

This instrument prepared by:
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Inst # 2000-00913

STATE OF ALABAMA)
SHELBY COUNTY)

01/10/2000-00913
09:00 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
005 CJ1 19.00

GRANT OF EASEMENTS

THIS GRANT OF EASEMENTS is made as of the 10th day of January, 2000, by **H. SHERMAN HOLLAND, JR.**, a resident of the State of Alabama (the "Grantor") in favor of **D.R. HORTON, INC. - BIRMINGHAM**, an Alabama corporation, its successors and/or assigns (the "Grantee").

RECITALS

A. By General Warranty Deed of even date herewith and recorded contemporaneously herewith, Grantor has conveyed unto Grantee those certain parcels of real estate more particularly described on Exhibit A attached hereto and incorporated herein by reference located in Shelby County, Alabama, which such property is shown on drawing attached hereto as Exhibit C as "Parcel A" (38.80 ± acres) and "Parcel B" (25.25 ± acres) (collectively, the "D.R. Horton Property"). (Note: Exhibit A is an "overall" legal for both said Parcel A and Parcel B).

B. Grantor is the owner of certain land contiguous to the D.R. Horton Property, which such land is more particularly described on Exhibit B attached hereto, and which is crosshatched on the drawing attached hereto as Exhibit C as "Parcel C" and "Parcel D" (the "Holland Property").

C. Grantor has agreed to establish certain easements burdening the Holland Property for the benefit of and appurtenant to the D.R. Horton Property.

AGREEMENT

NOW, THEREFORE, in consideration of the sum of Ten and No/100 Dollars in hand paid to Grantor, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Grantor does hereby grant, bargain, sell, and convey, to Grantee, its successors and assigns, (i) a grading and slope easement across the entire of the Holland Property (the "Slope Easement"), (ii) an easement for sewer and utilities across the entire of the Holland Property (the "Utility Easement," and, collectively with the Slope Easement, the "Easements"), and (iii) full and

free liberty, right, and authority to enter into and upon the Holland Property and to construct thereon a slope, order to support the finished grade elevations of the D.R. Horton Property and thereafter the right to install, maintain, repair, and replace said slope, and further the free liberty, right, and authority to construct, install, maintain, repair, and replace all utilities and sewer lines which are necessary to serve the D.R. Horton Property.

TO HAVE AND TO HOLD, unto the Grantee, its successors and assigns, forever.

As a condition and covenant of the Easements granted herein, Grantee covenants and agrees that neither Grantor nor its successors and assigns shall in any way be liable for any injury or damage whatsoever to person or property which may result from Grantee's use of the Easements conveyed hereunder, and Grantee agrees to defend, indemnify, and hold harmless the Grantor, its successors and assigns, from and against all claims and liabilities whatsoever that may arise from Grantee use of the Easements.

Grantor covenants with Grantee that it is the owner in fee of the Holland Property and has a good right to execute this instrument and to grant the Easements described herein.

This Agreement shall run with and bind the lands described herein, and shall be binding upon and inure to the benefit of any and all owners thereof and their respective tenants, licensees, invitees, employees, personal representatives, heirs, successors and assigns, and, except as herein expressly provided to the contrary, shall be perpetual.

IN WITNESS WHEREOF, Grantor has caused executed this Grant of Easement as of the day and year first above written.

GRANTOR:

H. Sherman Holland, Jr.
H. Sherman Holland, Jr.

STATE OF ALABAMA)
COUNTY OF JEFFERSON)

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that H. Sherman Holland, Jr., whose name 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 executed the same voluntarily on the day and year written above.

Given under my hand and seal, this 6th day of January, 2000.

Aail L. Muth

NOTARY PUBLIC

My Commission Expires: 1/28/00

(SEAL)

EXHIBIT A

THE D.R. HORTON PROPERTY

A parcel of land located in the SW $\frac{1}{4}$ and the SE $\frac{1}{4}$ -NW $\frac{1}{4}$ of Section 25, Township 20 South, Range 3 West, Shelby County, Alabama, being more particularly described as follows:

Begin at the SE corner of the NE $\frac{1}{4}$ -SW $\frac{1}{4}$ of said Section 25; thence North $0^{\circ}08'19''$ E along the east line of said Section for a distance of 1336.04'; thence N $0^{\circ}04'30''$ E along the East line of the SE $\frac{1}{4}$ - NW $\frac{1}{4}$ a distance of 999.67'; thence N $88^{\circ}08'06''$ W a distance of 728.62'; thence S $23^{\circ}26'16''$ W a distance of 660.03'; thence N $74^{\circ}43'35''$ W a distance of 130.0'; thence S $15^{\circ}16'25''$ W a distance of 445.17' to a point lying on the South line of said $\frac{1}{4}$ - $\frac{1}{4}$ section; thence N $88^{\circ}56'54''$ W along said $\frac{1}{4}$ - $\frac{1}{4}$ line a distance of 123.35'; thence S $1^{\circ}04'48''$ W a distance of 121.73'; thence N $88^{\circ}46'16''$ W a distance of 41.40'; thence S $15^{\circ}36'51''$ W a distance of 133.03'; thence S $88^{\circ}46'16''$ E a distance of 195.56'; thence S $1^{\circ}9'56''$ W a distance of 54.23'; thence S $88^{\circ}54'16''$ E a distance of 36.96'; thence S $15^{\circ}49'05''$ W a distance of 669.31' to a point lying on the northerly right of way line of Shelby County Highway #68 (variable right of way); thence S $63^{\circ}47'20''$ E along said right of way line a distance of 180.63' to the beginning of a curve to the right having a radius of 450.0' and subtended by a chord which bears S $48^{\circ}08'14''$ E a chord distance of 242.81'; thence along the arc of said curve and said right of way line a distance of 245.85' to a point; said point being the intersection of the northerly right of way of said Shelby County Highway #68 and the centerline of Wilson Road; said point also lying on a curve to the left having a radius of 60.0' and subtended by a chord which bears N $5^{\circ}16'10''$ E a chord distance of 26.51'; thence along the arc of said curve and said centerline, a distance of 26.73' to the end of aforesaid curve and the bearing of a curve to the left having a radius of 286.22' and subtended by a chord which bears N $16^{\circ}29'42''$ W a chord distance of 89.56'; thence along the arc of said curve and said centerline a distance of 89.93' to the end of said curve; thence N $25^{\circ}29'47''$ W along the approximate centerline of said Wilson Road a distance of 86.32'; thence N $71^{\circ}49'59''$ W along said approximate centerline a distance of 100.44'; thence leaving said centerline, N $15^{\circ}36'16''$ E a distance of 188.18'; thence S $78^{\circ}20'53''$ E a distance of 79.09'; thence N $15^{\circ}40'30''$ E a distance of 331.15'; thence S $74^{\circ}19'30''$ E a distance of 210.0'; thence S $15^{\circ}40'30''$ W a distance of 750.0'; thence S $85^{\circ}49'06''$ W a distance of 23.26' to a point lying on the Northeasterly right of way line of Shelby County Highway #68; said point also lying on a reverse compound curve to the right having a radius of 450.0' and subtended by a chord which bears S $17^{\circ}56'56''$ E a chord distance of 60.02'; thence along the arc of said curve and said right of way line a distance of 60.06' to the end of aforesaid curve and the beginning of said compound curve to the left having a radius of 431.63' and subtended by a chord which bears S $26^{\circ}18'26''$ E a chord distance of 182.17'; thence along the arc of said curve and said right of way line a distance of 183.55' to the end of aforesaid curve and the beginning of a curve to the left having a radius of 260.68' and subtended by a chord which bears S $52^{\circ}22'08''$ E a chord distance of 125.07'; thence along the arc of said curve and said right of way line a distance of 126.30' to the end of said curve; thence S $66^{\circ}14'55''$ E along said right of way line a distance of 230.64' to the beginning of a curve to the right having a radius of 442.50' and subtended by a chord which bears S $40^{\circ}03'20''$ E a chord distance of 390.64'; thence along the arc of said curve and said right of way line a distance of 404.58'; thence leaving said right of way line S $89^{\circ}58'06''$ E a distance of 140.51'; thence N $0^{\circ}01'54''$ E along a line 200.0' west of and parallel to the east line of the SE $\frac{1}{4}$ - SW $\frac{1}{4}$ of Section 25, a distance of 600.0'; thence S $88^{\circ}58'42''$ E a distance of 200.0' to the point of beginning. Containing 64.05 acres, more or less.

EXHIBIT B

THE HOLLAND PROPERTY

PARCEL C:

A parcel of land located in the SE 1/4-NW 1/4 of Section 25, Township 20 South, Range 3 West, Shelby County, Alabama, being more particularly described as follows:

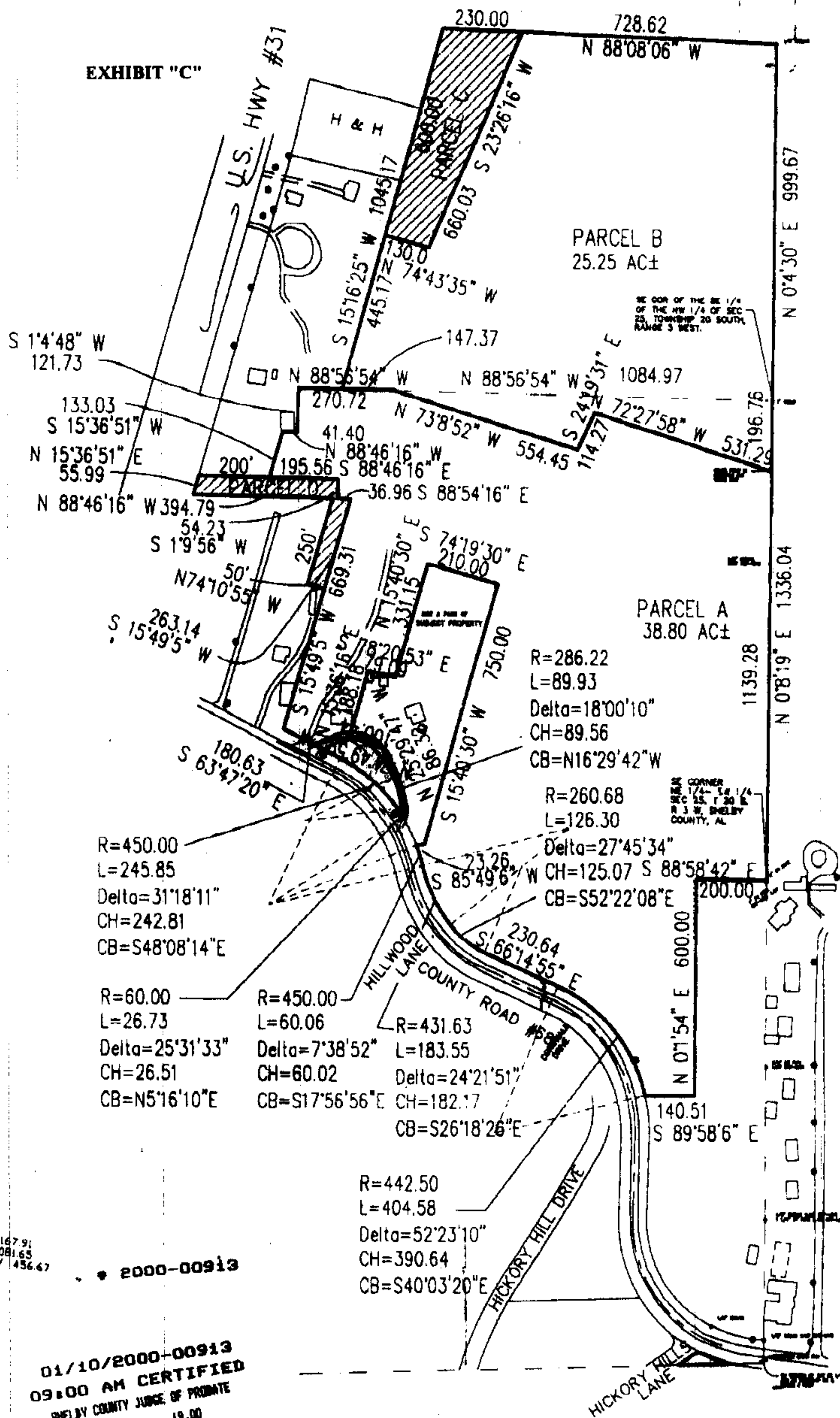
COMMENCE at the SE corner of the SE 1/4-NW 1/4 of said Section 25; thence N 0°04'30" E along the East line of said 1/4-1/4 section a distance of 999.67'; thence N 88°08'06"W a distance of 728.62' to the Point of Beginning; thence continue along last described course for a distance of 230.0'; thence S 15°16'25" W a distance of 600.0'; thence S 74°43'35"E a distance of 130.0'; thence N 23°26'16"E a distance of 660.03' to the Point of Beginning.

PARCEL D:

A parcel of land located in the N 1/2 of the SW 1/4 of Section 25, Township 20 South, Range 3 West, Shelby County, Alabama, being more particularly described as follows:

COMMENCE at the SE corner of the SE 1/4-NW 1/4 of said Section 25; thence N88°56'54" W along the South line of said 1/4-1/4 section a distance of 1355.69'; thence S 1°04'48" W a distance of 121.73'; thence N 88°46'16"W a distance of 41.40'; thence S 15°36'51"W a distance of 133.03' to the Point of Beginning; thence S 88°46'16" E a distance of 195.56'; thence S 1°9'56" W a distance of 54.23'; thence S 88°54'16" E a distance of 36.96'; thence S 15°49'05" W a distance of 263.14'; thence N 74°10'55"W a distance of 50.0'; thence N 15°49'05"E a distance of 250.0'; thence N 88 °46'16" W a distance of 394.79' to a point lying on the easterly right of way line of US Hwy. #31; thence N15°36'51" E along said ROW line a distance of 55.99'; thence leaving said ROW line, S 88° 46'16"E a distance of 200.0' to the Point of Beginning.

U.S. HWY #31



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