

BOUNDARY LINE AGREEMENT

THIS BOUNDARY LINE AGREEMENT (this "Agreement") is made and entered into this 4th day of Nov., 2005, by and among BIG PINE FISHING CLUB, INC., an Alabama nonprofit corporation ("Big Pine"), STONEGATE FARMS, LLC, an Alabama limited liability company ("Stonegate"), and STONEGATE FARMS PROPERTY OWNERS' ASSOCIATION, INC., an Alabama non-profit corporation (the "Association").

R E C I T A L S:

A. By deed dated May 29, 1963, and recorded at Book 225, Page 560, in the Probate Office of Shelby County, Alabama (the "Big Pine Deed") S. W. Smyer, Jr., et ux, conveyed to Big Pine certain lands as more particularly described in the Big Pine Deed (the "Big Pine Property"). By deed dated January 26, 2001, and recorded as Inst. 2001-02967, in the Probate Office of Shelby County, Alabama (the "Stonegate Deed"), S. W. Smyer, Jr., et al, conveyed to Stonegate certain lands as more particularly described in the Stonegate Deed. Stonegate subsequently subdivided a portion of the lands conveyed to it by the Stonegate Deed, as Stonegate Realty-Phase Two, as recorded at Map Book 31, Page 28B, in the Probate Office of Shelby County, Alabama (the "Stonegate Property"). Certain common areas and easements on the Stonegate Property have been or are to be conveyed to the Association for the use and benefit of the lot owners. The Stonegate Property adjoins the Big Pine Property.

B. The parties have recently become aware that the respective surveys that establish the legal descriptions for the Big Pine Property and the Stonegate Property establish a conflicting and overlapping boundary between the Big Pine Property and that portion of the Stonegate Property now known as Lot 44A, Stonegate Realty – Resubdivision of Lots 41, 42, 43 and 44, as recorded in Map Book 32, Page 108, in the Probate Office of Shelby County, Alabama ("Lot 44A"). As a result, the boundary line between the subject properties is uncertain and subject to dispute.

C. Additionally, a portion of the boundary line between the Big Pine Property and the Stonegate Property is the centerline of Bumpy Hill Road (as such road is referred to in the Big Pine Deed). The Big Pine Deed describes the easement for Bumpy Hill Road as being a 50 foot wide easement, thus placing it 25 feet on either side of the boundary line between the Big Pine Property and the Stonegate Property. Bumpy Hill Road is a small, unpaved road with limited access and little use, such that a 50 foot wide easement is excessive. The plat map for the Stonegate Realty – Phase Two Subdivision portrays this easement as being 20 feet wide, being 10 feet on each side of the centerline of Bumpy Hill Road. The parties desire to reduce the width of this easement to conform to that shown on said plat map.


D. The parties hereto desire to enter into this Agreement to resolve the foregoing matters and to establish an agreed common boundary line between the Big Pine Property and the said Lot 44A, which is owned by Stonegate.

NOW, THEREFORE, for and in consideration of the premises and other good and valuable consideration, each to the other, the receipt and sufficiency of which are hereby acknowledged:

1. Anything in the Big Pine Deed or the Stonegate Deed to the contrary notwithstanding, Big Pine and Stonegate agree that the boundary line between the Big Pine Property and Lot 44A is as legally described on Exhibit A attached hereto and made a part hereof. Accordingly, Big Pine does hereby release, remise and quitclaim to Stonegate, its successors and assigns, all of Big Pine's right, title and interest in and to Parcel C as shown on Exhibit B-1 and described on Exhibit B-2 attached hereto and made a part hereof, to have and hold unto Stonegate, its successors and assigns, forever; and Stonegate does hereby release, remise and quitclaim to Big Pine all of Stonegate's right, title and interest in and to Parcel A and Parcel B, as shown on said Exhibit B-1 and described on said Exhibit B-2, to have and hold unto Big Pine, its successors and assigns, forever, SUBJECT NEVERTHELESS, to the Bumpy Hill Road Easement (as defined in Paragraph "2" below) on, over and across Parcel B.

2. The provision of the Big Pine Deed that refers to a 50 foot wide easement for the road commonly known as Bumpy Hill Road to the contrary notwithstanding, the easement for Bumpy Hill Road (the "Bumpy Hill Road Easement") shall be 20 feet wide, lying 10 feet on either side of the centerline of said road, as more particularly described on Exhibit C attached hereto and made a part hereof. Stonegate and the Association do hereby release, remise and quitclaim unto Big Pine, its successors and assigns, all their right, title and interest in and to the original Bumpy Hill Road easement in excess of said 10 feet wide on the Big Pine Property, to have and to hold unto said Big Pine, its successors and assigns, forever; and Big Pine does hereby release, remise and quitclaim to Stonegate and the Association, and their respective successors and assigns (including the owners of any lots that might otherwise be burdened by the original wider easement), all right, title and interest of Big Pine in and to the original Bumpy Hill Road Easement in excess of 10 feet wide, to have and to hold unto same, and their respective successors and assigns, forever.

3. The parties acknowledge and agree that it will be necessary for Stonegate to resubdivide Lot 44A to reflect the common boundary line established herein. Big Pine and the Association agree to join in such resubdivision if required by the subdividing authority. By its execution of this Agreement, the Association also acknowledges its approval of and consent to the agreements and actions set forth herein.


20051110000589310 2/10 \$38.00
Shelby Cnty Judge of Probate, AL
11/10/2005 08:16:46AM FILED/CERT


IN WITNESS WHEREOF, each of the parties to this Agreement has caused it to be executed and delivered by its duly authorized officer or other representative as of the day and first set forth above.

STONEGATE FARMS:


Stonegate Farms, LLC, an Alabama limited liability company

By: Stonegate Projects (Alabama), LLC,
an Alabama limited liability company,
Its Manager


By: Stonegate Realty Company, LLC,
an Oklahoma limited liability
company,
Its Manager


By: 
Mark D. Elgin Its Manager

BIG PINE FISHING CLUB, INC.

By: 
Its: PRESIDENT

**STONEGATE FARMS PROPERTY OWNERS'
ASSOCIATION, INC.**

By: 
Its: President


20051110000589310 3/10 \$38.00
Shelby Cnty Judge of Probate, AL
11/10/2005 08:16:46AM FILED/CERT

STATE OF ALABAMA)
 :
JEFFERSON COUNTY)

I, the undersigned, a notary public in and for said county in said state, hereby certify that Mark D. Elgin, whose name as Manager of Stonegate Realty Company, an Oklahoma limited liability company, which is the Manager of Stonegate Projects (Alabama), LLC, an Alabama limited liability company, which is the Manager of Stonegate Farms, 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 Manager and with full authority, executed the same voluntarily for and as the act of said limited liability company.

Given under my hand and official seal this 2ND day of NOVEMBER, 2005.

Robert C. McLean
Notary Public

[NOTARIAL SEAL]

My commission expires: 8/12/09

STATE OF ALABAMA)
 :
SHELBY COUNTY)

I, the undersigned, a notary public in and for said county in said state, hereby certify that J. T. WALL, JR., whose name as PRESIDENT of BIG PINE FISHING CLUB, INC., an Alabama nonprofit corporation, 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 officer and with full authority, executed the same voluntarily for and as the act of said corporation.

Given under my hand and official seal this 4th day of November, 2005.

Amel G. McLean
Notary Public

[NOTARIAL SEAL]

My commission expires: _____

STATE OF ALABAMA

)

:

SHELBY COUNTY

)

I, the undersigned, a notary public in and for said county in said state, hereby certify that MARK D. EUGEN, whose name as PRESIDENT of STONEGATE FARMS PROPERTY OWNERS' ASSOCIATION, INC., an Alabama nonprofit corporation, 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 officer and with full authority, executed the same voluntarily for and as the act of said corporation.

Given under my hand and official seal this 2ND day of NOVEMBER, 2005.

Robert C. McJannet
Notary Public

[NOTARIAL SEAL]

My commission expires: 8/12/05



20051110000589310 5/10 \$38.00
Shelby Cnty Judge of Probate, AL
11/10/2005 08:16:46AM FILED/CERT

EXHIBIT A

Stonegate Lot 44A – Big Pine Fish Club Boundary Line

A common boundary line situated in the SE1/4 of Section 24, Township 18 South, Range 1 West, Shelby County, Alabama being more particularly described as follows:

Commence at the southernmost corner of Lot 42 B of Stonegate Realty – Resubdivision of Lots 41, 42, 43 and 44, as recorded in Map Book 32 Page 108 in the Shelby County Probate Office, and run N 61°21'50" W along the common lot line between Lots 42B and 44A for a distance of 286.33 feet; thence run S 28°38'10" W for a distance of 266.09 feet to the POINT OF BEGINNING; thence run S 15°15'20" E for a distance of 130.64 feet; thence run S 61°37'20" E for a distance of 134.16 feet; thence run S 19°37'00 E for a distance of 125.90 feet; thence run S 67°57'12" E for a distance of 125.79 feet; thence run N 62°47'38" E for a distance of 252.29 feet; thence run S 78°37'57" E for a distance of 182.44 feet; thence run S 56° 00' 48" E for a distance of 35.28 feet; thence run S 04°04'23" W for a distance of 42.36 feet; thence run S 24°58'13" W for a distance of 37.63 feet; thence run S 47°33'55" W for a distance of 47.37 feet to the POINT OF ENDING.



20051110000589310 6/10 \$38.00
Shelby Cnty Judge of Probate, AL
11/10/2005 08:16:46AM FILED/CERT

EXHIBIT B-1

20051110000589310 7/10 \$38.00
Shelby Cnty Judge of Probate, AL
11/10/2005 08:16:46AM FILED/CERT

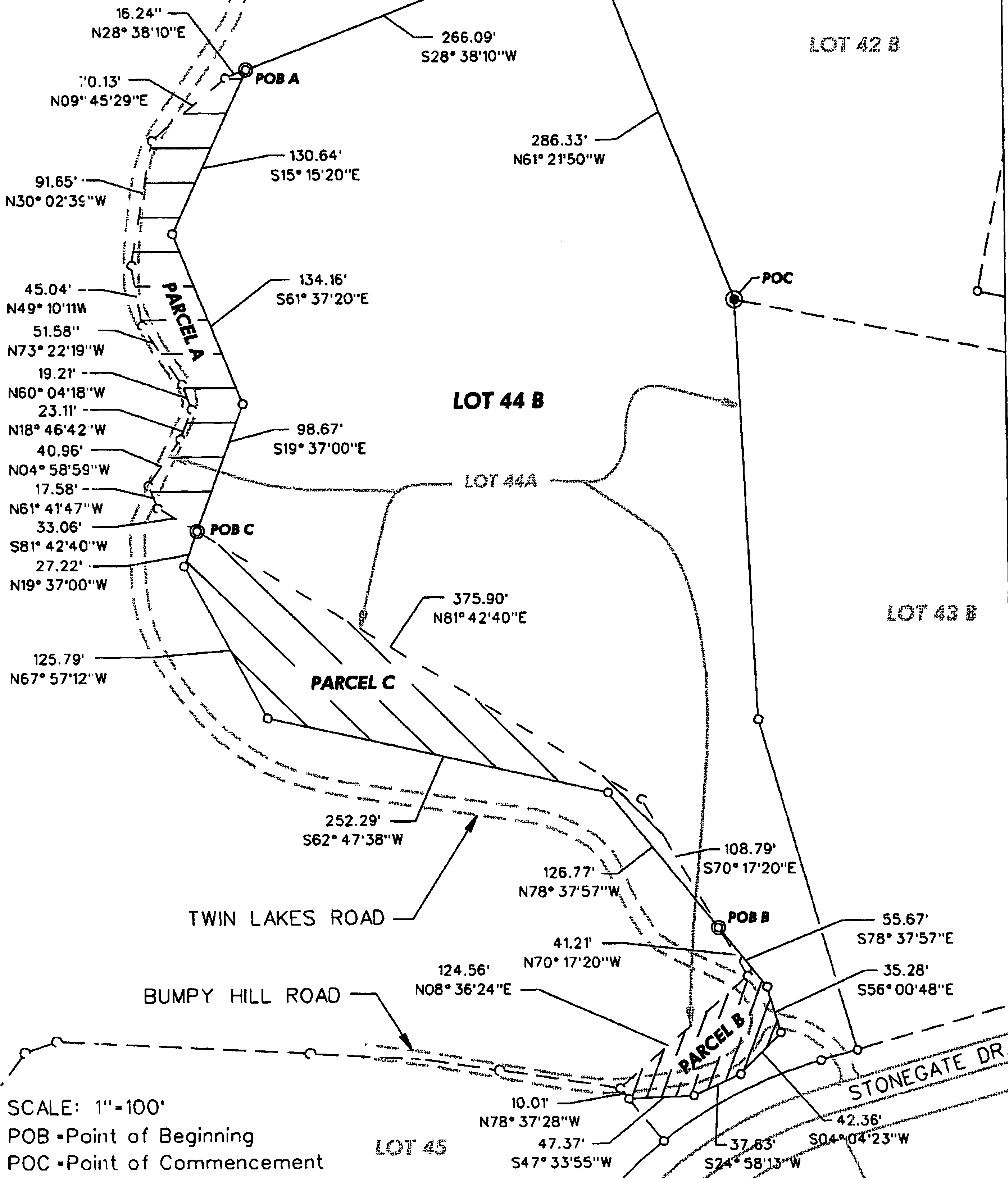


EXHIBIT B-2

Parcel A

A parcel of land situated in the SE1/4 of Section 24, Township 18 South, Range 1 West, Shelby County, Alabama being more particularly described as follows:

Commence at the southernmost corner of Lot 42 B of Stonegate Realty – Resubdivision of Lots 41, 42, 43 and 44, as recorded in Map Book 32 Page 108 in the Shelby County Probate Office, and run N 61°21'50" W along the common lot line between Lots 42B and 44A for a distance of 286.33 feet; thence run S 28°38'10" W for a distance of 266.09 feet to the POINT OF BEGINNING; thence run S 15°15'20" E for a distance of 130.64 feet; thence run S 61°37'20" E for a distance of 134.16 feet; thence run S 19°37'00 E for a distance of 98.67 feet; thence run S 81°42'40" W for a distance of 33.06 feet; thence run N 61°41'47" W for a distance of 17.58 feet; thence run N 04°58'59" W for a distance of 40.96 feet; thence run N 18°46'42" W for a distance of 23.11 feet; thence run N 60°04'18" W for a distance of 19.21 feet; thence run N 73°22'19" W for a distance of 51.58 feet; thence run N 49°10'11" W for a distance of 45.04 feet; thence run N 30°02'39" W for a distance of 91.65 feet; thence run N 09°45'29" E for a distance of 70.13 feet; thence run N 28° 38'10" E for a distance of 16.24 feet to the POINT OF BEGINNING.

Parcel B

A parcel of land situated in the SE1/4 of Section 24, Township 18 South, Range 1 West, Shelby County, Alabama being more particularly described as follows:

Commence at the southernmost corner of Lot 42 B of Stonegate Realty – Resubdivision of Lots 41, 42, 43 and 44, as recorded in Map Book 32 Page 108 in the Shelby County Probate Office, and run N 61°21'50" W along the common lot line between Lots 42B and 44A for a distance of 286.33 feet; thence run S 28°38'10" W for a distance of 266.09 feet; thence run S 15°15'20" E for a distance of 130.64 feet; thence run S 61°37'20" E for a distance of 134.16 feet; thence run S 19°37'00 E for a distance of 98.67 feet; thence run N 81°42'40" E for a distance of 375.90 feet; thence run S 70°17'20" E for a distance of 108.79 feet to the POINT OF BEGINNING; thence run S 78°37'57" E for a distance of 55.67 feet; thence run S 56° 00' 48" E for a distance of 35.28 feet; thence run S 04°04'23" W for a distance of 42.36 feet; thence run S 24°58'13" W for a distance of 37.63 feet; thence run S 47°33'55" W for a distance of 47.37 feet; thence run N 78°37'28" W for a distance of 10.01 feet; thence run N 08°36'24" E for a distance of 124.56 feet; thence run N 70°17'20" W for a distance of 41.21 feet to the point of beginning.



20051110000589310 8/10 \$38.00
Shelby Cnty Judge of Probate, AL
11/10/2005 08:16:46AM FILED/CERT

EXHIBIT B-2 (continued)

Parcel C

A parcel of land situated in the SE1/4 of Section 24, Township 18 South, Range 1 West, Shelby County, Alabama being more particularly described as follows:

Commence at the southernmost corner of Lot 42 B of Stonegate Realty – Resubdivision of Lots 41, 42, 43 and 44, as recorded in Map Book 32 Page 108 in the Shelby County Probate Office, and run N 61°21'50" W along the common lot line between Lots 42B and 44A for a distance of 286.33 feet; thence run S 28°38'10" W for a distance of 266.09 feet; thence run S 15°15'20" E for a distance of 130.64 feet; thence run S 61°37'20" E for a distance of 134.16 feet thence run S 19°37'00 E for a distance of 98.67 feet to the POINT OF BEGINNING; thence run N 81°42'40" E for a distance of 375.90 feet; thence run S 70°17'20" E for a distance of 108.79 feet; thence run N 78°37'57" W for a distance of 126.77 feet; thence run S 62°47'38" W for a distance of 252.29 feet; thence run N 67°57'12" W for a distance of 125.79 feet; thence run N 19°37'00" W for a distance of 27.22 feet to the POINT OF BEGINNING.



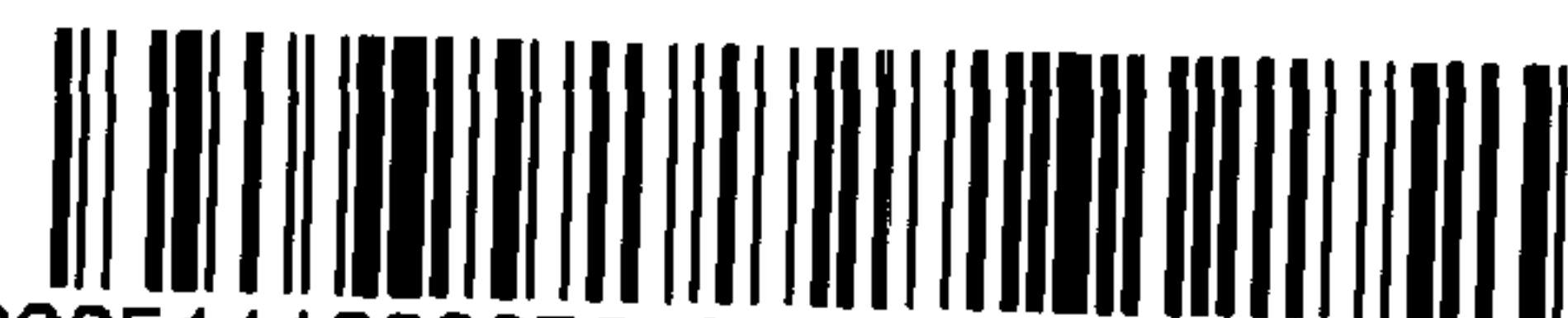
20051110000589310 9/10 \$38.00
Shelby Cnty Judge of Probate, AL
11/10/2005 08:16:46AM FILED/CERT

EXHIBIT C

Bumpy Hill Road Easement

A parcel of land situated in the SE1/4 of Section 24 and the NE 1/4 of Section 25, Township 18 South, Range 1 West, Shelby County, Alabama being more particularly described as follows:

Ten feet (10') on each side of, parallel to, and abutting the following described centerline: Commence at the southernmost corner of Lot 46 of Stonegate Realty – Phase Two, as recorded in Map Book 31 Page 28-A in the Office of the Judge of Probate of Shelby County, Alabama and run N51°47'45"W along the common lot line between Lots 46 and Common Area of Stonegate Realty – Lake Lots Resurvey, as recorded in Map Book 29 Page 139 in the Office of the Judge of Probate of Shelby County, Alabama for a distance of 59.45 feet to the POINT OF BEGINNING; thence run N65°36'03"E for a distance of 50.13 feet; thence run N03°21'15"E for a distance of 24.85 feet; thence run N28°02'28"W for a distance of 93.12 feet; thence run N32°00'59"W for a distance of 106.92 feet; thence run N19°33'17"E for a distance of 64.50 feet; thence run N38°13'26"E for a distance of 45.25 feet; thence run N51°43'21"E for a distance of 112.24 feet; thence run N33°25'12"E for a distance of 15.47 feet; thence run N83°18'11"E for a distance of 24.41 feet; thence run N73°58'24"E for a distance of 73.31 feet; thence run N25°47'50"E for a distance of 39.78 feet; thence run N07°06'53"E for a distance of 51.08 feet; thence run N25°26'30"E for a distance of 53.88 feet; thence run N50°01'31"E for a distance of 29.23 feet; thence run N59°09'39"E for a distance of 136.48 feet; thence run N59°09'32"E for a distance of 17.56 feet; thence run N44°47'06"E for a distance of 39.57 feet; thence run N39°11'34"E for a distance of 83.71 feet; thence run N28°41'14"E for a distance of 36.81 feet; thence run N06°52'40"E for a distance of 42.50 feet; thence run N09°06'16"W for a distance of 55.68 feet; thence run N03°58'27"W for a distance of 54.31 feet; thence run N30°10'41"E for a distance of 24.63 feet; thence run N53°05'43"E for a distance of 183.15 feet; thence run N53°30'05"E for a distance of 83.51 feet; thence run N58°42'39"E for a distance of 54.67 feet; thence run N58°52'43"E for a distance of 88.47 feet; thence run N08°36'28"E for a distance of 3.05 feet; thence run N47°33'55"E for a distance of 48.91 feet; thence run N24°58'13"E for a distance of 33.79 feet; thence run N04°04'23"E for a distance 46.27 feet to the POINT OF ENDING.



20051110000589310 10/10 \$38.00
Shelby Cnty Judge of Probate, AL
11/10/2005 08:16:46AM FILED/CERT