

EASEMENT - DISTRIBUTION FACILITIES  
(Metes and Bounds)

TO BE RECORDED: YES X NO       

This instrument prepared by:

STATE OF ALABAMA }  
COUNTY OF Shelby }  
TAX ID #                     

W.E. No. 61700-00-0332-500  
Parcel No. 70160985  
Transformer No.                     

Larry D. Smith  
Alabama Power Company  
P. O. Box 2641  
Birmingham, Alabama 35291

A. GRANT KNOW ALL MEN BY THESE PRESENTS, That Colonial Properties Services Inc.

as grantors (s), (the "Grantor", whether one or more) for and in consideration of One and No/100 (\$1.00) and other good and valuable consideration, to Grantor in hand paid by Alabama Power Company, a corporation, the receipt and sufficiency of which are hereby acknowledged, does hereby grant to Alabama Power Company, its successors and assigns (the "Company"), the easements, rights and privileges described and designated in Section B below.

B. RIGHTS The easements, rights and privileges granted hereby are as follows:

1. **Overhead and/or Underground.** The right from time to time to construct, install, operate and maintain, upon, over, under and across the Property described in Section C below, along a route to be selected by the Company which is generally shown on the Company's final location drawing (which shows the general location of underground Facilities, if any, by indicating an area not greater than ten feet (10') in width), all poles, towers, wires, conduits, fiber optics, cables, trans closures, transformers, anchors, guy wires and other Facilities useful or necessary in connection therewith (collectively, "Facilities"), for the overhead and/or underground transmission and distribution of electric power, and also the right to clear and keep clear a strip of land extending five feet (5') to either side of the center line of underground Facilities and fifteen feet (15') to either side of the center line of overhead Facilities; further, the right in the future to install and utilize intermediate poles in line for overhead Facilities and the right to trim and cut and keep trimmed and cut all dead, weak, leaning or dangerous trees or limbs outside of the thirty foot (30') strip for overhead Facilities that, in the sole opinion of the Company, might now or may hereafter endanger, interfere with or fall upon any of the overhead Facilities.
2. **Line Clearing.** The right to trim and cut and keep trimmed and cut all dead, weak, leaning or dangerous trees or limbs that, in the sole opinion of the Company, might now or may hereafter endanger, interfere with or fall upon the electric transmission or distribution lines, poles, towers or other Facilities now or hereafter located adjacent to the Property described in Section C below along a route to be selected by the Company generally shown on the Company's final location drawing, and also the right to clear and keep clear all trees, undergrowth, and other obstructions on property in which Grantor has an interest within fifteen feet (15') of the center line of the lines of such poles, towers or other Facilities.
3. **Guy Wires and Anchors.** The right to implant, install and maintain anchor(s) of concrete, metal or other material on and under the Property described in Section C below, and to construct, extend and maintain guy wires from such anchor(s) to structures now or hereafter erected adjacent to such Property or property adjacent thereto (collectively, "Guy Wire Facilities") along a route to be selected by the Company generally shown on the Company's final location drawing; and also the right to trim and cut and keep trimmed and cut all dead, weak, leaning or dangerous trees or limbs that, in the sole opinion of the Company, might now or may hereafter endanger, interfere with or fall upon any of the Guy Wire Facilities.

Grantor hereby grants to the Company all easements, rights and privileges necessary or convenient for the full enjoyment and use thereof, including without limitation the right of ingress and egress to and from the Facilities and Guy Wire Facilities, as applicable, and the right to excavate for installation, replacement, repair and removal thereof; and also the right to cut, remove and otherwise keep clear any and all structures, obstructions or obstacles of whatever character, on, under and above said Facilities and Guy Wire Facilities, as applicable.

C. **PROPERTY DESCRIPTION** The easements, rights and privileges granted hereby shall apply to, and the word "Property" as used in this instrument shall mean, the following described real property situated in Shelby County, Alabama (the "Property"):

A parcel of land in the NE1/4 of the SE1/4 and the SW1/4 of  
Section 1, Township 21 South, Range 3 West as is recorded in  
Deed Record 2004/243170 and 2004/243180 in the office of the  
Judge of Probate of Shelby County, Alabama.

D. **ADDITIONAL PROVISIONS.** In the event it becomes necessary or desirable for the Company to move any of the Facilities in connection with the construction or improvement of any public road or highway in proximity to the Facilities, Grantor hereby grants to the Company the right to relocate the Facilities and, as to such relocated Facilities, to exercise the rights granted above; provided, however, the Company shall not relocate the Facilities on the Property at a distance greater than ten feet (10') outside the boundary of the right of way of any such public road or highway as established or re-established from time to time. This grant and agreement shall be binding upon and shall inure to the benefit of Grantor, the Company and each of their respective heirs, personal representatives, successors and assigns and the words "Company" and "Grantor" as used in this instrument shall be deemed to include the heirs, personal representatives, successors and assigns of such parties.

TO HAVE AND TO HOLD the same to the Company, its successors and assigns, forever.

IN WITNESS WHEREOF, the undersigned Grantor(s) has ~~have~~ <sup>its</sup> set his ~~her~~ <sup>its</sup> hand(s) and seal(s) this the 7 day of August, 2005.

Witness

Witness

Witness

(Grantor)

(Grantor)

By:

As:

20051101000566750 1/4 \$20.50  
Shelby Cnty Judge of Probate, AL  
11/01/2005 11:59:10AM FILED/CERT

IN WITNESS WHEREOF, the said Grantor, has caused this instrument to be executed by \_\_\_\_\_ its authorized representative, as of the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

ATTEST (if corporation) or WITNESS:

By: \_\_\_\_\_  
Its: \_\_\_\_\_

\_\_\_\_\_  
(Grantor - Name of Corporation/Partnership/LLC)  
By: \_\_\_\_\_ (SEAL)  
Its: \_\_\_\_\_  
[indicate President, General Partner, Member, etc.]

INDIVIDUAL NOTARIES

STATE 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 me on this day that being informed of the contents of the instrument, he/she/they executed the same voluntarily, on the day the same bears date.  
Given under my hand and official seal this the \_\_\_\_\_ day of \_\_\_\_\_.

[SEAL]

\_\_\_\_\_  
Notary Public  
My commission expires: \_\_\_\_\_

STATE 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 me on this day that being informed of the contents of the instrument, he/she/they executed the same voluntarily, on the day the same bears date.  
Given under my hand and official seal this the \_\_\_\_\_ day of \_\_\_\_\_.

[SEAL]

\_\_\_\_\_  
Notary Public  
My commission expires: \_\_\_\_\_

TRUSTEE/CORPORATION/PARTNERSHIP/LLC NOTARY

STATE OF ALABAMA }  
COUNTY OF Jefferson }

I, the undersigned, a Notary Public, in and for said County in said State, hereby certify that Charles H. McNamee whose name as Signed of Colonial Properties Services, Inc. a Senior Vice President [as \_\_\_\_\_], 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/she, as such SVP and with full authority, executed the same voluntarily for and as the act of said Colonial Properties Services [acting in such capacity as aforesaid].

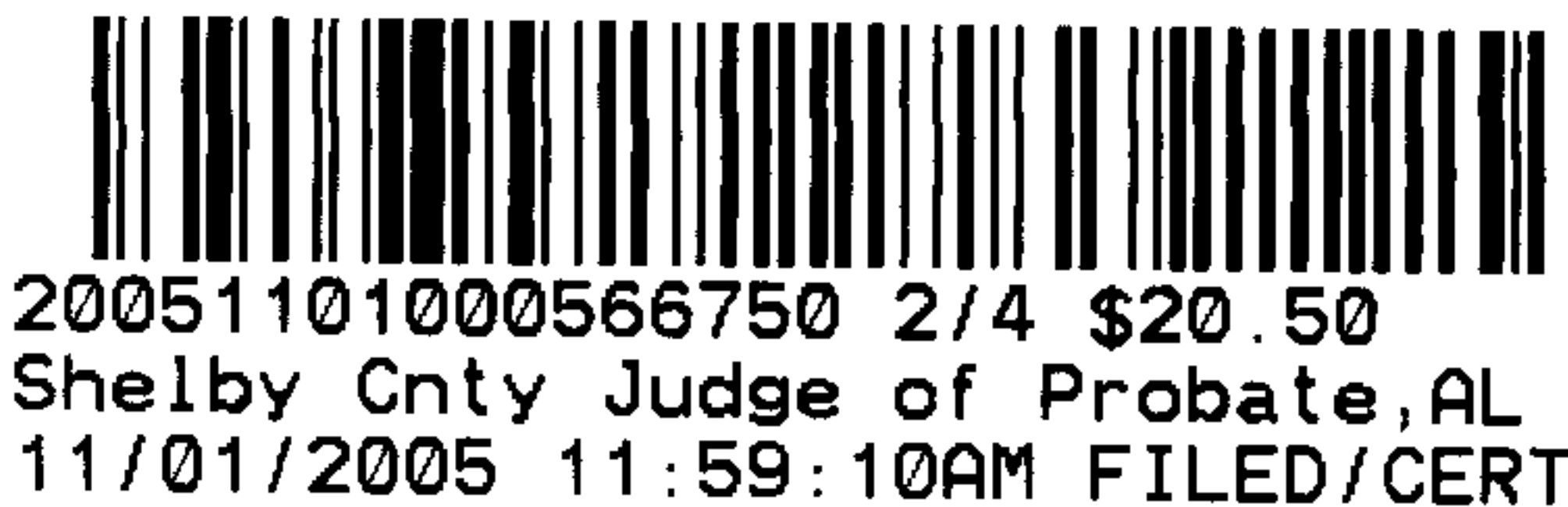
Given under my hand and official seal, this the 7 day of September, 2005



Martha H. Thomas  
Notary Public  
My commission expires: 3-20-07

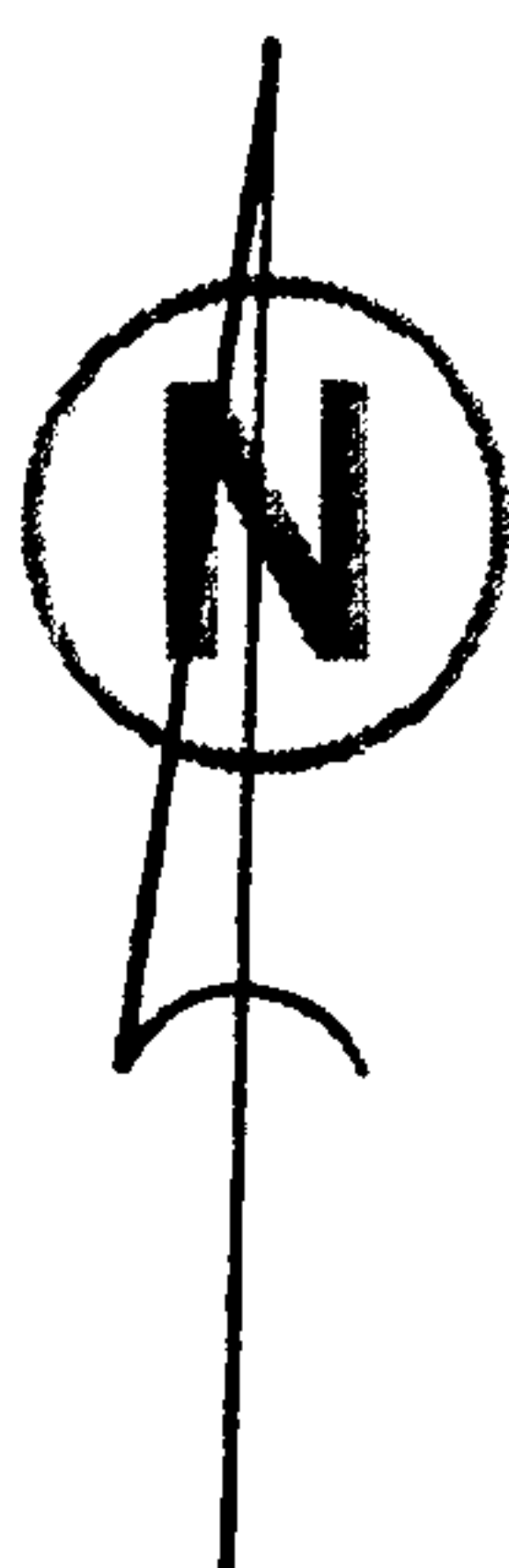
For Alabama Power Company Corporate Real Estate Department Use Only

All facilities on Grantor: \_\_\_\_\_ Station to Station: Sta# 1+00 to Sta# 1+275



Sheet 1 of 2

|                              |  |                                |  |                               |  |                                          |  |
|------------------------------|--|--------------------------------|--|-------------------------------|--|------------------------------------------|--|
| Customer<br>Chick. F. I. - A |  | Location<br>Colonial Promenade |  | Agreed Serv. Date<br>12-30-05 |  | Estimate No.<br>61700-00-03325           |  |
| Division<br>Birmingham       |  | District<br>Metro-South        |  | Town<br>Alabaster             |  | Drawn by<br>G. Belcher                   |  |
| County<br>Shelby             |  | Section<br>1                   |  | Township<br>21S               |  | Range<br>3W                              |  |
| Add'l Info<br>Shawn Hill     |  | Add'l Info<br>CHUDSON COMPANY  |  | Add'l Info<br>256-717-9429    |  |                                          |  |
| Acquisition Agent<br>LDS     |  | Date R/W Assigned<br>7/8/05    |  | Date R/W Cleared<br>9/9/05    |  | Map Reference<br>LEE-Transformer Loading |  |



\* Customer to install (2)  
5" Conduit for primary  
& stub out (2) 4" conduit  
for lot 2.

|   |         |
|---|---------|
| X | 24702   |
| Y | XA 0075 |

| Voltage |            |
|---------|------------|
| Pri     | Sec.       |
| 12      | 120        |
| KV      | <u>208</u> |

|           |  |
|-----------|--|
| PHONE CO. |  |
| Co. Name  |  |

|          |  |
|----------|--|
| CATV CO. |  |
| Co. Name |  |

ACCESSIBLE ☒

**TREE CREW**

## ROCK HOLE

**PERMITS REQ'D**

|     |   |
|-----|---|
| R/W | X |
|-----|---|

CITY

COUNTY

STATE

|         |   |
|---------|---|
| MISSALL |   |
| #       | X |

OTHER

**SCALE**

NTS

Ft. Per Inch

Date \_\_\_\_\_

**Cnst. Completed By**



20051101000566750 3/4 \$20.50  
Shelby Cnty Judge of Probate, AL  
11/01/2005 11:59:10AM FILED/CERT

[illegible]

RC8383

629

8655

797

L6365

4TH AVE. NW

L6391

L6313

57

61

L6061

X6249

L6089

L6119

L6343

900KVAR S

RC8447

X17165

XD8893

RC8559

CS45

900KVAR S

CAPCS045

RC8093

L6171

Q6753

Q6755

V6017

V6039

V6001

397 ACSR

RC8013

L6753

8869

V5249

IRONWOOD SUBDIVISION

ALABASTER

DMT

L6115

L6159

G6313

Q6511

L6133

CS46

900KVAR S

CAPCS046

L6165

L8127

Q6509

L6901

L6055

L6241

CS73

900KVAR

Q6779

V5840

60A "WE"

RC8443 S

RC8471 B

RC8663 L

5TH AVE. SE

Q6058

100A

X6399 S

K6397

V5811

V6121

L8399

L6097

XD8827

L6439

V6021

ACSR

V6159

XD9505

XD9913

XD9521

397 ACSR

XD9479

V6135

XD8722

800A VIPER

XD9515 S

XD9513 L

L6083 B

ALABASTER D.S. 115/12KV

ALABASTER

CHEMICAL LIME

IRONWOOD SUBDIVISION

THOMPSON MIDDLE SCHOOL

SILURIA BAPTIST CHURCH

FOOD MAX

CENTRAL METH.

35/12KV AVE. DOWN SW

397 ACSR

XD7937

Q6597

L6491

L8113

V5837

Q6447

3611

Q6829

V5677

Q6215

47

For Energized Line Work:  
Obtain Hot Line Work Permit(s)  
@ \_\_\_\_\_ Amp  
@ \_\_\_\_\_  
Substation: ALABASTER DS # 1  
Breaker # 24702

20051101000566750 4/4 \$20.50  
Shelby Cnty Judge of Probate, AL  
11/01/2005 11:59:10AM FILED/CERT

JOB

RC8383

629

8655

797

L6365

4TH AVE. NW

L6391

L6313

57

61

L6061

X6249

L6089

L6119

L6343

900KVAR S

RC8447

X17165

XD8893

RC8559

CS45

900KVAR S

CAPCS045

RC8093

L6171

Q6753

Q6755

V6017

V6039

V6001

397 ACSR

RC8013

L6753

8869

V5249

IRONWOOD SUBDIVISION

ALABASTER

DMT

L6115

L6159

G6313

Q6511

L6133

CS46

900KVAR S

CAPCS046

L6165

L8127

Q6509

L6901

L6055

L6241

CS73

900KVAR

Q6779

V5840

60A "WE"

RC8443 S

RC8471 B

RC8663 L

5TH AVE. SE

Q6058

100A

X6399 S

K6397

V5811

V6121

L8399

L6097

XD8827

L6439

V6021

ACSR

V6159

XD9505

XD9913

XD9521

397 ACSR

XD9479

V6135

XD8722

800A VIPER

XD9515 S

XD9513 L

L6083 B

ALABASTER D.S. 115/12KV

ALABASTER

CHEMICAL LIME

FOOD MAX

CENTRAL METH

SILURIA BAPTIST CHURCH

THOMPSON MIDDLE SCHOOL

IRONWOOD SUBDIVISION

BUCK CREEK

CREEK PARK

35/12KV STEPDOWN SW

397 ACSR

XD7937

Q6597

L6491

L8113

V5837

Q6447

3611

Q6829

G6215

47

For Energized Line Work:  
Obtain Hot Line Work Permit(s)  
@ \_\_\_\_\_ Amp  
@ \_\_\_\_\_  
Substation: ALABASTER DS # 1  
Breaker # 24702

20051101000566750 4/4 \$20.50  
Shelby Cnty Judge of Probate, AL  
11/01/2005 11:59:10AM FILED/CERT

JOB