

STATE OF ALABAMA)
COUNTY OF SHELBY)

EASEMENT

This easement made and entered into this the 30th day of September, 1997, by and between HIGHLAND LAKES DEVELOPMENT, LTD., an Alabama Limited Partnership (hereinafter referred to as Grantor) and the HIGHLAND LAKES RESIDENTIAL ASSOCIATION, INC., an Alabama Non-Profit Corporation (hereinafter referred to as Grantee):

WITNESSETH:

That for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration in hand paid to the Grantor by Grantee, the receipt and sufficiency of which are hereby acknowledged, the Grantor does hereby acknowledge, the Grantor does hereby grant, bargain, sell, convey and warrant to the Grantee, its respective successors, agents, assigns, guests and invitees, a right of way and non-exclusive easement in perpetuity, over, across, upon, on and through the hereinafter described real estate with the right, privilege and authority to said Grantee, its respective successors, agents and assigns at such times and from time to time in the future as the Grantee may elect, to construct, maintain and repair an access drive or road over, across, upon, on or through the following described land, situated in Shelby County, Alabama:

A non-exclusive easement for ingress and egress situated in the SW1/4 of the SE1/4 of Section 8, Township 19 South, Range 1 West, and also situated in Lots 161 and 162, Highland Lakes, 1st Sector, as recorded in Map Book 18, Page 37 A, B, C, D, E, F, and G, in the Office of the Judge of Probate, Shelby County, Alabama, being more particularly described as follows:

Begin at the Southwest corner of said Lot 161, also being the Northwest corner of said Lot 162; thence run in a northeasterly direction along the Northwest line of said Lot 161 for a distance of 12.50 feet to a point; thence turn an angle to the right of 88 deg. 40 min. 45 sec. and run in a southeasterly direction for a distance of 50.68 feet to a point; thence turn an angle to the left of 10 deg. 03 min. 03 sec. and run in a Southeasterly direction for a distance of 172.75 feet to a point; thence turn an angle to the left of 46 deg. 51 min. 21 sec. and run in a northeasterly direction for a distance of 100.68 feet to a point on the Southwest right-of-way line of Swan Lake Circle in said Highland Lakes, 1st Sector, also being on a curve to the left having a central angle of 26 deg. 33 min. 45 sec. and a radius of 55.00 feet; thence turn an angle to the right of 10 deg. 28 min. 05 sec. to the radius of said curve and run in a southeasterly direction along the arc of said curve and also along said Southwest right-of-way line for a distance of 25.50 feet to a point; thence turn an angle to the right of 92 deg. 56 min. 53 sec. from the chord of last stated

10/27/1997-34744
09:29 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
003 MCD 14.00

CLAYTON T. SWEENEY, ATTORNEY AT LAW

Inst # 1997-34744

curve and run in a southwesterly direction for a distance of 117.50 feet to a point; thence turn an angle to the right of 47 deg. 15 min. 38 sec. and run in a northwesterly direction for a distance of 191.02 feet to a point; thence turn an angle to the right of 13 deg. 27 min. 54 sec. and run in a northwesterly direction for a distance of 45.00 feet to a point on the Northwest line of said Lot 162; thence turn an angle to the right of 85 deg. 09 min. 32 sec. and run in a northeasterly direction along the Northwest line of said Lot 162 for a distance of 12.50 feet to the point of beginning.

Further, there shall be a right of way for ingress and egress to, over and through the premises at any and all times for the purpose of constructing, inspecting, maintaining, repairing, replacing, renewing or adding to the access drive or road, and for doing anything, necessary, useful or convenient for the enjoyment and use of the easement herein granted; and said easement shall be used as a right of way for ingress and egress by vehicular traffic, by pedestrians and cyclists going to and from the Park area lying West of Lots 161 and 162 and adjacent to Swan Lake.

TO HAVE AND TO HOLD, Unto the said The HIGHLAND LAKES RESIDENTIAL ASSOCIATION, INC., an Alabama Non-profit Corporation, its successors, agents and assigns, forever, subject to the following terms and conditions:

1. The grant of this easement shall run with the land and shall be binding on and shall inure to the benefit of the parties hereto, its successors, agents and assigns.


2. The grantee herein, The HIGHLAND LAKES RESIDENTIAL ASSOCIATION, INC., its successors, agents and assigns shall have the responsibility for maintaining said easement.

Together with and subject to the rights, easements, privileges and appurtenances in and to said lands which may be required for the full enjoyment of the rights herein granted.

IN WITNESS WHEREOF, HIGHLAND LAKES DEVELOPMENT, LTD., by its General Partner, Eddleman Properties, Inc., by its President, Douglas D. Eddleman, has caused this easement to be executed this the 30th day of September, 1997.

HIGHLAND LAKES DEVELOPMENT, LTD.
an Alabama Limited Partnership,
by its General Partner,
Eddleman Properties, Inc.,
an Alabama Corporation

BY


Douglas D. Eddleman
Its President

STATE OF ALABAMA)
JEFFERSON COUNTY)

I, the undersigned, a Notary Public in and for said County in said State hereby certify that Douglas D. Eddleman, whose name as President of Eddleman Properties, Inc., an Alabama Corporation, as General Partner of HIGHLAND LAKES DEVELOPMENT, LTD., an Alabama Limited 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 the above and foregoing instrument, he, as such officer, and with full authority, executed the same voluntarily for and as the act of said Corporation acting in its capacity as general partner of said Limited Partnership.

30th Given under my hand and official seal of office this the day of September, 1997.


Notary Public

My Commission Expires: 5/29/99

Inst # 1997-34744

10/27/1997-34744
09:29 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
003 HCD 14.00