

20050415000178490 1/7 \$29.50  
Shelby Cnty Judge of Probate, AL  
04/15/2005 12:34:57PM FILED/CERT

STATE OF ALABAMA     )  
COUNTY OF SHELBY    )

**DECLARATION OF EASEMENTS FOR INGRESS, EGRESS, AND UTILITIES**

**THIS DECLARATION OF EASEMENTS FOR INGRESS, EGRESS, AND UTILITIES** (this "Declaration") is made as of this 14 day of April, 2005, by **HOWARD LAKE PROPERTIES LLC**, an Alabama limited liability company ("Declarant").

**RECITALS**

A. Declarant is the owner of certain real estate located in the County of Shelby, Alabama, more particularly described in Exhibit A attached hereto and made a part hereof (the "Property"). Declarant desires to develop the Property as a recreational/residential community containing up to 18 single family lake-front lots of approximately twenty (20) acres each (the "Lots"), together with common areas initially consisting of an approximately 56 acre private lake, two (2) islands situated within the lake of approximately .15 acres and 2.46 acres each, private roads, and approximately 166.14 acres of undeveloped land which will be used for hunting and other recreational use, all to be as part of a planned community to be known as "Pioneer Lake," all as is shown on the Survey prepared by James A. Riggins, Reg. No. 9428, dated March 7, 1999, a copy of which is attached hereto as Exhibit B (the "Survey").

B. There currently exists a dirt road system on the Property, in the approximate location identified on the Survey, consisting of the primary access roads which are identified on the Survey as the "Main Access Road" and secondary access roads which are identified on the Survey as the "Secondary Access Roads."

C. Developer desires to establish for the benefit of all future Lot owners and their respective successors and/or assigns, a perpetual non-exclusive easement for pedestrian and vehicular ingress and egress and utilities across over, across, and under the Main Access Road and Secondary Access Roads.

**NOW, THEREFORE**, in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficient of which is hereby acknowledged, the Declarant hereby agrees as follows:

1. **Declaration of Easements.** Declarant hereby declares and establishes to and for the benefit of all future Lot owners and their respective successors and/or assigns, a perpetual non-exclusive easement and right of way for pedestrian and vehicular ingress and egress and utilities over, across, and under the Main Access Road and the Secondary Access Roads (the "Easements"). The Easements shall be in the approximate location of the existing dirt roads (which are in the approximate location as shown on Exhibit A); however, Declarant intends to improve the existing roads by grading the same, installing ditches for drainage, and widening the Main access roads to approximately sixteen (16) feet in width, and surfacing all of the roads with crushed limestone.

Shelby County, AL 04/15/2005  
State of Alabama

Developer hereby reserves a twenty-four (24) foot right of way in which to install the Main Access Road and related improvements, and a ten (10) foot right of way in which to install the Secondary Access Roads. At such time as the Declarant has completed such road improvements, the Easements will be limited to such constructed roadways and reserved right-of-ways.

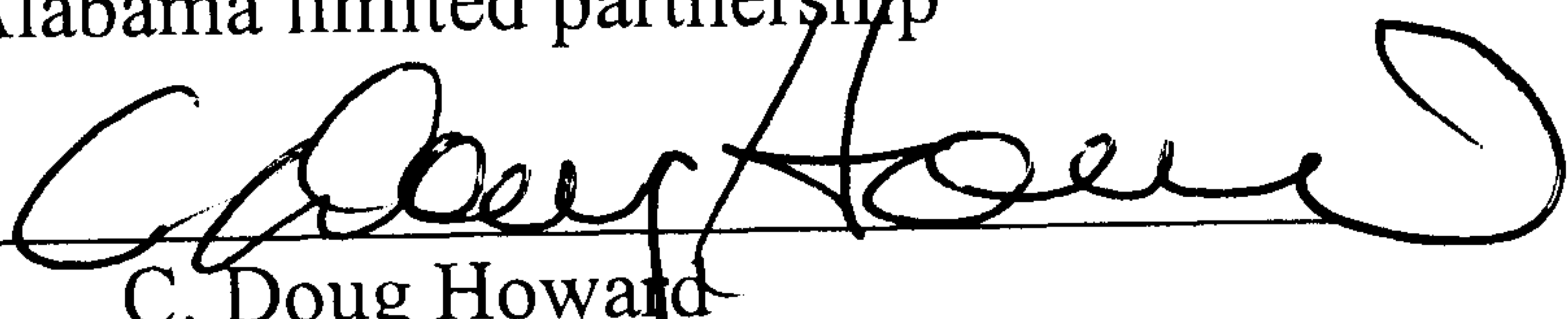
2. **Right of Successors**. The easements created in this Agreement shall run with the land and shall inure to the benefit of and shall be binding upon the parties and their respective successors and assigns.

**IN WITNESS WHEREOF**, Developer has caused this Declaration to be duly executed as of the day and year first above written.

**DEVELOPER:**

**HOWARD LAKE PROPERTIES LLC**  
an Alabama limited partnership

BY:

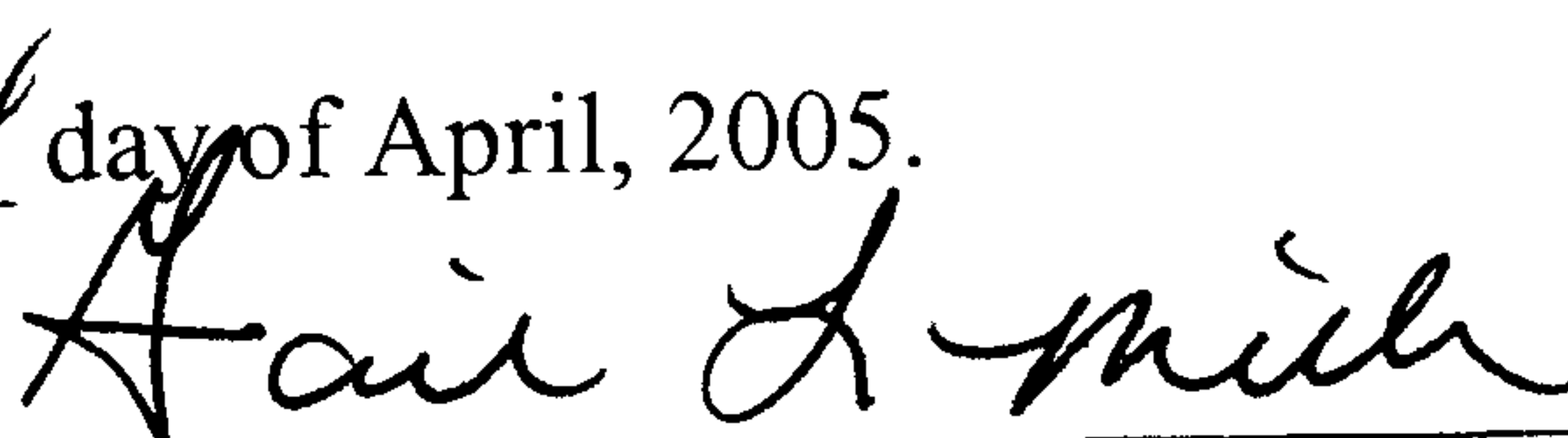
  
C. Doug Howard  
Its Sole Member

STATE OF ALABAMA     )

COUNTY OF JEFFERSON   )

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that C. Doug Howard, as sole member of Howard Lake Properties LLC, an Alabama limited liability company, whose name is signed to the foregoing Agreement, and who is known to me, acknowledged before me on this day that, being informed of the contents of such instrument, he, as such sole member and with full authority, executed the same voluntarily for and as the act of said limited liability company.

Given under my hand and seal, this 14 day of April, 2005.

  
NOTARY PUBLIC  
My Commission Expires: 2-26-06

This Instrument Prepared By: Gail Livingston Mills, Esq., Burr & Forman LLP, 420 North 20<sup>th</sup> Street, Suite 3100, Birmingham, Alabama 35203.



**EXHIBIT A**

**LEGAL DESCRIPTION OF THE PROPERTY**

Section 19:

The S.E.  $\frac{1}{4}$  lying East of Pumpkin Swamp Road.

Section 20:

The W.  $\frac{1}{2}$  of the S.W.  $\frac{1}{4}$ .

Section 29:

The N.  $\frac{1}{2}$  of the N.E.  $\frac{1}{4}$ .

The W.  $\frac{1}{2}$  of the N.W.  $\frac{1}{4}$  lying North of the Central of Georgia Railway.

Part of the N.E.  $\frac{1}{4}$  of the S.W.  $\frac{1}{4}$ .

Part of the E.  $\frac{1}{2}$  of the N.W.  $\frac{1}{4}$ ,

Section 30:

Part of the N.E.  $\frac{1}{4}$ .

All being in Township 18 South, Range 2 East, described as follows:

Beginning at the N.E. Corner of Section 29 go South 89 degrees 27 minutes 53 seconds West along the North Boundary of said Section for 3862.17 feet to the S.E. corner of the W.  $\frac{1}{2}$  of the S.W.  $\frac{1}{4}$  of Section 20; thence North 01 Degrees 52 Minutes 08 Seconds West along the East Boundary of said W.  $\frac{1}{2}$  of the S.W.  $\frac{1}{4}$  for 2671.12 feet to the N.E. Corner of said W.  $\frac{1}{2}$  of the S.W.  $\frac{1}{4}$ ; thence South 89 Degrees 39 Minutes 17 Seconds West along the North Boundary of said W.  $\frac{1}{2}$  of the S.W.  $\frac{1}{4}$  for 1303.61 feet to the N.E. Corner of the S.E.  $\frac{1}{4}$  of Section 19; thence South 89 Degrees 50 Minutes 27 Seconds West along the North Boundary of said S.E.  $\frac{1}{4}$  for 661.29 feet to an existing iron pin; thence continue South 89 Degrees 47 Minutes 49 Seconds West along the North Boundary of said S.E.  $\frac{1}{4}$  for 1102.74 feet to a point on a curve to the right on the East Boundary of Shelby County Highway No. 55, said curve having a Central Angle of 08 Degrees 25 Minutes 51 Seconds and a radius of 210.00 feet; thence Westerly along said curve for 30.90 feet to the center line of Pumpkin Swamp Road; thence sixteen (16) courses along the center line of said road as follows: go South 30 Degrees 37 Minutes 51 Seconds West for 355.43 feet; thence South 20 Degrees 59 Minutes 00 Seconds West for 197.67 feet; thence South 14 Degrees 07 Minutes 00 Seconds West for 142.94 feet; thence South 02 Degrees 15 Minutes 20 Seconds West for 186.26 feet; thence South 06 Degrees 13 Minutes 20 Seconds West for 348.37 feet; thence South 00 Degrees 06 Minutes 50 Seconds West for 160.85 feet; thence South 01 Degrees 23 Minutes 30 Seconds West for 233.79 feet; thence South 12 Degrees 22 Minutes 00 Seconds West for 287.38 feet; thence South 17 Degrees 10 Minutes 30 Seconds East for 183.46 feet; thence South 04 Degrees 32 Minutes 20 Seconds West for 149.21 feet;



thence South 02 Degrees 02 Minutes 00 Seconds West for 232.16 feet; thence South 46 Degrees 34 Minutes 00 Seconds West for 97.10 feet; thence South 65 Degrees 21 Minutes 52 Seconds West for 102.62 feet; thence South 53 Degrees 26 Minutes 50 Seconds West for 83.92 feet; thence South 53 Degrees 26 Minutes 15 Seconds West for 170.01 feet; thence South 53 Degrees 35 Minutes 38 Seconds West for 11.27 feet to the S.W. Corner of the S.E.  $\frac{1}{4}$  of Section 19; thence South 68 Degrees 28 Minutes 04 Seconds East for 300.00 feet to the center of a branch; thence four (4) courses along said branch as follows: go South 37 Degrees 10 Minutes 15 Seconds West for 85.03 feet; thence South 57 Degrees 30 Minutes 11 Seconds West for 34.66 feet; thence South 22 Degrees 57 Minutes 21 Seconds West for 22.63 feet; thence South 13 Degrees 14 Minutes 41 Seconds West for 63.71 feet; thence South 89 Degrees 47 Minutes 02 Seconds West for 174.38 feet to the West Boundary of the N.E.  $\frac{1}{4}$  of the N.E.  $\frac{1}{4}$  of Section 30; thence South 00 Degrees 08 Minutes 00 Seconds East along said West Boundary for 186.93 feet to a point on a curve on the Northerly Boundary of the Central of Georgia Railway, said curve having a central Angle of 16 Degrees 00 Minutes 31 Seconds and a radius of 11359.16 feet; thence Easterly along said curve for 3173.79 feet to the West Boundary of the N.W.  $\frac{1}{4}$  of Section 29; thence North 00 Degrees 24 Minutes 24 Seconds East along said West Boundary for 27.76 feet to a point on a curve on the Northerly Boundary of the Central of Georgia Railway, said curve having a central angle of 02 Degrees 51 Minutes 14 Seconds and a radius of 11334.16 feet; thence Easterly along said curve for 564.55 feet to the Point of Tangent; thence South 66 Degrees 38 Minutes 02 Seconds East for 365.15 feet to the South Boundary of the W.  $\frac{1}{2}$  of the N.W.  $\frac{1}{4}$  of Section 29; thence South 89 Degrees 38 Minutes 49 Seconds East along said South Boundary for 448.36 feet to the N.W. Corner of the N.E.  $\frac{1}{4}$  of the S.W.  $\frac{1}{4}$  of Section 29; thence South 00 Degrees 09 Minutes 21 Seconds West along the West Boundary of said N.E.  $\frac{1}{4}$  of the S.W.  $\frac{1}{4}$  for 250.56 feet to the Northerly Boundary of the Central of Georgia Railway; thence South 66 Degrees 38 Minutes 02 Seconds East along said Northerly Boundary for 1416.79 feet to the East Boundary of the N.E.  $\frac{1}{4}$  of the S.W.  $\frac{1}{4}$  of Section 29; thence North 05 Degrees 32 Minutes 06 Seconds West for 2146.70 feet to a point on the South Boundary of the N.E.  $\frac{1}{4}$  of the N.W.  $\frac{1}{4}$  of Section 29; thence North 89 Degrees 26 Minutes 15 Seconds East along said South Boundary for 203.68 feet to the S.W. Corner of the N.  $\frac{1}{2}$  of the N.E.  $\frac{1}{4}$  of Section 29; thence North 89 Degrees 26 Minutes 15 Seconds East along the South Boundary of said N.  $\frac{1}{2}$  of the N.E.  $\frac{1}{4}$  for 2576.21 feet to the S.E. Corner of the N.  $\frac{1}{2}$  of the N.E.  $\frac{1}{4}$  of Section 29; thence North 00 Degrees 09 Minutes 12 Seconds West along the East Boundary of said N.  $\frac{1}{2}$  of the N.E.  $\frac{1}{4}$  for 1306.46 feet to the Point of Beginning, containing 538.42 Acres, more or less.



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## EXHIBIT B

### SURVEY DEPICTING APPROXIMATELY LOCATION OF EASEMENTS

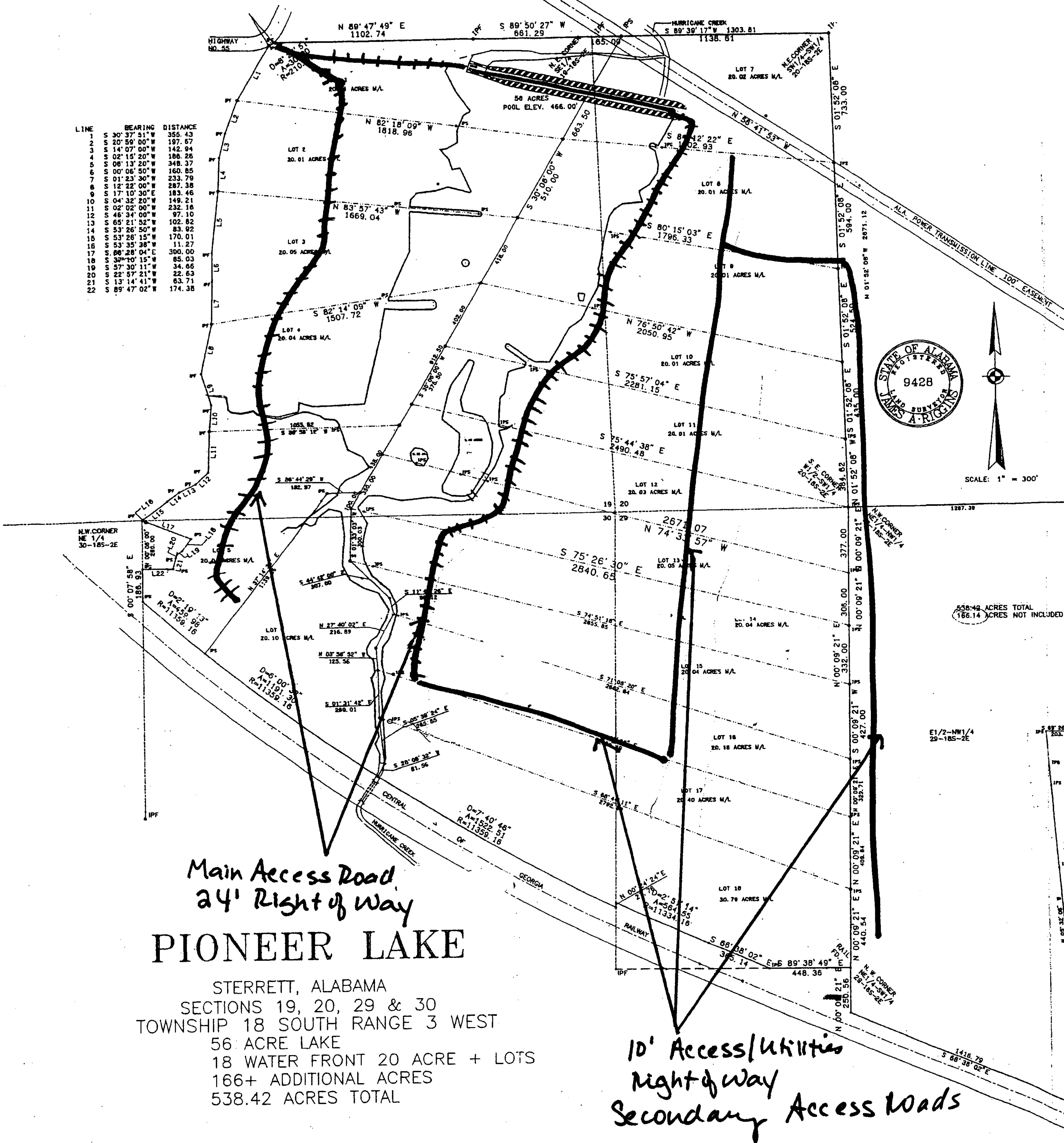


# Exhibit B



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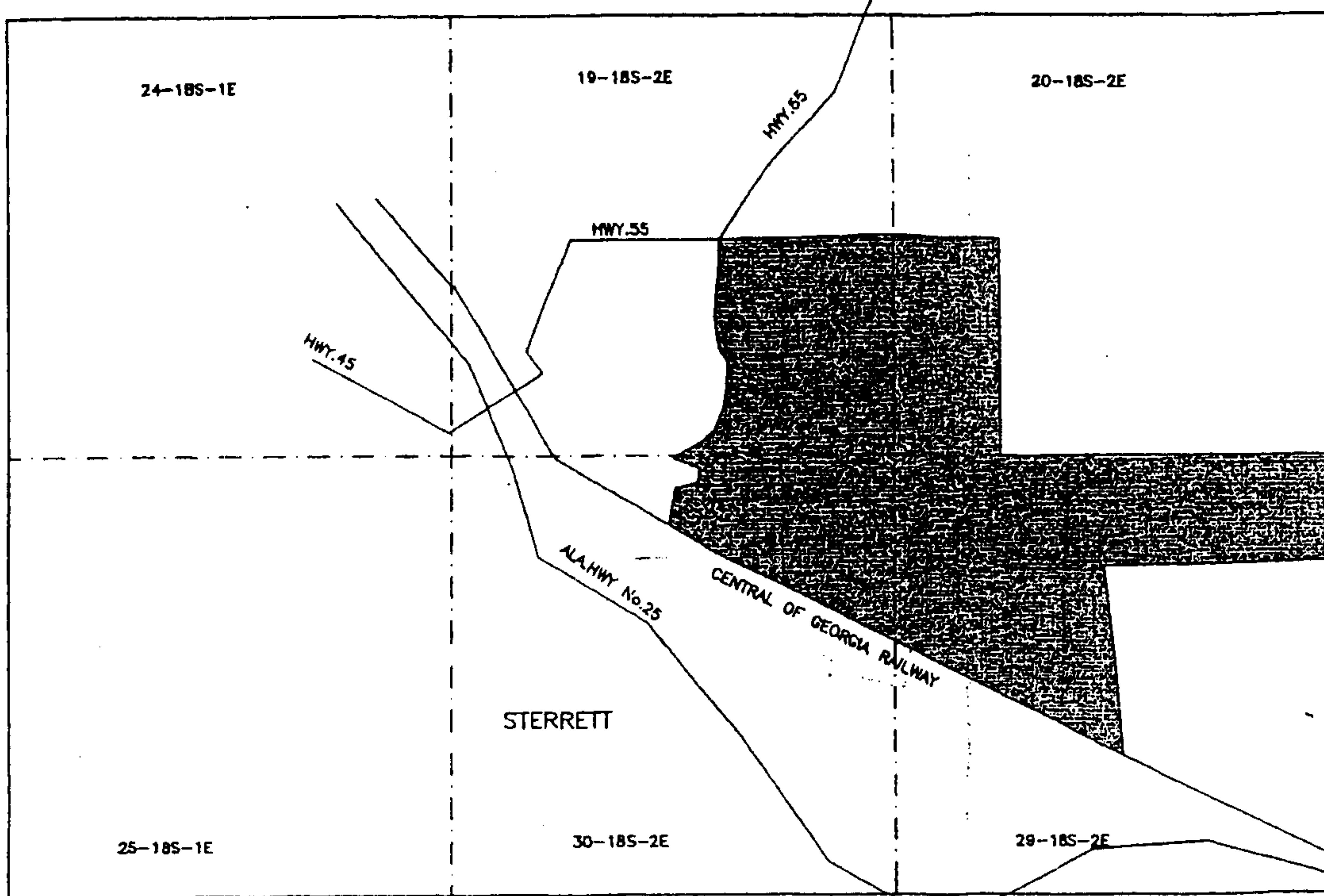
LINE	BEARING	DISTANCE
1	S 30° 37' 51" W	355.43
2	S 20° 59' 00" W	197.57
3	S 14° 07' 00" W	142.94
4	S 02° 15' 20" W	186.26
5	S 06° 13' 20" W	348.37
6	S 00° 06' 50" W	160.85
7	S 01° 23' 30" W	233.79
8	S 12° 22' 00" W	287.38
9	S 17° 10' 30" E	183.46
10	S 04° 32' 20" W	149.21
11	S 02° 02' 00" W	232.18
12	S 46° 34' 00" W	97.10
13	S 65° 21' 52" W	102.82
14	S 53° 26' 50" W	83.92
15	S 53° 26' 15" W	170.01
16	S 53° 35' 38" W	11.27
17	S 66° 28' 04" E	300.00
18	S 32° 10' 15" W	85.03
19	S 57° 30' 11" W	34.86
20	S 22° 57' 21" W	22.63
21	S 13° 14' 41" W	63.71
22	S 89° 47' 02" W	174.38



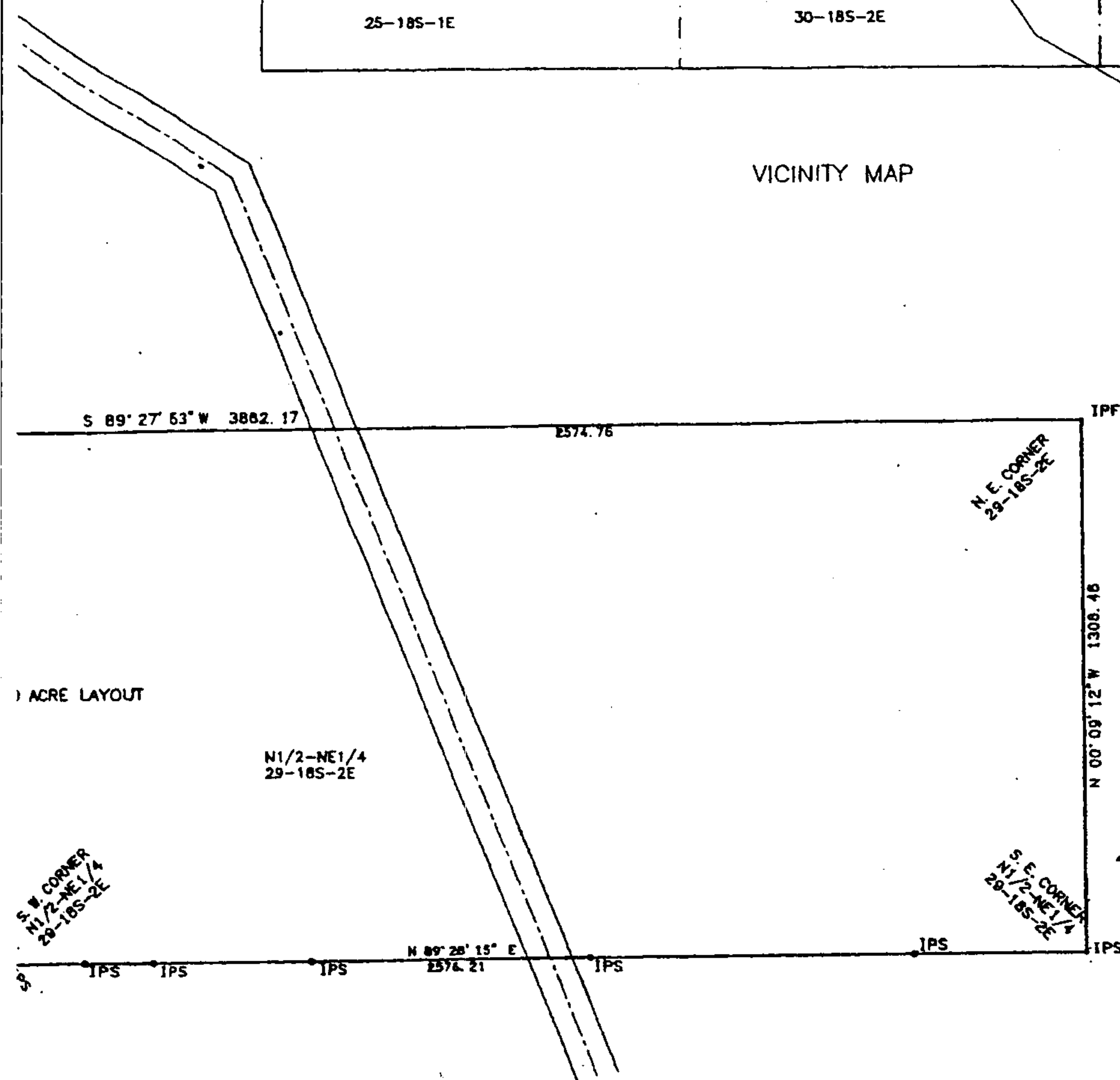




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VICINITY MAP



STATE of ALABAMA:  
COUNTY of SHELBY:

I, James A. Riggins, a registered Land Surveyor in the State of Alabama,  
hereby certify that the foregoing is a true and correct map of:

SECTION 19:  
The S. E. 1/4 lying East of Pumpkin Swamp Road.

SECTION 20:  
The W. 1/2 of the S. W. 1/4.

SECTION 29:  
The N. 1/2 of the N. E. 1/4.  
The W. 1/2 of the N. W. 1/4 lying North of the Central of Georgia Railway.  
Part of the N. E. 1/4 of the S. W. 1/4.  
Part of the E. 1/2 of the N. W. 1/4.

SECTION 30:  
Part of the N. E. 1/4.

All being in Township 18 South, Range 2 East, described as follows:

Beginning at the N. E. Corner of Section 29 go South 89 Degrees 27 Minutes 53 Seconds West along the North Boundary of said Section for 3862.17 feet to the S. E. Corner of the W. 1/2 of the S. W. 1/4 of Section 20; thence North 01 Degrees 52 Minutes 08 Seconds West along the East Boundary of said W. 1/2 of the S. W. 1/4 of the S. W. 1/4 for 1303.81 feet to the N. E. Corner of the S. E. 1/4 of Section 19; thence South 89 Degrees 39 Minutes 17 Seconds West along the North Boundary of said S. E. 1/4 for 661.29 feet to an existing iron pin; thence continue South 89 Degrees 47 Minutes 49 Seconds West along the North Boundary of said S. E. 1/4 for 1102.74 feet to a point on a curve to the right on the East Boundary of Shelby County Highway No. 55, said curve having a Central Angle of 08 Degrees 25 Minutes 51 Seconds and a radius of 210.00 feet; thence West along said curve for 30.90 feet to the center line of Pumpkin Swamp Road; thence sixteen (16) courses along the center line of said road as follows: go South 30 Degrees 37 Minutes 51 Seconds West for 355.43 feet; thence South 20 Degrees 50 Minutes 00 Seconds West for 187.67 feet; thence South 14 Degrees 07 Minutes 00 Seconds West for 142.94 feet; thence South 02 Degrees 15 Minutes 20 Seconds West for 186.26 feet; thence South 06 Degrees 13 Minutes 20 Seconds West for 348.37 feet; thence South 00 Degrees 06 Minutes 50 Seconds West for 160.85 feet; thence South 01 Degrees 23 Minutes 30 Seconds West for 233.79 feet; thence South 12 Degrees 22 Minutes 00 Seconds West for 287.38 feet; thence South 17 Degrees 10 Minutes 30 Seconds East for 183.46 feet; thence South 04 Degrees 32 Minutes 20 Seconds West for 149.21 feet; thence South 02 Degrees 02 Minutes 00 Seconds West for 232.16 feet; thence South 46 Degrees 34 Minutes 00 Seconds West for 97.10 feet; thence South 65 Degrees 21 Minutes 52 Seconds West for 102.82 feet; thence South 53 Degrees 28 Minutes 50 Seconds West for 83.92 feet; thence South 53 Degrees 28 Minutes 15 Seconds West for 170.01 feet; thence South 53 Degrees 35 Minutes 38 Seconds West for 11.27 feet to the S. W. Corner of the S. E. 1/4 of Section 19; thence South 88 Degrees 28 Minutes 04 Seconds East for 300.00 feet to the center of a branch; thence four (4) courses along said branch as follows: go South 37 Degrees 10 Minutes 15 Seconds West for 85.03 feet; thence South 57 Degrees 30 Minutes 11 Seconds West for 34.86 feet; thence South 22 Degrees 57 Minutes 21 Seconds West for 22.63 feet; thence South 13 Degrees 14 Minutes 41 Seconds West for 63.71 feet; thence South 89 Degrees 47 Minutes 02 Seconds West for 174.38 feet to the West Boundary of the N. E. 1/4 of the N. E. 1/4 of Section 30; thence South 08 Degrees 00 Seconds East along said West Boundary for 186.83 feet to a point on a curve on the Northerly Boundary of the Central of Georgia Railway, said curve having a Central Angle of 16 Degrees 00 Minutes 31 Seconds and a radius of 11359.18 feet; thence Easterly along said curve for 3173.79 feet to the West Boundary of the N. W. 1/4 of Section 29; thence North 00 Degrees 24 Minutes 24 Seconds East along said West Boundary for 27.76 feet to a point on a curve on the Northerly Boundary of the Central of Georgia Railway, said curve having a central angle of 02 Degrees 51 Minutes 14 Seconds and a radius of 11334.16 feet; thence Easterly along said curve for 564.55 feet to the Point of Tangent; thence South 66 Degrees 38 Minutes 02 Seconds East for 385.15 feet to the South Boundary of the W. 1/2 of the N. W. 1/4 of Section 29; thence South 89 Degrees 38 Minutes 49 Seconds East along said South Boundary for 448.36 feet to the N. W. Corner of the N. E. 1/4 of the S. W. 1/4 of Section 29; thence South 00 Degrees 09 Minutes 21 Seconds West along the West Boundary of said N. E. 1/4 of the S. W. 1/4 for 250.58 feet to the Northerly Boundary of the Central of Georgia Railway; thence South 66 Degrees 38 Minutes 02 Seconds East along said Northerly Boundary for 1416.79 feet to the East Boundary of the N. E. 1/4 of the S. W. 1/4 of Section 29; thence North 05 Degrees 32 Minutes 06 Seconds West for 2146.70 feet to a point on the South Boundary of the N. E. 1/4 of the N. W. 1/4 of Section 29; thence North 89 Degrees 26 Minutes 15 Seconds East along said South Boundary for 203.88 feet to the S. W. Corner of the N. 1/2 of the N. E. 1/4 of Section 29; thence North 89 Degrees 26 Minutes 15 Seconds East along the South Boundary of said N. 1/2 of the N. E. 1/4 for 2676.21 feet to the S. E. Corner of the N. 1/2 of the N. E. 1/4 of Section 29; thence North 00 Degrees 08 Minutes 12 Seconds West along the East Boundary of said N. 1/2 of the N. E. 1/4 for 1306.46 feet to the Point of Beginning, containing 538.42 Acres, more or less.

DATE: MARCH 7, 1999

SIGNED:

*James A. Riggins*  
James A. Riggins Reg. No. 9428  
22556 Rosser Lane  
McCalla, Alabama 35111  
Phone (205) 938-3000