

**F. Gerald Burnett**  
**CABANISS, JOHNSTON, GARDNER**  
**DUMAS & O'NEAL**  
**Post Office Box 830612**  
**Birmingham, Alabama 35283-0612**  
**Telephone: 205/716-5200**

## DISCLAIMER

NOW, THEREFORE, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations received, Helena Properties does hereby disclaim forever, for itself and its successors and assigns, any right, title and interest in and to the Dirt Drive or any use of the Dirt Drive. This Disclaimer is to be interpreted on the basis that Helena Properties and its successors and assigns have no right to any use of the Dirt Drive whatsoever just the same as if a formal vacation of the Dirt Drive has taken place in accordance with Alabama law by

the city of Helena or other governmental entity having jurisdiction over the Dirt Drive. This disclaimer shall be binding on the successors, assigns and transferees of Helena Properties and any transferee or grantee of any interest in the HP Property.

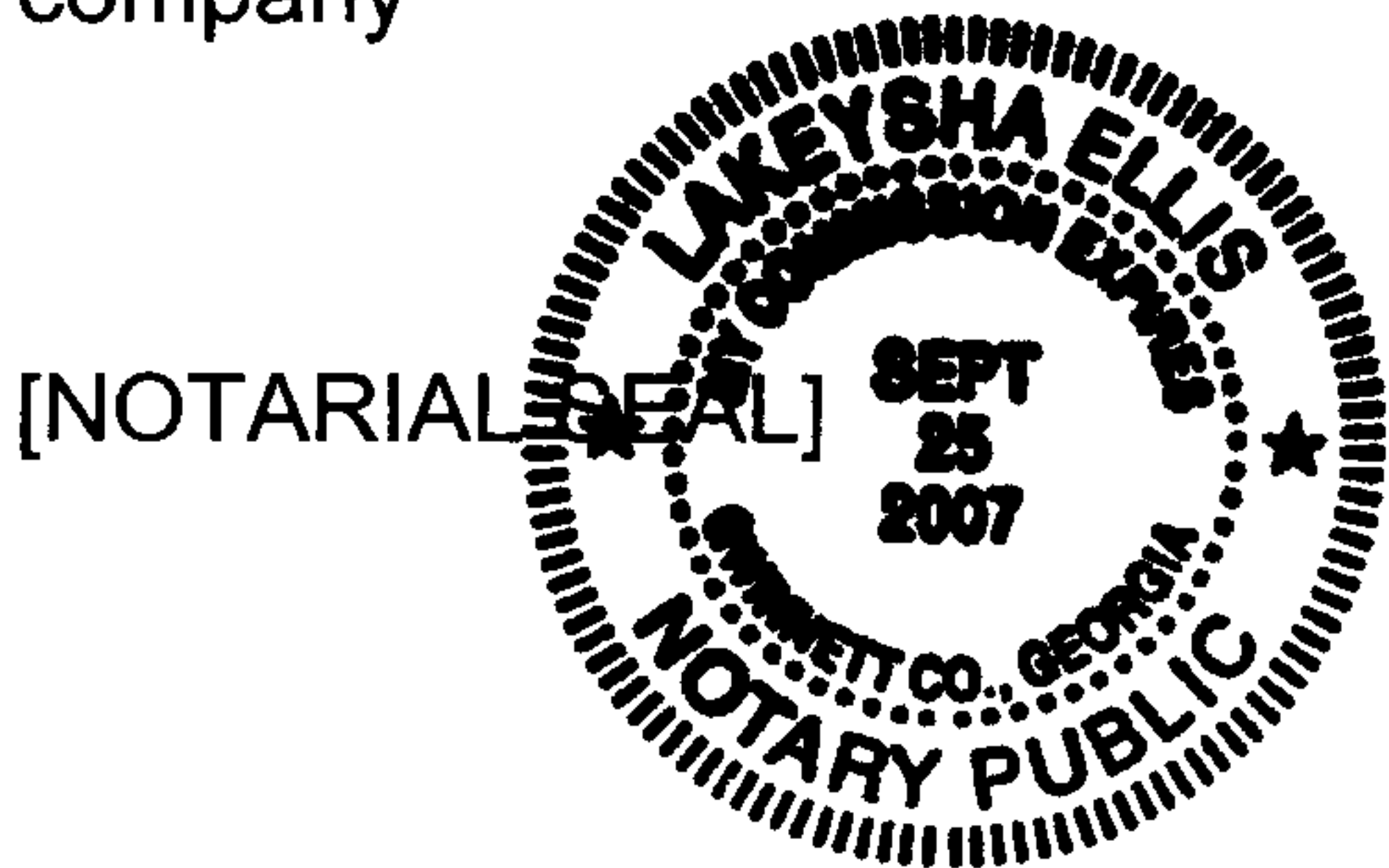
**IN WITNESS WHEREOF**, Helena Properties has caused this instrument to be executed and delivered as of the 3<sup>rd</sup> day of August, 2004.

**HELENA PROPERTIES, LLC**, an Alabama limited liability company

By: Michael A. Hardin  
Michael A. Hardin  
Its Managing Member

STATE OF GEORGIA     )  
                                      :  
FULTON COUNTY        )

I, the undersigned, a notary public in and for said county in said state, hereby certify that **MICHAEL A. HARDIN**, whose name as Manager Member of **HELENA PROPERTIES, LLC**, 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 said instrument, he, as such member and with full authority executed the same voluntarily for and as the act of said limited liability company



Lakeysha Ellis  
Notary Public

My commission expires: September 25, 2007

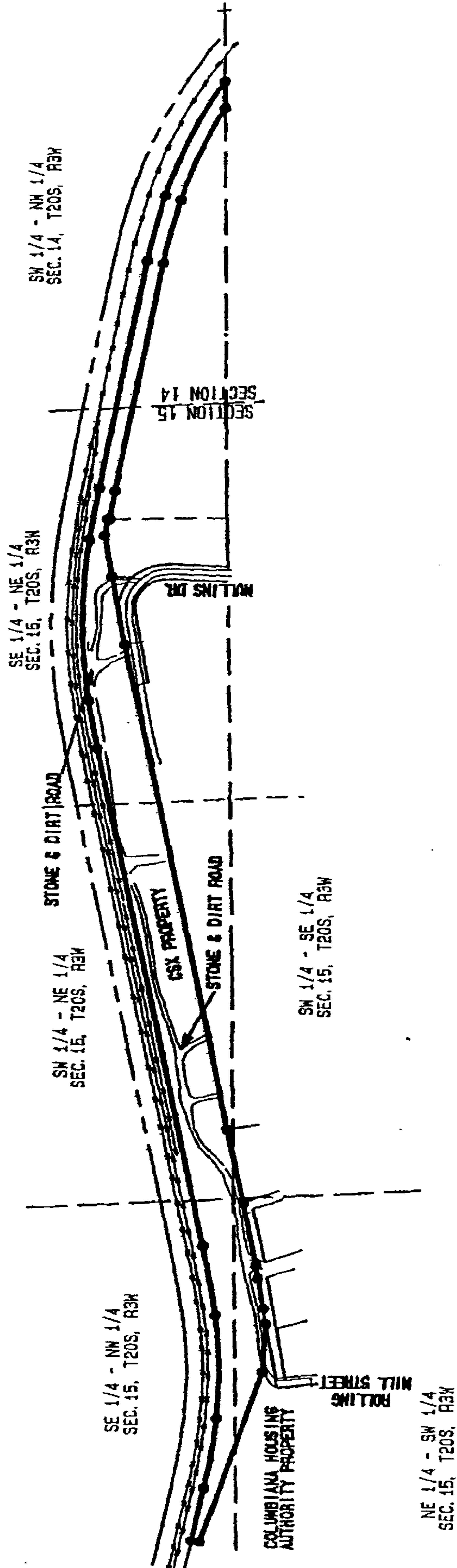
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The Encroachment Agreement referred to in this instrument has been recorded in the office of the Judge of Probate of Shelby County, Alabama, as:

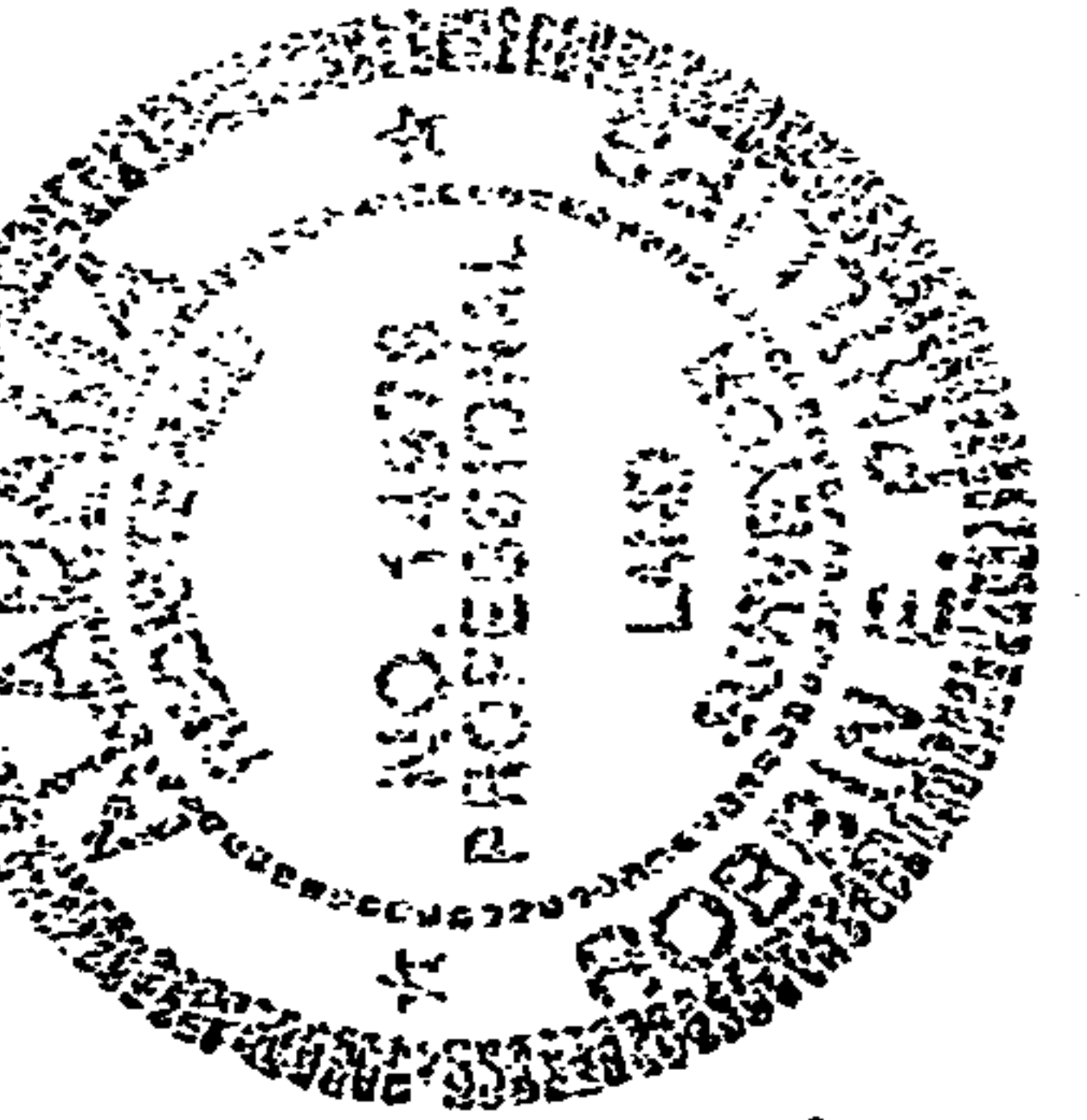
Instrument No. 20041012000564060  
On the 12th day of October, 2004



Exhibit A



The purpose of this plat is to show the location of the existing dirt road running through the CSX property located in sections 14 and 15, township 20 South, range 3 West in Helena, Alabama. This plat was prepared using information from a survey prepared by me dated March 15, 2004.



*Robbin E. Phillips*  
 Robbin E. Phillips, A.L.S. #14976  
 Paragon Engineering, Inc.  
 2320 Highland Ave. South  
 Suite 175  
 Birmingham, Alabama 35205  
 (205) 939-1119

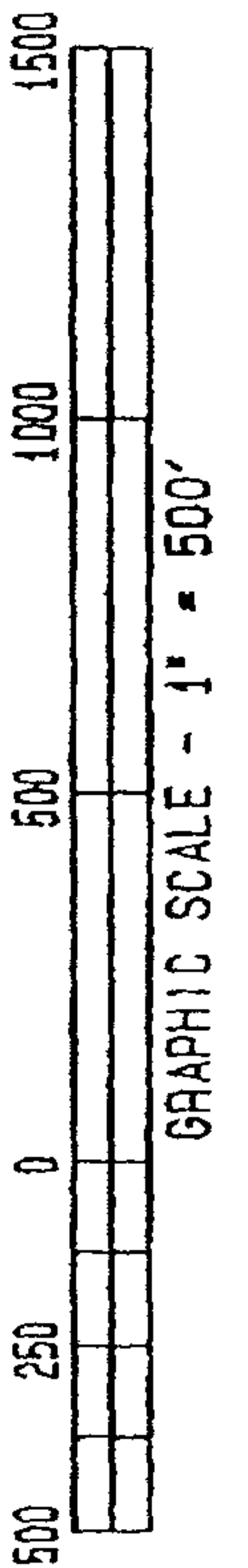


Exhibit A