

STATE OF ALABAMA     )  
SHELBY COUNTY        )

## ASSIGNMENT OF EASEMENT

**THIS AGREEMENT** is dated as of April 15, 1999 and entered into by and between **RANDALL H. GOGGANS**, a married man ("Assignor") and **OAK MOUNTAIN BUSINESS PARK, LLC**, an Alabama limited liability company ("Assignee"), for the purpose of assigning from Assignor to Assignee that certain Grant of Easement executed April 14, 1999 by the Trustees of the Pelham Church of God, a/k/a Church of God at Pelham, as Grantor, and Randall H. Goggans, as Grantee, recorded as Instrument # 1999/16171 in the Office of the Judge of Probate of Shelby County, Alabama (the "Easement").

### RECITALS:

WHEREAS, Assignor has this day transferred and conveyed unto Assignee by Statutory Warranty Deed that certain real property situated in Shelby County, Alabama, and more particularly described in **Exhibit A** attached hereto and incorporated herein by reference (the "Property").

WHEREAS, in connection with such transaction, Assignor agreed to transfer and convey unto Assignee all appurtenances serving or appertaining to the Property.

WHEREAS, the Easement is an appurtenance to a portion of the Property and is intended to run with the land.

NOW, THEREFORE, in consideration of the premises, mutual covenants and agreements hereinafter undertaken, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

1. **EFFECTIVE DATE.** This assignment shall be effective as of April 15, 1999 (hereinafter the "Effective Date").
2. **ASSIGNMENT OF EASEMENT.** Assignor does hereby transfer, sell, convey and assign unto Assignee all of Assignor's right, title and interest in and to the Easement, including, without limitation, all benefits and obligations contained therein, and all other provisions thereof (the "Assignment").
3. **MISCELLANEOUS.**

(a) **Full Force and Effect.** All the terms and conditions of the Easements shall remain and continue in full force and effect.

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09:27 AM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
005 HHS 18.50

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CANADA TITLE

(b) Binding Effect. This Agreement shall be binding upon the successors and assigns of the parties. The parties shall execute and deliver such further and additional instruments, agreements and other documents as may be necessary to evidence or carry out the provisions of this Agreement.

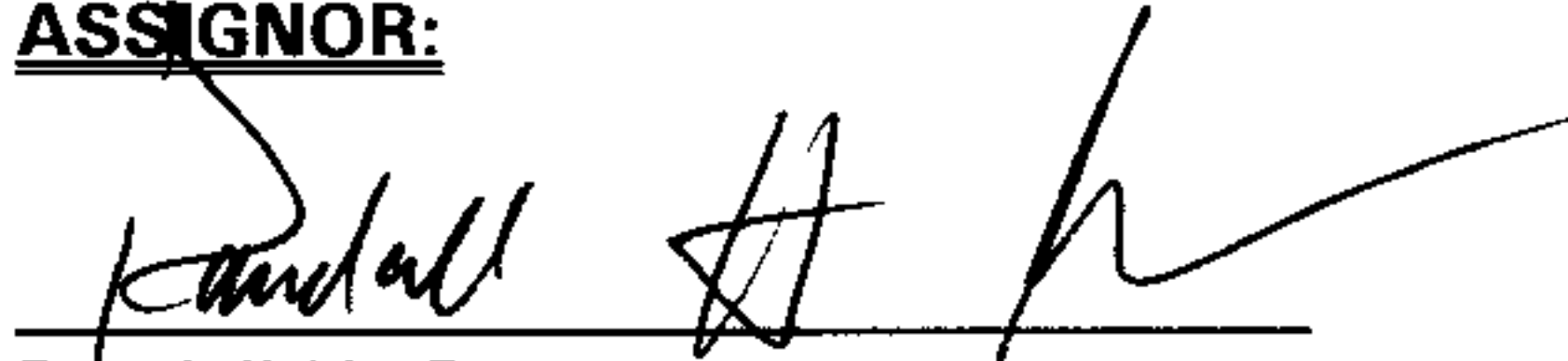
(c) Entire Agreement. This Agreement supersedes all agreements previously made between the parties relating to its subject matter. There are no other understandings or agreements between them.

(d) Non-Waiver. No delay or failure by either party to exercise any right under this Agreement, and not partial or single exercise of that right, shall constitute a waiver of that or any other right, unless otherwise expressly provided herein.

(e) Governing Law. This Agreement shall be construed in accordance with and governed by the laws of the State of Alabama.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and date first written above.

ASSIGNOR:

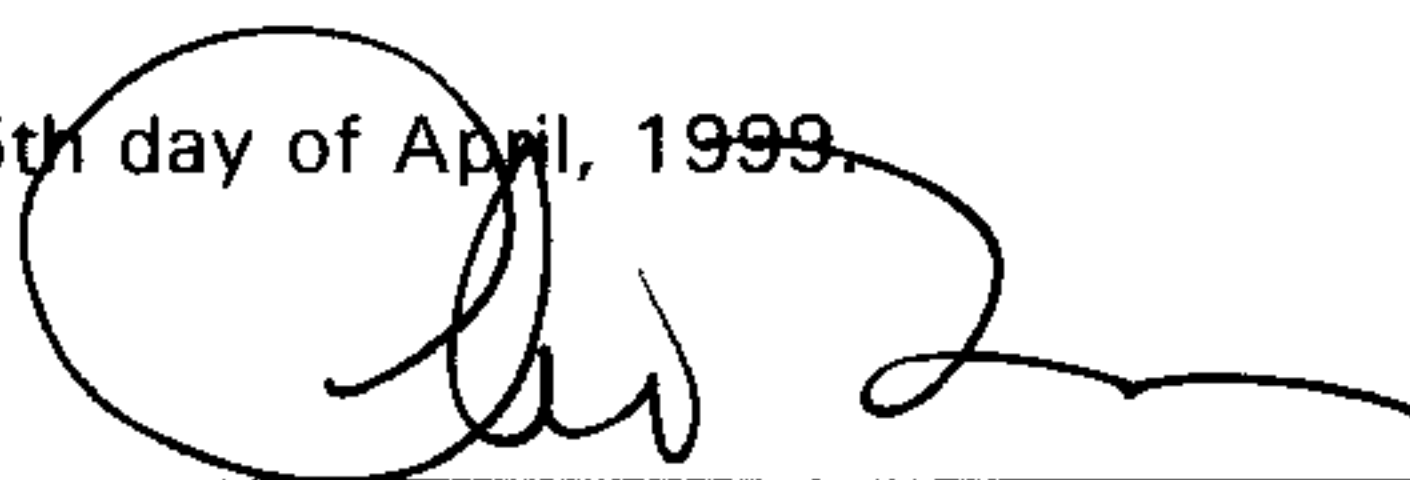
  
Randall H. Goggans

STATE OF ALABAMA )

JEFFERSON COUNTY )

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that RANDALL H. GOGGANS, whose name 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 foregoing instrument, he executed the same voluntarily on the day the same bears date.

Given under my hand this 15th day of April, 1999.



Notary Public

My Commission Expires: \_\_\_\_\_

## EXHIBIT A

(1 of 3)

A parcel of land situated in the SE 1/4 of the SW 1/4 of the SE 1/4 of Section 19, and in the NW 1/4 of the NE 1/4 of Section 30, Township 20 South, Range 2 West and being more particularly described as follows:

Begin at the NE corner of the SE 1/4 of the SW 1/4 of Section 19, Township 20 South, Range 2 West, said point being the point of beginning; thence South 89 degrees 36 minutes 47 seconds East a distance of 48.84 feet to a point on the Southeasterly right of way line of Shelby County Highway No. 52 (right of way varies), said point lying on a curve to the right having a radius of 1472.05 feet and a central angle of 19 degrees 26 minutes 07 seconds; thence along said right of way line and the arc of said curve a distance of 499.33 feet, said arc subtended by a chord which bears South 83 degrees 42 minutes 25 seconds West a distance of 496.94 feet, to the end of said arc; thence South 17 degrees 32 minutes 44 seconds West and leaving said right of way line a distance of 221.28 feet; thence North 64 degrees 17 minutes 28 seconds West a distance of 149.95 feet to a point on a curve to the right having a radius of 154.80 feet and a central angle of 69 degrees 09 minutes 13 seconds; thence along the arc of said curve a distance of 186.84 feet, said arc subtended by a chord which bears North 29 degrees 42 minutes 51 seconds West a distance of 175.70 feet, to a point on a compound curve to the right having a radius of 30.40 feet and a central angle of 80 degrees 18 minutes 35 seconds; thence along the arc of said curve a distance of 42.61 feet, said arc subtended by a chord which bears North 45 degrees 01 minutes 03 seconds East a distance of 39.21 feet; to the end of said curve and a point on the Southwesterly right of way line of said highway; thence North 80 degrees 19 minutes 19 seconds West along said right of way line a distance of 108.49 feet to a point on a curve to the right having a radius of 30.00 feet and a central angle of 73 degrees 51 minutes 27 seconds; thence along the arc of said curve a distance of 38.67 feet, said arc subtended by a chord which bears South 30 degrees 14 minutes 19 seconds East a distance of 36.05 feet, to a point on a reverse curve to the left having a radius of 217.52 feet and a central angle of 71 degrees 05 minutes 50 seconds; thence along the arc of said curve a distance of 269.92 feet, said arc subtended by a chord which bears South 28 degrees 51 minutes 31 seconds East a distance of 252.93 feet, to the end of said curve; thence South 55 degrees 04 minutes 43 seconds West a distance of 310.75 feet; thence North 80 degrees 40 minutes 50 seconds West a distance of 223.78 feet; thence South 1 degree 11 minutes 00 seconds West a distance of 922.80 feet to a point on the southerly boundary of said 1/4 1/4 Section; thence South 89 degrees 34 minutes 06 seconds East along said Southerly boundary a distance of 1264.73 feet to the SE corner of said 1/4 1/4 Section; thence South 89 degrees 29 minutes 10 seconds East a distance of 65.48 feet; thence South 1 degree 34 minutes 33 seconds West a distance of 281.15 feet; thence South 53 degrees 05 minutes 17 seconds East a distance of 310.74 feet to a point on the Northwesterly right of way line of Shelby



EXHIBIT A

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County Highway No. 11 (80 degree right of way); thence North 36 degrees 54 minutes 40 seconds East along said right of way line a distance of 160.87 feet; thence North 37 degrees 33 minutes 02 seconds East along said right of way line a distance of 203.07 feet; thence North 37 degrees 36 minutes 25 seconds East along said right of way line a distance of 106.87 feet to a point on a curve to the right having a radius of 25.00 feet and a central angle of 89 degrees 38 minutes 48 seconds; thence leaving said right of way line and along the arc of said curve a distance of 39.12 feet, said arc subtended by a chord which bears North 89 degrees 11 minutes 26 seconds West a distance of 35.25 feet, to a point on a compound curve to the right having a radius of 230.51 feet and a central angle of 34 degrees 30 minutes 26 seconds; thence along the arc of said curve a distance of 138.83 feet, said arc subtended by a chord which bears North 27 degrees 42 minutes 30 seconds West a distance of 136.74 feet, to the end of said curve; thence North 10 degrees 30 minutes 02 seconds West a distance of 265.26 feet; thence North 37 degrees 38 minutes 42 seconds East a distance of 1296.67 feet to the Northerly boundary of the SW 1/4 of the SE 1/4 of Section 19; thence North 89 degrees 27 minutes 39 seconds West along the Northerly boundary of said 1/4 1/4 Section a distance of 1236.41 feet to the point of beginning; being situated in Shelby County, Alabama.

LESS AND EXCEPT the following described parcels:

Oak Mountain Business Park Right of Way dedication as recorded in Map Book 24, Page 148 in the Probate Office of Shelby County, Alabama; being situated in Shelby County, Alabama.

Oak Mountain Business Park Sector 1, Right of Way dedication as recorded in Map Book 23, Page 84 in the Probate Office of Shelby County, Alabama; being situated in Shelby County, Alabama.

Lot 13, according to the survey of Oak Mountain Business Park, Lots 12 and 13, as recorded in Map Book 24 Page 150 in the Probate Office of Shelby County, Alabama; being situated in Shelby County, Alabama.

Lots 18, 19 and 20, according to the survey of Oak Mountain Business Park, Lots 18, 19 and 20, as recorded in Map Book 24 Page 149 in the Probate Office of Shelby County, Alabama; being situated in Shelby County, Alabama.

Lots 1, 2, 2-A, 3 and 3-A, according to the survey of Oak Mountain Business Park, Sector 1, as recorded in Map Book 23 Page 84 in the Probate Office of Shelby County, Alabama; being situated in Shelby County, Alabama.

Lot 9, according to the survey of Oak Mountain Business Park, Lot 9 as recorded in Map Book 25 Page 74 in the Probate Office of Shelby County, Alabama; being situated in Shelby County, Alabama.

Lot 14, according to the survey of Oak Mountain Business Park, Lots 14 & 15, as recorded in Map Book 25 Page 57 in the Probate Office of Shelby County, Alabama; being situated in Shelby County, Alabama.

Lot 16 according to the Survey of Oak Mountain Business Park, Lots 16, 16A, and 17, as recorded in Map Book 25 Page 73 in the Probate Office of Shelby County, Alabama; being situated in Shelby County, Alabama..

EXHIBIT A

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ALSO, LESS AND EXCEPT the following described parcel known as Lot 11 Oak Mountain Business Park as recorded in instrument #1998-26047:

A parcel of land located in the NW 1/4 of the NE 1/4 of Section 30 Township 20 South, Range 2 West, Shelby County, Alabama, being more particularly described as follows:

Commence at the NW corner of the NW 1/4 of the NE 1/4 of Section 30, Township 20 South, Range 2 West; thence run South 89 deg. 29 min. 10 sec. East a distance of 65.48 feet; thence South 01 deg. 34 min. 33 sec. West a distance of 268.93 feet to the point of beginning; thence South 53 deg. 05 min. 17 sec. East a distance of 310.74 feet to the West right of way line of Shelby County Highway 11; thence North 36 deg. 54 min. 40 sec. East along the right of way a distance of 154.39 feet to the point of curve to the left having a length of 62.39 feet, a radius of 40.00 feet and a central angle of 89 deg. 21 min. 38 sec.; thence North 52 deg. 26 min. 58 sec. West a distance of 22.41 feet to the point of a curve to the right, having a length of 133.48 feet, a radius of 280.00 feet and a central angle of 27 deg. 18 min. 48 sec.; thence South 64 deg. 51 min. 50 sec. West a distance of 257.31 feet in the point of beginning; being situated in Shelby County, Alabama.

ALSO, LESS AND EXCEPT the following triangular shaped parcel of land located in the SE 1/4-SW 1/4 of Section 19, Township 20 South, Range 2 West, Shelby County, Alabama, being more particularly described as follows:

BEGIN at the most southerly corner of Lot 3A, Oak Mountain Business Park, Sector 1, as recorded in Map Book 23, Page 84 in the Office of the Judge of Probate, Shelby County, Alabama; thence N 38 deg 17' 27" E along the easterly line of said Lot 3A, a distance of 422.35'; thence S 51 deg 42' 33" E a distance of 15.00'; thence S 40 deg 19' 30" W a distance of 422.61' to the Point of Beginning.

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