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EASEMENT DISTRIBUTION FACILITIES	TC) BE REC	ORDE	D: YES _	<u>X</u> no				prepared by:	
(Metes and Bounds)								Jeff J.	Callicott	
STATE OF ALABAMA	} W	.E. No	617	30-00-0	1744		Alab	ama Power C		
COUNTY OF Shelby	} Pa	arcel No.		70/4	1993			. Box 2641	•	
TAX ID #	Tr	ansformer	r No.	<u>S</u>	-13033	····	Birm	ingham, Alaba	ama 35291	
A. GRANT KNOW ALL MEN BY THESE	PRESENTS, That	NOM	Birn	ningha	m LTD.				· · · · · · · · · · · · · · · · · · ·	
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as grantors (s), (the "Grantor", whether one or mobile and by Alabama Power Company, a corporation of the successors and assigns (the "Company"), the expectation of the successors and assigns (the "Company"), the expectation of the successors and assigns (the "Company"), the expectation of the successors and assigns (the "Company"), the expectation of the successors and assigns (the "Company"), the expectation of the successors and assigns (the "Company"), the expectation of the successors and assigns (the "Company"), the expectation of the successors and assigns (the "Company"), the expectation of the successors and assigns (the "Company"), the expectation of the successors and assigns (the "Company"), the expectation of the successors and assigns (the "Company"), the expectation of the successors and assigns (the "Company"), the expectation of the successors and assigns (the "Company"), the expectation of the successors and assigns (the "Company"), the expectation of the successors and assigns (the "Company"), the expectation of the successors are successors as a successor of the successor of	on, the receipt and	d sufficiend	cy of w	hich are he	reby acknowled	dged, does h	nereby gr			
B. RIGHTS The easements, rights and private	vileges granted he	reby are a	s follov	vs:						
 Overhead and/or Underground. The Section C below, along a route to be location of underground Facilities, it optics, cables, transciosures, transfer overhead and/or underground transfer either side of the center line of under install and utilize intermediate poles trees or limbs outside of the thirty for with or fall upon any of the overhead with or fall upon any of the overhead located adjacent to the Property designating, and also the right to clear at (15') of the center line of the lines of the lines of the lines of the right to construct, extend a adjacent thereto (collectively, "Guy Valso the right to trim and cut and kee or may hereafter endanger, interferent." 	e selected by the Cany, by cross-hate ormers, anchors, go mission and distributed in line for overhead (30') strip for overhead (30') strip for overhead (30') strip for overhead in Section (and keep clear all trafficulty of such poles, tower of implant, install and maintain guy where Facilities") also be trimmed and cut in poles.	ching indicated wires and fifteen dead Facilities reported and current of the content of maintain ires from song a route all dead, versal dead, vers	which is ating an other feet (15 and the electric part of the electron and the electron archael to be seek, lectron and the electron and the e	er Facilities over, and a sower, and a soute to be so, and other ies. or(s) of concerns or solutions of concerns of concerns or concerns	shown on the Careater than tendered or necessals of the centered and cut and known of the company of the Company grangerous trees of the Company grangerous tr	feet (10') in sary in connected and keet (10') in sary in connected and keet (10') in sary in earline of over the company, and there is the company of the content of the content in the c	nal location width), all ection the ep clear a rhead Fard and cut might now nerally shown changles, tower ally shown changles, tower and underected a rected	on drawing (wall poles, tower rewith (collection strip of land each weak wor may here and on the Cantor has an independent to sur Company's fin Company's fi	hich shows the general respondences, wires, conduits, fill ively, "Facilities"), for extending five feet (5 restending five feet (5 restending or danger after endanger, interfacilities now or hereaftenest within fifteen feet within fifteen feet endanger, interfaces within fifteen feet endanger, interfaces within fifteen feet endanger, interfaces within fifteen feet endanger, and except end endeation drawing; and location drawing; and lo	era ibe the outer any after any after any
Grantor hereby grants to the Company all the right of ingress and egress to and from the thereof; and also the right to cut, remove and Facilities and Guy Wire Facilities, as applicab C. PROPERTY DESCRIPTION The easem following described real property situated in	Facilities and Guy otherwise keep clo le. ents, rights and pri	Wire Facil ear any an	ities, as id all sti	s applicable ructures, observed the second s	e, and the right to ostructions or of apply to, and the	e word "Prop	or installa vhatever	tion, replacen character, on	nent, repair and remo , under and above s	ova
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For legal descr	ipuon, see E	XIIIDIL	A au	tached r	iereto and				28 14 28 24 1 2 1 2 2 2 11 20 2 2 2 12	
D. ADDITIONAL PROVISIONS. In the ever improvement of any public road or highway in practices, to exercise the rights granted above outside the boundary of the right of way of any upon and shall inure to the benefit of Granto "Company" and "Grantor" as used in this instruction of the additional and the additional and the same to the the same to the same to the additional and the same the same to the additional and the same the same to the additional and the same the sa	proximity to the Factorial provided, however, such public road or or, the Company at the Section ANI	cilities, Gra er, the Con r highway a nd each o emed to in O MADI	Intor he apany s as estal of their clude the Clude the	reby grants hall not relable blished or re respective he heirs, pe PART	to the Companicate the Facilities e-established from the heirs, personal represent HEREOF:	any of the Fight to ies on the Promotime to the representation	00502040 helby Cr 2/04/200 acilities in relocate to perty at me. This ives, such	1000057440 Party Judge of 15 10:37:00 n connection the Facilities at a distance grant and agreessors and a	nd, as to such relocate eater than ten feet (seement shall be bind assigns and the wo	n o atec 10' ding
IN WITNESS WHEREOF, the undersign	•	_				nis the	dav	of	, 20 .	
	7	~	•	•	BIRMINGE		-		(SEAL)	١
Witness				(Grantor)		· · · ·			(ULAL)	1
Witness					ORPORATE			NC.	(SEAL.))
Witness				(Grantor)	TTS SOI	ZEINE FINE	AAL	PAKTNE		
Witness	——————————————————————————————————————	<u> </u>		By:	VICE PRES	SIDENT			(SEAL))

ATTEST (if corporation) or WITNESS: By:	IN WITNESS WHEREOF the said	d Grantor has caused this in:	strument to be executed by	itsauthorized
ATTEST (if corporation) or WITNESS: (Grantor - Name of Corporation/Perthership/LLC) By				
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Its:	Ď. z-		Bv:	(SEAL)
Indicate President, General Partner, Member, etc.] NOTATE OF ALABAMA COUNTY OF I, the undersigned, a Notary Public, in and for said County in said State, hereby certify that whose name(s) is/are signed to the foregoing instrument and who is/are known to me, acknowledged before this day that being informed of the contents of the instrument, he/sha/they executed the same voluntarity, on the day the same bears date. Given under my hand and official seal this the				
STATE OF ALABAMA COUNTY OF 1, the undersigned, a Notary Public, in and for said County in said State, hereby certify that whose name(s) is/are signed to the foregoing instrument and who is/are known to me, acknowledged before this day that being informed of the contents of the instrument, he/sha/hey executed the same voluntarily, on the day the same bears date. Given under my hand and official seal this the	11.3.		[indicate President, General Partner, Member, (etc.]
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ADDENDUM TO POWER UTILITY EASEMENT

This Addendum to Power Utility Easement is attached to and incorporated in that certain Power Utility Easement dated the 32 day of January, 2004 between NOM Birmingham, Ltd. (as "Grantor") and Alabama Power Company (as "Grantee").

- 1. Grantee agrees that upon entry by the Grantee for the purpose of construction, installation, reconstruction, replacement, removal, repair, maintenance and operation of said improvement, it will restore Grantor's property within said easement area to its former condition as nearly as is reasonably possible after completion of the particular work being performed.
- 2. Grantor, for Grantor, individually, Grantor's heirs, executors and administrators retains the right to continue to enjoy the use of the surface of the easement area described herein for any and all purposes as are not expressly prohibited or inconsistent with the Grantee's rights and that do not interfere with and/or prevent Grantee's use and exercise of the easement(s) and right(s) herein granted, except as otherwise provided herein.

NOM Birmingham, Ltd., an Alabama limited partnership

By: Corpotate General, Inc., its sole general partner

Dy. —

Table: VICE PRESIDENT

Alabama Power Company, a corporation

By:

Title: SR. REAL ESTATE SPECIALIST

EXHIBIT A 61730-00-01744 LEGAL DESCRIPTION

Commence at the SW corner of the NE ¼ of the NW ¼ of Section 15, Township 19 South, Range 2 West, and run South 90 deg. 00 min. 00 sec. East along the South line of said ¼-¼ section 254.03 feet to a point on the Easterly right of way line of Caldwell Mill Road and the point of beginning of the tract of land herein described; thence run North 37 deg. 35 min. 31 sec. East along said right of way line for 50.11 feet; thence run North 12 deg. 09 min. 54 sec. East for 99.77 feet to a point on the Southerly right of way line of Valleydale Road and the point of beginning of a curve to the right having a radius of 781.30 feet; thence run along said curve and said right of way line a chord bearing of North 67 deg. 36 min. 33 sec. East for 213.37 feet; thence run South 13 deg. 58 min. 29 sec. East for 224.91 feet; thence run South 89 deg. 56 min. 42 sec. East for 49.01 feet; thence run South 52 deg. 46 min. 09 sec. West for 230.12 feet to an point on said Easterly right of way line of Caldwell Mill Road; thence run North 37 deg. 35 min. 31 sec. West along said right of way line for 175.77 feet to the point of beginning; being situated in Shelby County, Alabama.

