

This Instrument Prepared By:
James W. Fuhrmeister
ALLISON, MAY, ALVIS,
FUHRMEISTER & KIMBROUGH, L.L.C.
P. O. Box 380275
Birmingham, AL 35238
(205) 991-6367

DECLARATION OF VACATION OF STREET OR ALLEY

KNOW ALL MEN BY THESE PRESENTS, That

WHEREAS, **MIDNIGHT PROPERTIES, L.L.C., GEARLD CUMMINGS, JIMMIE RUTH CUMMINGS, STEPHEN H. LEE, CAROLINE BAILIE SCOTT, CAROLINE S. WALTERS, ALBERT L. SCOTT, JR., WILLIAM G. SCOTT, MARGARET S. JONES, and ROBERT W. SCOTT** are the owners of all the property abutting or in any way served by the property herein described and the road, street or highway situated thereon, and owns all the lands abutting on or touching said property, and are desirous of vacating said public road, street, highway or right-of-way over and across the property herein described, as provided for by Ala. Code §35-2-54 and §23-4-20.

NOW THEREFORE, the undersigned, being the owners of all the lands abutting on the following described property and the road, street or highway situated thereon:

COMMENCE AT THE NORTHEAST CORNER OF SECTION 11, TOWNSHIP 22 SOUTH, RANGE 3 WEST AND RUN NORTH 87°41'50" WEST ALONG THE NORTH LINE OF SAID SECTION 11 FOR 2585.77 FEET; THENCE RUN SOUTH 06°24'13" WEST FOR 69.97 FEET TO THE POINT OF BEGINNING OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 1578.14 FEET; THENCE RUN ALONG SAID CURVE A CHORD BEARING OF SOUTH 11°51'09" WEST FOR 300.16 FEET; THENCE RUN SOUTH 09°56'07" WEST FOR 102.59 FEET; THENCE RUN NORTH 80°03'53" WEST FOR 37.82 FEET TO THE POINT OF BEGINNING OF THE CENTERLINE OF SAID 40.00 FOOT WIDE ROAD RIGHT OF WAY TO BE VACATED; THENCE RUN ALONG SAID ROAD CENTERLINE AND ALONG A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 164.07 FEET AND A CHORD BEARING OF SOUTH 04°28'31" EAST FOR 83.30 FEET TO THE POINT OF A TANGENT TO SAID CURVE; THENCE RUN SOUTH 10°04'07" WEST ALONG SAID TANGENT FOR 129.40 FEET TO THE POINT OF BEGINNING OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 2746.04 FEET; THENCE RUN ALONG SAID CURVE A CHORD BEARING OF SOUTH 06°51'04" WEST FOR 308.42 FEET TO THE POINT OF BEGINNING OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 185.00 FEET; THENCE RUN ALONG SAID CURVE A CHORD BEARING OF SOUTH 36°18'35" WEST FOR

211.01 FEET TO THE POINT OF A TANGENT TO SAID CURVE; THENCE RUN SOUTH 68°59'09" WEST ALONG SAID TANGENT FOR 418.03 FEET TO THE POINT OF BEGINNING OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 474.68 FEET; THENCE RUN ALONG SAID CURVE A CHORD BEARING OF SOUTH 75°37'47" WEST FOR 100.09 FEET TO THE END POINT OF THE CENTERLINE OF THE 40.00 FOOT WIDE ROAD RIGHT OF WAY TO BE VACATED.

do hereby declare the above property and the road, street or highway situated thereon vacated and annulled, and all public rights and easements therein divested of the property subject, however, to all existing rights-of-way or easements for public utilities and to all utility facilities presently situated in said area vacated hereby.

The undersigned owners do hereby further declare that after vacation of the said public street and alley located as described above, and all public rights and easements therein, convenient means of ingress and egress to and from the property will be afforded to all other property owners owning property in or near the tract of land embraced by the said map, plat or, survey, wherein the above described property was dedicated for public purposes.

IN WITNESS WHEREOF, the undersigned has hereunto set their hands and seals on the date indicated.

MIDNIGHT PROPERTIES, L.L.C., an
Alabama limited liability company

Date: 8/24, 2004

By: [Signature]
Its: Member

STATE OF ALABAMA)
)
SHELBY COUNTY)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Wm. Randall May, whose name as Member of MIDNIGHT PROPERTIES, L.L.C., is signed to the foregoing declaration, and who is known to me, acknowledged before me on this day that, being informed of the contents of the declaration and with full authority, he executed the same voluntarily as the act of said limited liability company.

Given under my hand and official seal, this the 24th day of August, 2004.

[Signature]
NOTARY PUBLIC
My Commission Expires: 2-2-05

Date: 8-21-04, 2004


GERALD CUMMINGS

STATE OF ALABAMA)
)
SHELBY COUNTY)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that GERALD CUMMINGS, whose name is signed to the foregoing declaration, and who is known to me, acknowledged before me on this day that, being informed of the contents of the declaration, he executed the same voluntarily.

Given under my hand and official seal, this the 21st day of August, 2004.


NOTARY PUBLIC
My Commission Expires: 2-2-05


Date: 8-21-04, 2004


JIMMIE RUTH CUMMINGS

STATE OF ALABAMA)
)
SHELBY COUNTY)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that JIMMIE RUTH CUMMINGS, whose name is signed to the foregoing declaration, and who is known to me, acknowledged before me on this day that, being informed of the contents of the declaration, she executed the same voluntarily.

Given under my hand and official seal, this the 21st day of August, 2004.


NOTARY PUBLIC
My Commission Expires: 2-2-05

Date: 8/20/04, 2004

Stephen H. Lee
STEPHEN H. LEE

STATE OF ALABAMA)
)
SHELBY COUNTY)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that STEPHEN H. LEE, whose name is signed to the foregoing declaration, and who is known to me, acknowledged before me on this day that, being informed of the contents of the declaration, he executed the same voluntarily.

Given under my hand and official seal, this the 20 day of Aug, 2004.

[Signature]
NOTARY PUBLIC
My Commission Expires: 5/21/07

Date: Aug. 16, 2004

Caroline B. Scott
CAROLINE BAILIE SCOTT

STATE OF ALABAMA)
)
SHELBY COUNTY)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that CAROLINE BAILIE SCOTT, whose name is signed to the foregoing declaration, and who is known to me, acknowledged before me on this day that, being informed of the contents of the declaration, she executed the same voluntarily.

Given under my hand and official seal, this the 16th day of August, 2004.

Mary L. Jones
NOTARY PUBLIC
My Commission Expires: MY COMMISSION EXPIRES
 OCTOBER 23, 2004

Date: 8-16, 2004

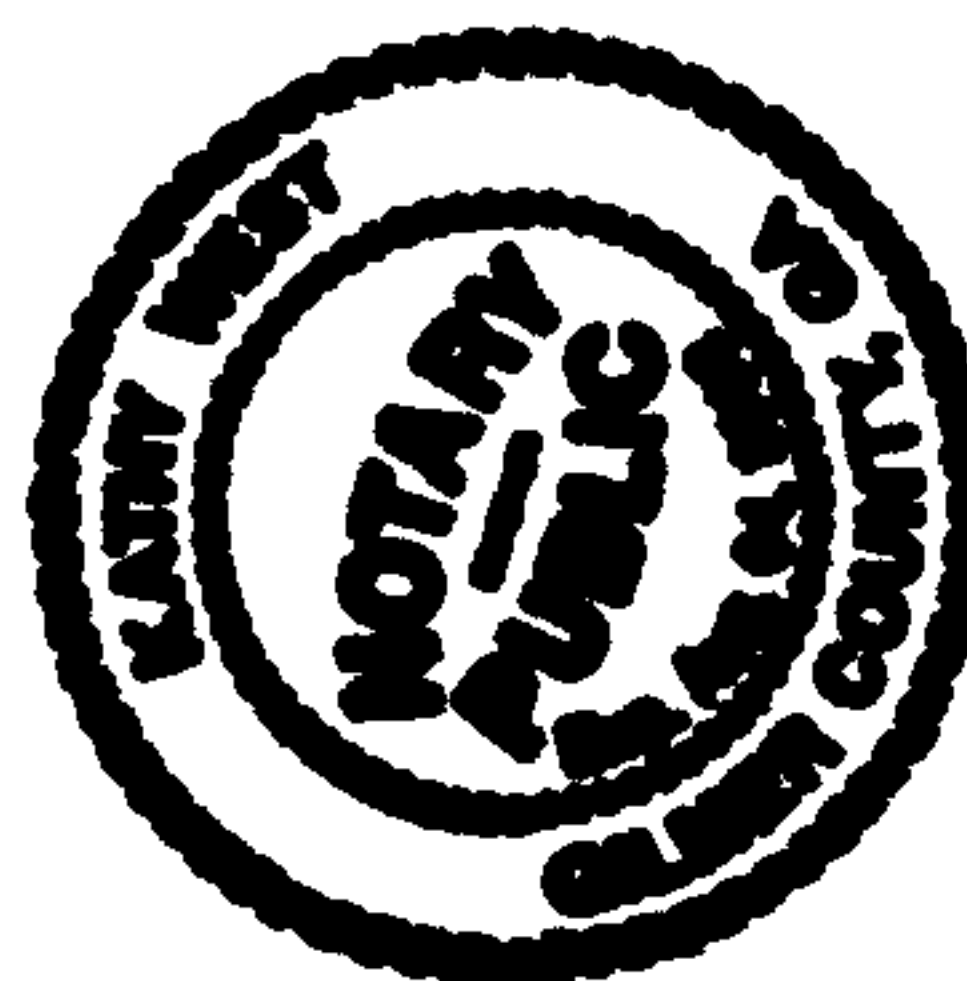
Caroline S. Walters
CAROLINE S. WALTERS

STATE OF GEORGIA)
)
GILMERCOUNTY)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that CAROLINE S. WALTERS, whose name is signed to the foregoing declaration, and who is known to me, acknowledged before me on this day that, being informed of the contents of the declaration, she executed the same voluntarily.

Given under my hand and official seal, this the 16th day of August, 2004.

Kathy West
NOTARY PUBLIC
My Commission Expires: 8-4-08



Date: 8/13/04, 2004



ALBERT L. SCOTT, JR.

STATE OF Georgia)
Cobb COUNTY)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that ALBERT L. SCOTT, JR., whose name is signed to the foregoing declaration, and who is known to me, acknowledged before me on this day that, being informed of the contents of the declaration, he executed the same voluntarily.

Given under my hand and official seal, this the 13th day of August, 2004.

Debbie Wazny
NOTARY PUBLIC
My Commission Expires: 1-8-05



Date: 8/13, 2004

William G. Scott
WILLIAM G. SCOTT

STATE OF LOUISIANA)
)
ORLEANS COUNTY)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that WILLIAM G. SCOTT, whose name is signed to the foregoing declaration, and who is known to me, acknowledged before me on this day that, being informed of the contents of the declaration, he executed the same voluntarily.

Given under my hand and official seal, this the 13 day of August, 2004.

Adrian C. Benjamin, Jr.
NOTARY PUBLIC
My Commission Expires: at death

ADRIAN C. BENJAMIN, JR.
Notary Public, ID. Number 719
Parish of Orleans, State of La.
My Commission is issued for Life

Sworn to and subscribed
before me Notary, this
day of _____, 20____

Notary Public

Date: August 18, 2004

Margaret S. Jones
MARGARET S. JONES

STATE OF Alabama)
Shelby COUNTY)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that MARGARET S. JONES, whose name is signed to the foregoing declaration, and who is known to me, acknowledged before me on this day that, being informed of the contents of the declaration, she executed the same voluntarily.

Given under my hand and official seal, this the 18th day of August, 2004.

Myra Horton Martin
NOTARY PUBLIC
My Commission Expires: _____

NOTARY PUBLIC STATE OF ALABAMA AT LARGE
MY COMMISSION EXPIRES: May 10, 2008
BONDED THRU NOTARY PUBLIC UNDERWRITERS

Date: Aug 13, 2004

Robert W. Scott
ROBERT W. SCOTT

STATE OF Illinois)
Champaign COUNTY)

20040824000475100 Pg 10/10 38.00
Shelby Cnty Judge of Probate, AL
08/24/2004 14:51:00 FILED/CERTIFIED

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that ROBERT W. SCOTT, whose name is signed to the foregoing declaration, and who is known to me, acknowledged before me on this day that, being informed of the contents of the declaration, he executed the same voluntarily.

Given under my hand and official seal, this the 13th day of August, 2004.

Elizabeth A. Strom
NOTARY PUBLIC
My Commission Expires: 5/22/06

