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**DECLARATION OF EASEMENT**

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**STATE OF ALABAMA** )

**SHELBY COUNTY** )

**THIS DECLARATION OF EASEMENT** is made and entered into by **Thompson Realty Co., Inc.** (hereinafter referred to for convenience as "Thompson") and **Strickland Trading, Inc.** (hereinafter referred to for convenience as "Strickland").

**RECITALS:**

A. Thompson is the owner of tracts of land identified as Lots 161A and 162B, according to a Resurvey of Lots 161 and 162 of Shoal Creek, as recorded in Map Book 32, page 16, in the Probate Office of Shelby County, Alabama. Strickland is the owner of a tract of land identified as Lot 162A, according to a Resurvey of Lots 161 and 162 of Shoal Creek, as recorded in Map Book 32, page 16, in the Probate Office of Shelby County, Alabama. For convenience, Lots 161A, 162B and 162A are hereafter referred to for convenience as the "Parcels".

B. Map Book 32, page 16 recorded in the Probate Office of Shelby County, Alabama (the "Record Map") depicts an "Access Easement" (for convenience, a copy of the Record Map is attached hereto as Exhibit A and the Access Easement is cross-hatched). However, nothing in the Record Map affirmatively states or declares that the property located within the boundaries of the Access Easement is for the purpose of providing ingress and egress to and from the Parcels. Thompson and Strickland desire to execute this Instrument in order to affirmatively declare and agree that the property within the Access Easement is and shall be subject to a perpetual, non-exclusive easement for access to and from the Parcels.

**NOW, THEREFORE**, in consideration of Ten & no/100 Dollars (\$10.00), one to the other, and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, Thompson and Strickland hereby declare and agree that the area within the Access Easement as shown in the Record Map and in Exhibit A attached hereto is and shall be subject to a perpetual, non-exclusive easement for access to and from the Parcels. This Declaration of Easement shall run with the land and shall be for the benefit of and shall bind all current and future owners of the Parcels.

**-Remainder of page intentionally left blank-**

IN WITNESS WHEREOF, the said Thompson and Strickland, by and through their authorized officers have executed this instrument this the \_\_\_\_ day of June, 2004.

Thompson Realty Co., Inc.

By: George Thompson  
Name: GEORGE THOMPSON  
Title: PRESIDENT

Strickland Trading, Inc.

By: William R. Strickland  
Name: William R. Strickland  
Title: President

STATE OF ALABAMA )  
COUNTY OF Jefferson )

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that George Thompson whose name as President of Thompson Realty Co., Inc. is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents thereof, he, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation.

GIVEN under my hand and seal this the 15 day of June, 2004.

Roanna G. Brown  
Notary Public  
My Commission Expires: 7/9/04

STATE OF ALABAMA )  
COUNTY OF JEFFERSON )

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that William R. Strickland whose name as the President of Strickland Trading, Inc., an Alabama corporation, 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, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation.

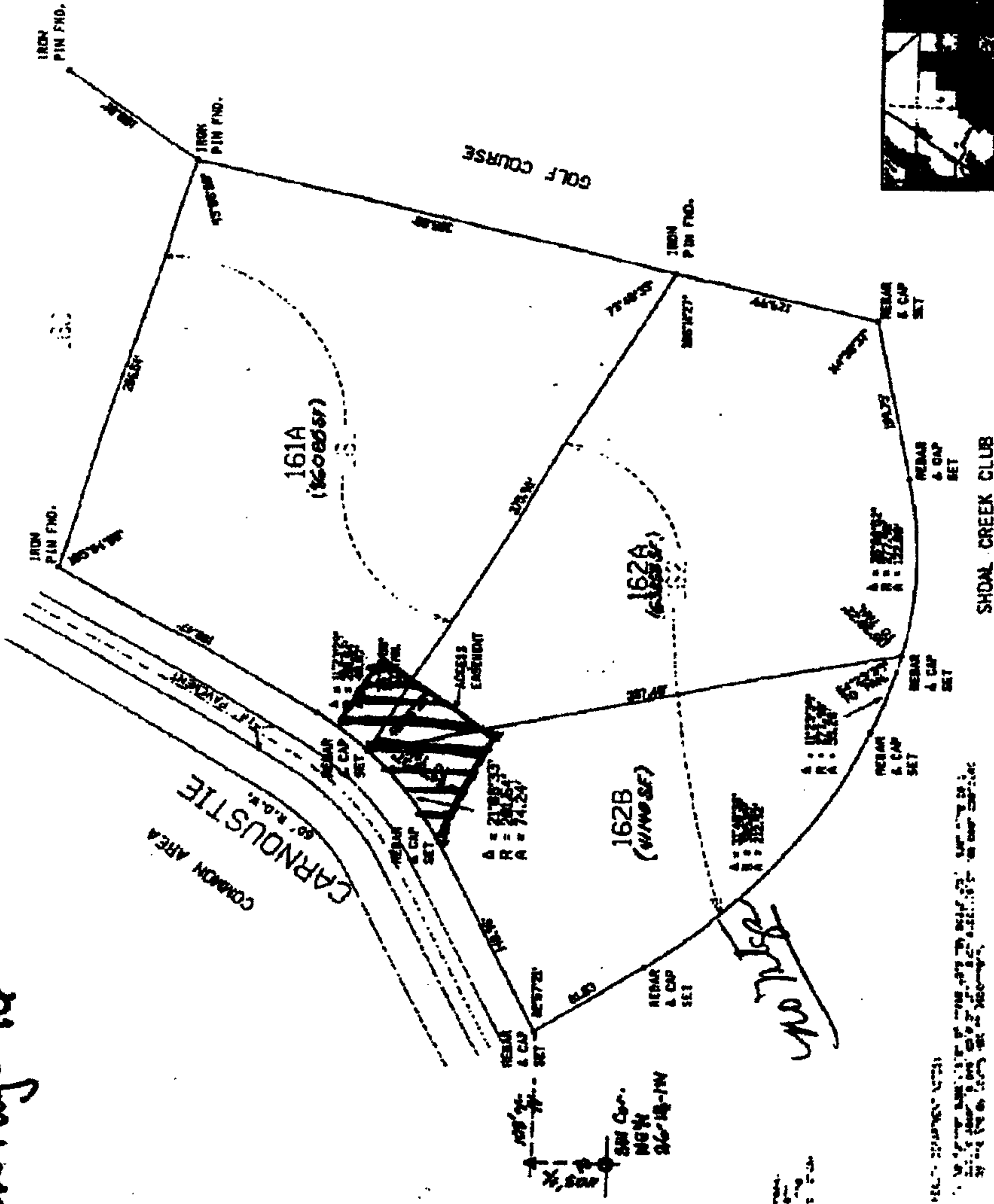
Given under my hand this 18 day of June, 2004.

Roanna G. Brown  
Notary Public  
My Commission Expires: 7/9/04



Map Book 6, Page 150

Exhibit "A"

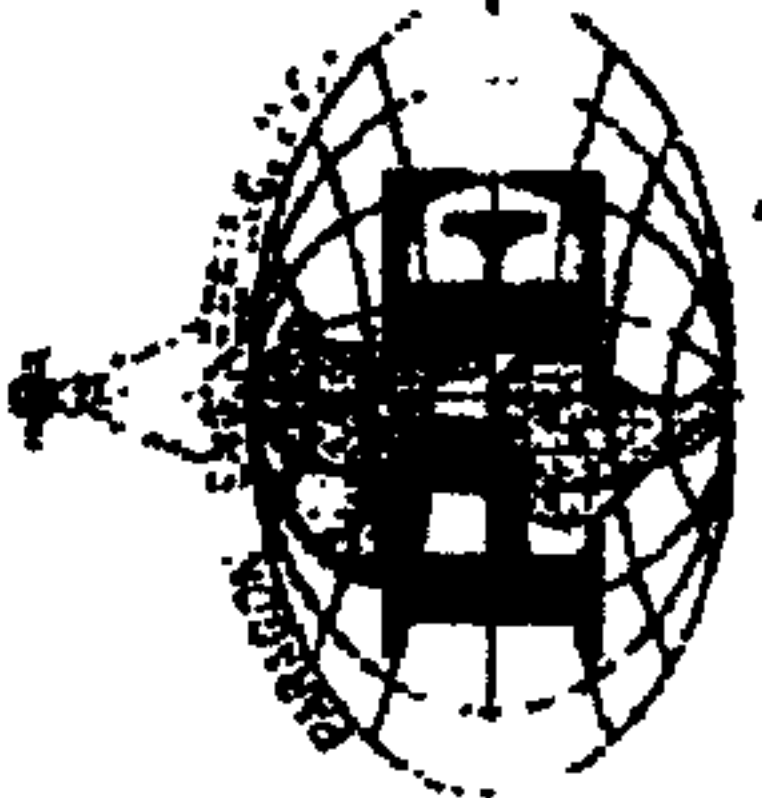


VICINITY MAP

# LOTS 161A, 162A & 162B Being A Resurvey of Lots 161 & 162 of Shoal Creek Map Book 6, Page 150

Situated in  
Section 26, Twp. 18 South, R. 1 W.  
Shelby County, ALABAMA  
Owner:  
Thompson Realty Co., Inc.  
103 Carnoustie  
Shoal Creek, AL 35242

44466102-1-1-1 (new)



BEFORE ME, the undersigned authority, on this day personally appeared **James B. Thompson**, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.



WITNESSES my hand and the seal of my office this day of **July**, 19**93**.

**James B. Thompson**  
Surveyor for the State of Alabama

9/11/93  
**John McAnally**  
**John McAnally**  
**John McAnally**  
**John McAnally**



**135 SET 2 CAP FREEMAN**

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**LEGAL COUNSEL**

SHOAL CREEK CLUB

### GENERAL EXPERIMENT NOTES:

1. No further subdivision of these lots may occur until such time as a public sewer is available or until such subdivision has been approved by the Shelby County Health Department.
2. Health Department must approve each lot. Adequate information must be submitted for each individual lot before a sewer disposal permit will be issued.

## STUDY LIMITATIONS

1. The purpose of this survey is to resurvey Lots 161 & 162.
2. This is a private subdivision for residential, Country Club, and related purposes only. Shelby County will not be involved in the construction or maintenance of roads, sewer, drainage, or other facilities in this subdivision.
3. Shoal Creek Association, Inc., an Alabama corporation, will maintain all common area including roads, dams, easements, drainage, etc., within the subdivision limits.
4. The common area referred to in Section 2 of Article 1 of the Declaration of Covenants and Restrictions of this subdivision is comprised of all road rights-of-way and all property located within either the marking or road right-of-way.
5. The declaration of Covenants and Restrictions of Shoal Creek Subdivision are recorded in Book Volume 19, Page 460, in the Office of the Probate Court of Shelby County, Alabama. Recorded October 31, 1984, Book 570, Page 538-543.
6. Contractor and/or Developer are responsible for providing building site free of drainage problems.
7. No further subdivision of any parcel shown herein shall be allowed without the prior approval of the Shelby County Planning Department.
8. This Resurvey takes into consideration actual topographical conditions and allows for a more natural building site.
9. The entire property is located in Flood Zone "C" as shown on the Flood Insurance Rate Map (Panel Number 060190 0025 B1, dated September 16, 1984).

9/19/03

*[Handwritten signature]*

**7-16-80**

County Meeting

UPPER RECEIVING PORTALS 2111

State of Maryland, ss. I, John W. Smith, Clerk of said County, do hereby certify that the certificate of authorization of American Engineering, Inc., a corporation organized under the laws of the State of Maryland, and its officers and directors, as shown and designated on the said certificate, have been involved in all lot corners and curve points as shown and designated in the said certificate, and that the said certificate is a true and correct copy of the original certificate on file in the office of the Clerk of said County.

Thompson Realty Company, Inc.  
by **George C. Thompson**  
George C. Thompson,  
Secretary, National  
Labor Union

J. Edgar Hoover  
 Director  
 U. S. Department of Justice  
 Washington, D. C. 20535

**CLERK OF DISTRICT COURT**

I, Stanley A. Bennett, the undersigned Notary Public in and for said County and State of Nevada, do hereby certify that A. Frazier Cawley, as a registered Professional Land Surveyor, whose name is signed to the foregoing certificate and who is known to me, was duly qualified before me on this date, that after being duly informed of the contents of said certificate, executed the same voluntarily with full authority as an act of record.

I have under my hand and seal this 7<sup>th</sup> day of JANUARY 1902.

**Officer B. Harney**  
Chilley M. Harney, March 7, 1901 to  
United Civil Service Inst. 22, 78005

# ALBUCA AG 1991

James H. Smith, the undersigned Mayor Public in and for said County and here, do hereby certify that George C. Thompson as President of Thompson Realty Company, Inc., as owner of Lots 181 & 182, whose name is signed to the foregoing applications, and as being known to me, acknowledged before me on this date, that the undersigned with full authority of the contents of said certificate, executed the same.

I was under the hood and saw this 5th day of August - 2003.

*Paula R. Bennett*  
Paula R. Bennett, Literary Publicist  
March 10, 1968

**13010070J 300 10 07100000**

Mr. Frank

West Coast Architectural Competition

**THE**

May 18 1968

1-800-368-1000