

This Instrument Prepared by:

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Birmingham, Alabama 35244

STATE OF ALABAMA)

COUNTY OF SHELBY)

Inst. # 1999-09504

03/08/1999-09504  
09:49 AM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
16.00  
004 MMS

### EASEMENT

This Indenture, made the 8<sup>th</sup> day of March, 1999, between Royal Construction & Development Co., Inc., an Alabama Corporation, hereinafter referred to as "Grantor;" and American Homes & Land Corporation, hereinafter referred to as "Grantee."

### WITNESSETH

Whereas, the Grantor is seized of an estate in fee simple of a parcel of land situated in the Shelby County, Alabama, described as follows, to-wit:

Lot 103, Balentree Lake First Addition, as recorded in Map Volume 22, Page 80, in the Office of the Judge of Probate of Shelby County, Alabama,

Whereas, Grantee is seized of an estate in fee simple of a parcel of land situated in Shelby County, Alabama, described as follows, to-wit:

Lot 104, Balentree Lake First Addition, as recorded in Map Volume 22, Page 80, in the Office of the Judge of Probate of Shelby County, Alabama,

Whereas, Grantor has agreed, in consideration of the covenants contained herein, to grant to the Grantee an easement over, across, through and under Grantor's lands described herein for the purpose of constructing, maintaining, operating and repairing underground field lines for the operation of a septic tank system which shall convey various substances to Grantors' lands described

herein.

NOW, THEREFORE, in consideration of the sum of one dollar, receipt of which is acknowledged, the Grantor hereby grants to Grantee, its successors and assigns:

The perpetual right to enter onto the real estate described below at anytime that Grantees may see fit, and construct, maintain, operate, and repair underground field lines for the operation of septic tank system, over across, through, and under the real property described below, together with the right to excavate and refill ditches and trenches for the location of such field lines, and the further right to remove trees, bushes, undergrowth, and other obstructions interfering with the location, construction, and maintenance of such field lines.

The real property affected by the grant of this easement is located in Shelby County, Alabama, and is more particularly described as follows:

See Attached Exhibit "A"

It is understood that said easement or right of way is so given upon the express understanding and condition that the same may be used in conjunction with the use of the Grantor, its successors, assigns and tenants; also that the Grantor, its successors, assigns and tenants will be in no way bound to construct the easement or to keep the same in repair; nor does the Grantor, its successors or assigns, assume any liability or responsibility to the Grantee, its agents, employees, assigns, or any person using said easement by invitation expressed or implied, or otherwise.

Grantee, its successors and assigns, shall during its use of the easement repair and maintain said easement in a proper, substantial, and workmanlike manner, at their own cost and expense.

In Witness Whereof, the said ROYAL CONSTRUCTION & DEVELOPMENT CO., INC.,  
by its President, GREG GILBERT, who is authorized to execute this conveyance, has hereunto set  
its signature and seal, this the 8<sup>th</sup> day of March, 1999.

ROYAL CONSTRUCTION & DEVELOPMENT CO., INC.

BY: *Greg Gilbert*  
GREG GILBERT, VICE-PRESIDENT

STATE OF ALABAMA)  
COUNTY OF SHELBY)

#### ACKNOWLEDGMENT

I, *Bart S. Paden*, a Notary Public, in and for said County, in said State, hereby certify  
that GREG GILBERT, whose name as Vice-President of ROYAL CONSTRUCTION &  
DEVELOPMENT CO., INC., an Alabama Corporation, is signed to the foregoing conveyance, and  
who is known to me, acknowledged before me on this day that, being informed of the contents of  
the conveyance he as such Officer, and with full authority, executed the same voluntarily for and as  
the act of the Corporation.

Given under my hand this the 8<sup>th</sup> day of March, 1999.

*Bart S. Paden*  
Notary Public

My commission expires: 7/11/02

PHONE 942-0086

FAX 942-0087

# WEYGAND SURVEYORS, INC.

169 OXMOOR ROAD  
HOMEWOOD, ALABAMA 35209

SUBDIVISION PLANNING  
STREET IMPROVEMENTS  
STORM DRAINAGE  
AERIAL MAPPING

SANITARY SEWERAGE  
TOPOGRAPHIC MAPPING  
CONSULTING  
LAND SURVEYING

## EXHIBIT "A"

Description of easement for field line area:  
(as shown on plot plan by Shelby Septic Design)  
Beginning at the southwest corner of Lot 103, First Addition to Balentree Lake First Addition, as recorded in the Office of the Judge of Probate, Shelby County, Alabama, in Map Book 22, Page 80, run in an easterly direction along the south line of said Lot 103 for a distance of 100.0 feet to the southeast corner of said Lot 103; thence turn an angle to the left of 92 degrees 20 minutes 47 seconds and run in a northerly direction along the east line of said Lot 103 for a distance of 102.0 feet; thence turn an angle to the left of 148 degrees 00 minutes and run in a southwesterly direction for a distance of 56.0 feet; thence turn an angle to the right of 41 degrees 01 minutes 40 seconds and run in a southwesterly direction for a distance of 73.43 feet to a point on the west line of said Lot 103; thence turn an angle to the left of 73 degrees 02 minutes 40 seconds and run in a southerly direction along the west line of said Lot 103 for a distance of 29 feet, more or less, to the point of beginning, containing 5194 square feet, more or less.

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