greenhill Parkway, as recorded in Real Book 066, page 146, Shelby County, Alabama; said point is also the beginning of a curve to the right, said curve having a radius of 5,639.58 feet and subtending a central angle of  $00^{\circ}45'06''$ ; thence run along the arc of said curve and along the northeasterly right of way line of U.S. Highway 280 for 73.99 feet to a point, said point being the southeast corner of property recorded in Real Book 051, page 40, Shelby County, Alabama; thence turn an angle to the right of  $106^{\circ}02'17''$  from the tangent of said curve and run northeasterly for 456.71 feet to the point of beginning, said point being the southeasterly corner of Lot 3, Colonial Properties subdivision, as recorded in Map Book 8, page 138, in the Office of the Judge of Probate of Shelby County, Alabama; thence continue along the last stated course for 94.69 feet to a point; thence turn an angle to the right of  $107^{\circ}04'04''$  and run southeasterly for 128.20 feet to a point, said point also being on the northerly right of way line of said Greenhill Parkway, said point also being the beginning of a curve to the left, said curve having a radius of 670.14 feet and subtending a central angle of  $05^{\circ}07'48''$ ; thence turn an angle to the right of  $92^{\circ}37'44''$  to become tangent to said curve and run westerly along the arc of said curve and along said Greenhill Parkway right of way line for 60.00 feet to a point; thence from tangent to said curve turn an angle to the right of  $75^{\circ}34'24''$  and run northwesterly for 104.88 feet to the point of beginning.

Inst # 1996-00974

see exhibit Map Book 20 Page 115

01/11/1996-00974  
09:30 AM CERTIFIED

SHELBY COUNTY JUDGE OF PROBATE  
014 MCD 41.00