

GRADING EASEMENT AGREEMENT


20030411000223030 Pg 1/2 17.50
Shelby Cnty Judge of Probate, AL
04/11/2003 16:13:00 FILED/CERTIFIED

KNOW ALL MEN BY THESE PRESENTS that the undersigned, Robert T. Hentz and Anne K. Hentz, husband and wife, the Grantors, in consideration of Ten Dollars (\$10.00) and all good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, do hereby GRANT, BARGAIN, SELL and CONVEY unto Wal-Mart Real Estate Business Trust, a Delaware Statutory Trust, the Grantee, an easement over, on, upon, under, through and across certain lands of Grantor in Shelby County, Alabama, as described hereinbelow and as shown on Exhibit "A" attached hereto and incorporated herein by reference, for the purpose of grading, excavating, filling, back filling and any other method or activity needed to provide lateral support for the real property owned by Grantee adjacent to said area, and the right of ingress and egress to and from and along said easement, with all rights and privileges necessary for the full use thereof for said purposes; the lands comprising said grading easement being situated in Shelby County, Alabama, and more particularly described as follows:

A parcel of land situated in the Southwest one-quarter of the Northwest one-quarter of Section 31, Township 19 South, Range 2 West, Shelby County, Alabama, being more particularly described as follows:

Commence at the Northeast corner of said quarter-quarter and run North 88 degrees 09 minutes 00 seconds West along the North line for a distance of 313.62 feet; thence run South 07 degrees 18 minutes 19 seconds East for a distance of 175.66 feet; thence run South 58 degrees 06 minutes 10 seconds West for a distance of 224.47 feet; thence run South 35 degrees 59 minutes 19 seconds East and run in a for a distance of 292.54 feet to the POINT OF BEGINNING; thence run along last described course for a distance of 122.10 feet; thence run South 59 degrees 00 minutes 43 seconds West for a distance of 118.73 feet; thence run North 30 degrees 58 minutes 58 seconds West for a distance of 3.36 feet; thence run North 61 degrees 41 minutes 43 seconds East for a distance of 16.01 feet; thence run North 60 degrees 40 minutes 08 seconds East for a distance of 15.15 feet; thence run North 61 degrees 47 minutes 09 seconds East for a distance of 18.11 feet; thence run North 58 degrees 05 minutes 49 seconds East for a distance of 11.39 feet; thence run North 58 degrees 53 minutes 06 seconds East for a distance of 25.38 feet; thence run North 59 degrees 26 minutes 55 seconds East for a distance of 27.30 feet; thence run North 34 degrees 02 minutes 27 seconds West for a distance of 19.72 feet; thence run North 54 degrees 25 minutes 48 seconds East for a distance of 1.57 feet; thence run North 35 degrees 02 minutes 42 seconds West for a distance of 100.61 feet; thence run North 54 degrees 00 minutes 41 seconds East for a distance of 1.40 feet to the POINT OF BEGINNING. Said parcel contains 539 square feet or 0.01 acre more or less.

TO HAVE AND TO HOLD said easement unto the Grantee, its successors and assigns, together with a right of entry and re-entry from time to time, as occasion may require for the purpose of exercising said rights, privileges and easements hereinabove described, as a pertinent to the Grantee's lands, forever.

IN WITNESS WHEREOF, the Grantor has caused these presents to be duly executed by its Turner whose signature bears below this 27 day of March, 2003.

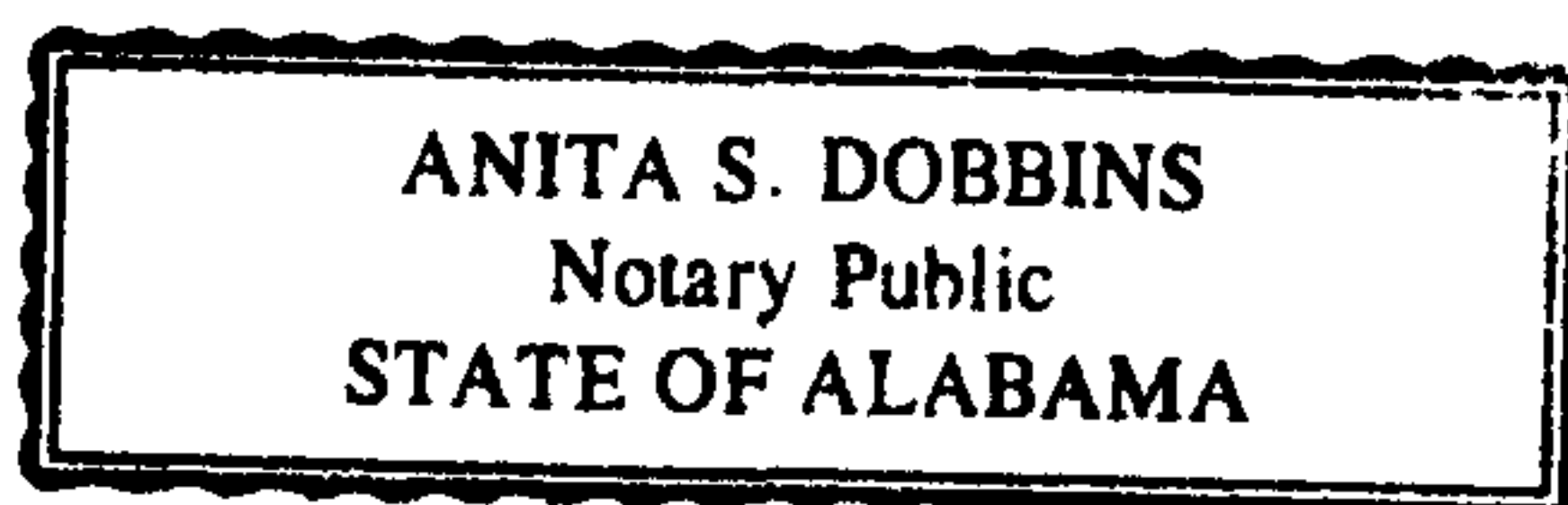
Robert T. Hentz (SEAL)
ROBERT T. HENTZ

Anne K. Hentz (SEAL)
ANNE K. HENTZ

State of Alabama
County of Shelby

I, the undersigned notary public in and for said state and county, hereby certify that Robert T. Hentz and Anne K. Hentz, whose names are signed to the foregoing instrument, and who are known to me, acknowledged before me on this day that, being informed of the contents of the instrument, they executed the same voluntarily on the day the same bears date.

Given under my hand and notarial seal on this the 27th day of MARCH, 2003.



Anita S. Dobbins
NOTARY PUBLIC
My Commission Expires: NOTARY PUBLIC STATE OF ALABAMA AT LARGE
MY COMMISSION EXPIRES: July 21, 2006
BONDED THRU

The Grantees' address is:

2001 S.E. Tenth STREET
Bentonville, AR 72716-0550

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This instrument prepared by:

Douglas L. Anderson, Esquire
Bowron, Latta & Wasden, P.C.
Post Office Box 16046
Mobile, Alabama 36616