

State of Alabama

County of Shelby

KNOW ALL MEN BY THESE PRESENTS, that for and in consideration of One Dollar (\$1.00) and other good and valuable considerations unto the undersigned Grantor ~~Hardee's Food System, Inc.~~ Flagstar

Enterprises, Inc., a corporation (hereinafter at times referred to as the "Grantor"), in hand paid by ALABAMA GAS CORPORATION, an Alabama corporation, the receipt and sufficiency of which considerations are hereby acknowledged, the said Grantor does hereby grant, bargain, sell and convey unto the said Alabama Gas Corporation, its successors, assigns and lessees from the date hereof a right-of-way and easement for any one or more or all of the following purposes: Laying, constructing, erecting, setting, installing, renewing, repairing, inspecting, replacing, maintaining, operating, removing, changing the size of, modifying and relocating one or more of its pipe or pipelines, mains, conduits and appliances and appurtenances thereto over, under, upon and across

Inst # 1999-42265

10/12/1999-42265
10:02 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
002 WMS 11.50

A TEN FOOT BY FIFTEEN FOOT RECTANGULAR PARCEL OF LAND OUT OF THE NORTHEAST CORNER OF LOT 5 OF OAK MOUNTAIN COMMERCE PLACE as recorded in Map Book 18, Page 58 in the Office of the Judge of Probate of Shelby County, Alabama, more particularly described as follows:

Beginning at the northeast corner of Lot 5 of Oak Mountain Commerce Place, A commercial Subdivision recorded in Map Book 18, Page 58, Office of the Judge of Probate of Shelby County, Alabama and run thence southerly along the east line of said Lot 5 and the West line of Alabama Highway No. 31 a distance of 15.00' to a point; Thence turn 90 degrees to the right and run westerly a distance of 10.00' to a point; Thence turn 90 degrees to the right and run northerly a distance of 15.0' to a point; Thence turn 90 degrees right and run easterly a distance of 10.0' to the point of beginning, containing 150 square feet. There is a 10.0' easement for The Pelham Water Works that runs through this particular easement.

* Subject to the following restrictions:

- 1) Alabama Gas Corporation shall not allow any barrier or obstruction which would prevent the free flow of ~~vehicles~~ ^{vehicular} and/or pedestrian traffic to and from the adjacent lands of the Grantor.
- 2) Alabama Gas Corporation shall not cause or allow any of its trucks or heavy equipment enter upon the adjacent lands of the Grantor and cause damage to the parking surface there
- 3) Alabama Gas Corporation shall not obstruct or disturb the prime sign or its base which is on the adjacent lands of the Grantor.

Situated in Shelby County, Alabama.

Together with the right of ingress to and egress from said strip of land across adjacent lands of the Grantor and all the rights and privileges necessary or convenient for the full enjoyment and use of said right-of-way and easement for the purposes above designated. *

TO HAVE AND TO HOLD the said right-of-way and easement perpetually unto the said ALABAMA GAS CORPORATION, its successors, assigns and lessees, provided, however, that the Grantor herein expressly reserves for itself and its successors and assigns the right to use and enjoy the premises above described in so far as such use and enjoyment by the Grantor, its successors and assigns shall not unreasonably interfere with the use of said easement and right-of-way by the said ALABAMA GAS CORPORATION, its successors, assigns and lessees under the grant herein set forth, and provided further that the Grantor and its successors and assigns will place no permanent structures upon the said right-of-way and easement. The Grantor expressly covenants that it is the owner in fee of the real property herein conveyed and has a good right to execute this agreement and to grant said easement and right-of-way.

IN WITNESS WHEREOF, the said Grantor has caused these presents to be executed for and in its corporate name and behalf and its corporate seal hereunto to be affixed and attested all by its proper officials who are thereunto duly authorized, on this the 14th day of September, 19 99.

[CORPORATE SEAL]

ATTEST:

By Donald E. T. H.

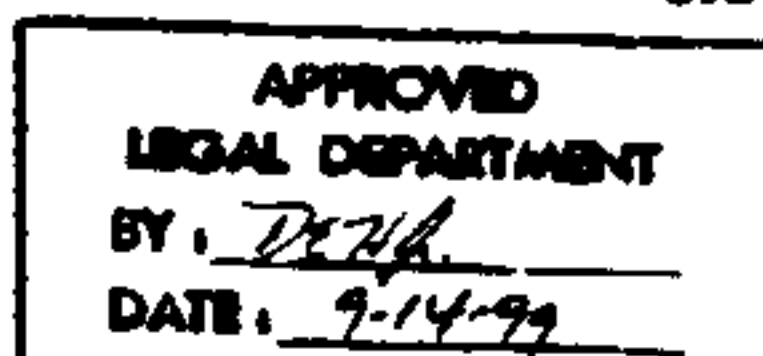
Its Assistant Secretary

FLAGSTAR ENTERPRISES, INC.

By Nancy G. Hamill

Its Senior Vice President

GRANTOR



FLAGSTAR ENTERPRISES, INC.

TO

ALABAMA GAS CORPORATION

EASEMENT DEED

STATE OF ALABAMA

County of

Office of the Judge of Probate

I hereby certify that the within deed was filed
in this office for record on the day of

19 at

O'clock M., and was duly recorded

in Volume of Deeds at page

Judge of Probate.

North Carolina

State of Alabama

County of Nash

I, TINA P. Flowers, a Notary Public in and for said County, in said State
hereby certify that GARY C. HAMMETT whose name as Sr. Vice President of
FLAGSTAR ENTERPRISES, INC., a 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 said corporation.

Given under my hand this 14th day of September, 1999

Tina P. Flowers
NOTARY PUBLIC

My Commission Expires 2/18/03

[NOTARY SEAL]

TINA P. FLOWERS
NOTARY PUBLIC
NASH COUNTY, NC

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