

EASEMENT - DISTRIBUTION FACILITIES

TO BE RECORDED X
YES NO

This Instrument prepared by:

DON D. BAILEY

STATE OF ALABAMA

County of SHELBY

TAX ID # _____

W.E. 61700-00-0689-100

Parcel # 70091776

Transformer # _____

Alabama Power Company
Post Office Box 2641
Birmingham, Alabama 35291-1980

A. GRANT KNOW ALL MEN BY THESE PRESENTS, That James Bearden and wife Stacy Bearden

as grantor(s), (the "Grantor", whether one or more) for and in consideration of the sum of One and No/100 (\$1.00), and other good and valuable considerations, to Grantor in hand paid by Alabama Power Company (the Company), a corporation, the receipt and sufficiency of which is hereby acknowledged, does hereby grant to Alabama Power Company, (the Company) its successors and assigns, the easements, rights and privileges described and designated in Section B below.

B. RIGHTS The easements, rights and privileges granted hereby are as follows:

1. **Overhead and/or Underground.** The right from time to time to construct, install, operate and maintain, upon, over, under and across the Property described in Section C below, along a route to be selected by the Company which is generally shown on the Company's final location drawing (which shows the general location of underground Facilities, if any, by cross-hatching indicating an area not greater than ten feet (10') in width), all poles, towers, wires, conduits, fiber optics, cables, transclosures, transformers, anchors, guy wires and other Facilities useful or necessary in connection therewith (collectively, "Facilities"), for the overhead and/or underground transmission and distribution of electric power, and also the right to clear and keep clear a strip of land extending five feet (5') to either side of the center line of underground Facilities and fifteen feet (15') to either side of the center line of overhead Facilities; further, the right in the future to install and utilize intermediate poles in line for overhead Facilities and the right to trim and cut and keep trimmed and cut all dead, weak, leaning or dangerous trees or limbs outside of the thirty foot (30') strip for overhead Facilities that, in the sole opinion of the Company, might now or may hereafter endanger, interfere with or fall upon any of the overhead Facilities.

2. **Line Clearing.** The right to trim and cut and keep trimmed and cut all dead, weak, leaning or dangerous trees or limbs that, in the sole opinion of the Company, might now or may hereafter endanger, interfere with or fall upon the electric transmission or distribution lines, poles, towers or other Facilities now or hereafter located adjacent to the Property described in Section C below along a route to be selected by the Company generally shown on the Company's final location drawing, and also the right to clear and keep clear all trees, undergrowth, and other obstructions on property in which Grantor has an interest within fifteen feet (15') of the center line of the lines of such poles, towers or other Facilities.

3. **Guy Wires and Anchors.** The right to implant, install and maintain anchor(s) of concrete, metal or other material on and under the Property described in Section C below, and to construct, extend and maintain guy wires from such anchor(s) to structures now or hereafter erected adjacent to such Property or property adjacent thereto (collectively, "Guy Wire Facilities") along a route to be selected by the Company generally shown on the Company's final location drawing; and also the right to trim and cut and keep trimmed and cut all dead, weak, leaning or dangerous trees or limbs that, in the sole opinion of the Company, might now or may hereafter endanger, interfere with or fall upon any of the Guy Wire Facilities.

Grantor hereby grants to the Company all easements, right and privileges necessary or convenient for the full enjoyment and use thereof, including without limitations the right of ingress and egress to and from the Company's Facilities and Guy Wire Facilities, as applicable, and the right to excavate for installation, replacement, repair and removal thereof, and also the right to cut, remove and otherwise keep clear any and all structures, obstructions or obstacles of whatever character, on under and above said Facilities and Guy Wire Facilities, as applicable.

C. **PROPERTY DESCRIPTION.** The easement, rights and privileges granted hereby shall apply to, and the word "Property" as used in the instrument shall mean, the following described real property situated in SHELBY County, Alabama (the "Property"):

Lot 2 of Block — of BOVA ACRES Subdivision
as recorded in Map Book 27, page 105 and being located in the SE SW 1/4 of the SE 1/4 of
Section 5, Township 20 S, Range 1 E and recorded in Deed Book 2001, page 37540
all being recorded in the Office of the Judge of Probate in said County.

D. **ADDITIONAL PROVISIONS.** In the event it becomes necessary or desirable, for the Company to move any of its Facilities in connection with the construction or improvement of any public road or highway in proximity to its Facilities, Grantor hereby grants to the Company the right to relocate its Facilities and, as to such relocated Facilities, to exercise the rights granted above; provided, however, the Company shall relocate its Facilities at a distance no greater than ten (10) feet outside the boundary of the right of way of any public road or highway as established or re-established from time to time. This grant and agreement shall be binding upon and inure to the benefit of Grantor, the Company and each or their respective heirs, personal representatives, successors and assigns and the words "Company" and "Grantor" as used in this instrument shall be deemed to include the heirs, personal representatives, successors and assigns of such parties.

TO HAVE AND TO HOLD the foregoing easements, rights and privileges to the Company, its successors and assigns, forever.

IN WITNESS WHEREOF, the undersigned Grantor(s) has/have set his/her/their hand(s) and seal(s) this 25th day of OCTOBER, 2001.

WITNESSES:

GRANTOR(S)

(Husband)

(Wife)

(Seal)

(Seal)

02/22/2002-08801
08:19 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
003 MEL 17.50

IN WITNESS WHEREOF, the said Grantor, has caused this instrument to be executed _____, its authorized representative, as of _____ day of _____, 20_____.

GRANTOR

(Name of Corporation/Partnership)

ATTEST:

(Witness/Secretary)

(Signature of Officer/Partner)

(Indicate title of Officer or Partner)

INDIVIDUALS NOTARY

STATE OF ALABAMA }

County of SHELBY }

I, the undersigned, a Notary Public, in and for said County in said State, hereby certify that JAMES BEARDEN & WIFE, SLACY BEARDEN whose names is/are signed to the foregoing instrument and is/are known to me, acknowledged before me on this day that being informed of the contents of the instrument, he/she/they executed the same voluntarily on the day the same bears date.

Given under my hand and official seal, this the 29th day of OCTOBER, 2001.

Don H. Bama
Notary Public

My commission expires 04-03-2008.

CORPORATION/PARTNERSHIP/LLC'S NOTARY

STATE OF ALABAMA }

County of _____ }

I, the undersigned, a Notary Public, in and for said County in said State, hereby certify that _____

whose name as _____ of _____, 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 instrument, he/she, as such officer/partner and with full authority, executed the same voluntarily for and as the act of said Corporation/Partnership.

Given under my hand and official seal, this the _____ day of _____, 20_____.

Notary Public

My commission expires _____.

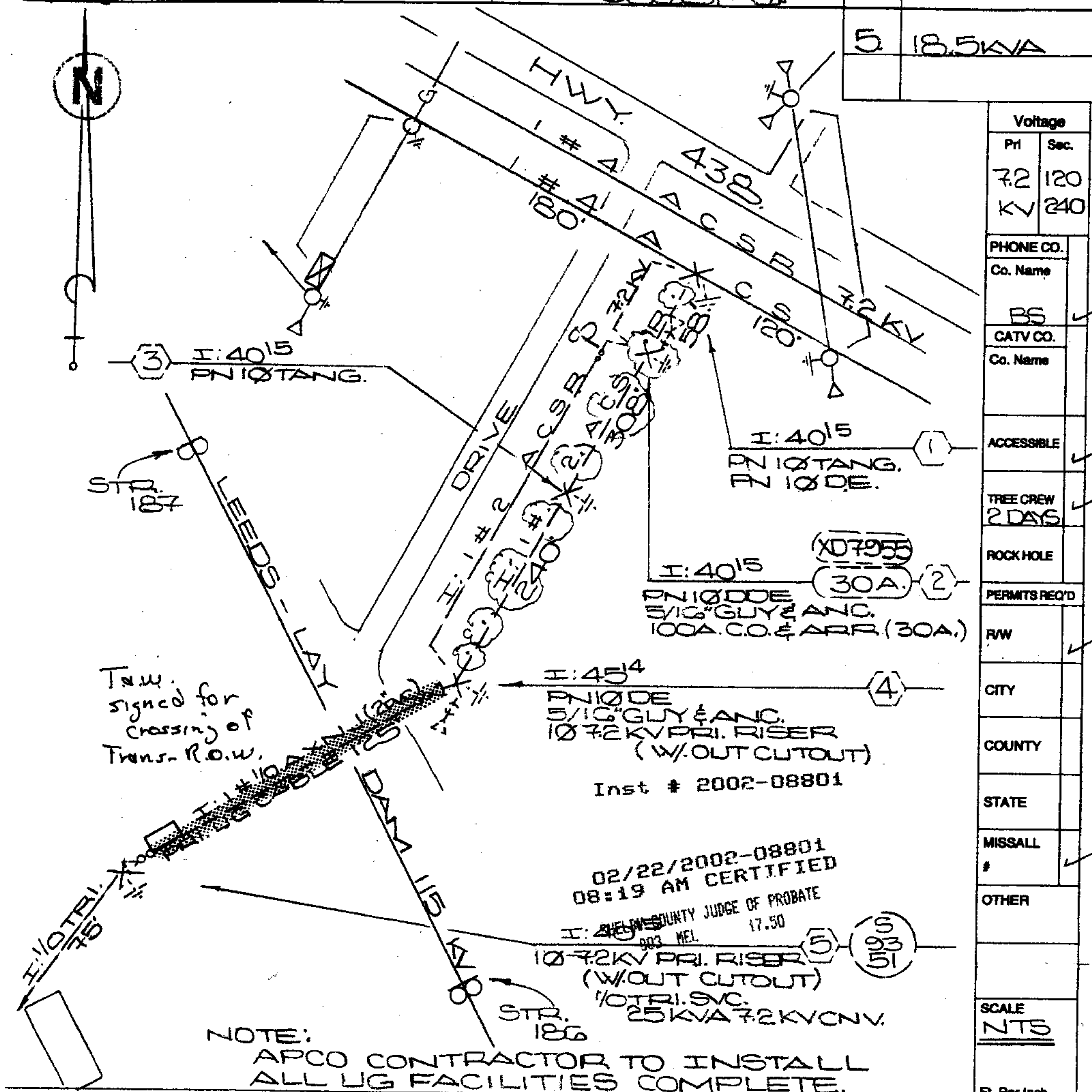
For Alabama Power Company Corporate Real Estate Department use only.

All facilities on Grantor: _____

Station to Station: _____

Sta # 1+00 to Sta # 4+00 (Westside)
Sta # 4+00 to Sta # 5+00 (V&S)
Sta # 5+00 to Sta # 5+75

Customer JAMES BEARDEN		Location #299 HWY. 438		Agreed Serv. Date 11-21-01.		Estimate No. G17000000G391.	
Division NEO/BHAM		District SOUTH		Town WESTOVER		Drawn by BRITNELL	
County SHELBY		Section 5		Township 20S		Range 1E	
Acquisition Agent LDJ		Date R/W Assigned 11-1-01		Date R/W Cleared		Add'l Info 369-9892.	
Map Reference 58621#G				LOC		Transformer Loading	



Date _____