

STATE OF ALABAMA)
 :
COUNTY OF SHELBY)

JOINT ACCESS EASEMENT – LOTS 3 AND 4,
WHITE STONE CENTER SUBDIVISION

KNOW ALL MEN BY THESE PRESENTS; that

WHEREAS, Alabaster Retail Property, L.L.C., an Alabama limited liability company (“Declarant”) owns property known as Lot 3 (“Lot 3”) and Lot 4 (“Lot 4”), according to the Map of White Stone Center Subdivision, as the same appears of record in the Office of the Judge of Probate of Shelby County, Alabama, in Map Book 33, at Pages 138-A and 138-B; and

WHEREAS, Declarant desires to create a joint access easement for the benefit of Lot 3 and Lot 4 as hereinafter provided.

NOW, THEREFORE, in consideration of One Dollar (\$1.00) and other good and valuable consideration, Declarant hereby declares, establishes, creates and grants unto the benefit of, and as a burden upon, Lot 3 and Lot 4 the joint, non-exclusive and perpetual right, privilege and easement, in, to, over, along and across that portion of Lot 3 and Lot 4 described on Exhibit “A” attached hereto and made a part hereof (“Joint Access Easement”) for the purpose of providing a joint curb cut and vehicular and pedestrian ingress, egress and access to and from Lot 3 and Lot 4. No permanent improvements unrelated to pedestrian or vehicular traffic or the running of underground utilities shall be constructed within the Joint Access Easement, nor shall free and unrestricted ingress and egress across the easement for such purposes be prevented. Each owner of Lot 3 and Lot 4, and those authorized by such owner, shall have the permanent, irrevocable and non-exclusive right to use, free of charge, the driveway and surface of the Joint Access Easement in common for driving vehicles, for pedestrian traffic and for no other purposes; and all utilities shall run beneath the surface of the Joint Access Easement. The Joint Access Easement shall be maintained and repaired jointly (i.e., one-half (1/2) by each owner of Lot 3 and Lot 4).

TO HAVE AND TO HOLD, the Joint Access Easement is herein provided, unto Declarant, as owner of Lot 3 and Lot 4, and the respective heirs, successors and assigns in ownership of Lot 3 and Lot 4, respectively, forever.

[EXECUTION BEGINS NEXT PAGE]

IN WITNESS WHEREOF, Alabaster Retail Property, L.L.C., an Alabama limited liability company, has caused this instrument to be executed by its duly authorized Manager as of the 31st day of August, 2004.

ALABASTER RETAIL PROPERTY, L.L.C.,
an Alabama limited liability company

By: SC Management, Inc.,
an Alabama corporation
Its Manager

By: Joe F. Chora
Its: PRESIDENT

STATE OF ALABAMA)
 :
COUNTY OF MONTGOMERY)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Joe F. Chora whose name as President of SC Management, Inc., an Alabama corporation, acting as Manager of Alabaster Retail Property, L.L.C., an Alabama limited liability company, 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 President and with full authority, executed the same voluntarily for and as the act of said corporation acting as Manager of said limited liability company.

Given under my hand and official seal this 1 day of September 2004.

(SEAL)

Susan Howers
Notary Public
My commission expires: 10-24-05

JOINDER AND CONSENT

The undersigned, SouthTrust Bank, an Alabama banking corporation, as holder of a mortgage on the above-described property, joins in and consents to the above and foregoing Joint Access Easement and consents thereto.

SOUTHTRUST BANK,
an Alabama banking corporation

By: [Signature]
Its Senior Vice President


STATE OF ALABAMA)
COUNTY OF Jefferson)

I, the undersigned Notary Public, in and for said County, in said State, hereby certify that Stephen Hodges, whose name as Senior Vice Pres. of SouthTrust Bank, an Alabama banking corporation, and who is known to me, acknowledged before me on this day that, being informed of the contents of said Agreement, he/she as such officer, and with full authority, executed the same voluntarily, as an act of said corporation.

Given under my hand and official seal, this the 1st day of September, 2004.

(SEAL)




 Notary Public
 My commission expires: 5/08/07

This instrument was prepared by:
Jeffrey W. Blitz, Esq.
Rushton, Stakely, Johnston & Garrett, P.A.
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(334) 206-3100

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2940-0289
090120041242

Exhibit "A"

**JOINT ACCESS EASEMENT
LOTS 3 AND 4
WHITE STONE CENTER SUBDIVISION**

Begin at the Southeast corner of Lot 3, according to the Map of the White Stone Center Subdivision, as said Map appears of record in the Office of the Judge of Probate of Shelby County, Alabama, in Map Book 33, at Pages 138-A and 138-B (said point also being the Northeast corner of Lot 4 of said plat); thence proceed N 25°30'31" E along the East line of said Lot 3 for a distance of 20.00 feet to a point; thence proceed N 64°29'41" W for a distance of 55.00 feet to a point; thence proceed S 25°30'31" W for a distance of 40.00 feet to a point; thence proceed S 64°29'41" E for a distance of 55.00 feet to a point; thence proceed N 25°30'31" E along the East property line of said Lot 4 for a distance of 20.00 feet to a point and the point of beginning.

Said tract containing 2200 square feet, more or less.