


600 North 18th Street
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Shelby Cnty Judge of Probate, AL
03/16/2006 03:26:29PM FILED/CERT

January 5, 2006



**Mr. Michael Bridges
Gonzalez-Strength & Associates, Inc.
117 Gemini Circle
Birmingham, AL 35209**

Dear Mr. Bridges:

Re: Colonial Promenade Alabaster South

Mr. William Tidwell, Transmission, and I have had an opportunity to discuss the right-of-way issues associated with the subject project. Hopefully, the following information will be helpful.

APC Distribution Line Rights of Way

- (1) That certain instrument executed by Narcissus Smith, et al, dated September 1, 1939, recorded in Deed Book 107, page 132 in the Office of the Judge of Probate, Shelby County, Alabama.**
- (2) That certain instrument executed by Leroy Byers and wife, Fanny Byers, dated September 1, 1939, recorded in Deed Book 107, page 135, aforesaid records.**
- (3) That certain instrument executed by Lee Byers and wife, L. R. Byers, dated September 1, 1939, recorded in Deed Book 107, page 136, aforesaid records.**

The purpose for which the above rights of way were acquired was to construct, operate and maintain Alabama Power Company distribution line facilities; and Alabama Power Company does not claim the right to construct additional lines under the authority granted in the above stated permits.

Quitclaim Deed and Agreement

- (1) That certain instrument executed by Alabama Power Company to Shelby County, Alabama, dated September 15, 1961, recorded in Deed Book 217, page 418, in the Office of the Judge of Probate, Shelby County, Alabama.**

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The purpose for which the above instrument was issued was to relinquish certain Alabama Power Company distribution line rights of way to Shelby County, Alabama, in the construction of a county road and the conditions agreed upon by each party associated with the road project.

After a further field inspection of how the above distribution rights of way affect the subject property, a disclaimer and/or a containment letter will be issued to clear any title issues.

APC Transmission Line Rights of Way

- (1) That certain instrument executed by S. W. Cates, an unmarried man, dated March 11, 1914, recorded in Deed Book 57, page 79 in the Office of the Judge of Probate, Shelby County, Alabama.**
- (2) That certain instrument executed by Lillie C. Wagner, a widow, dated December 15, 1915, recorded in Deed Book 60, page 66 aforesaid records. (only that portion that pertains to Section 12)**

The purpose for which the above instruments were issued was for Alabama Power Company transmission line rights of way. However, Alabama Power Company did not build its facilities at this location and will quitclaim to the owner of record when requested.

APC Existing Transmission Line Right of Way

- (1) That certain instrument executed by Paul O. Luck and wife, Clarice W. Luck, dated October 5, 1959, recorded in Book 210, page 119 in the Office of the Judge of Probate, Shelby County, Alabama.**

The purpose for which the above instrument was acquired was for its 100-foot wide transmission line right of way that presently exists and crosses the subject property.

At the request of the owner of record, Alabama Power Company has been requested to relocate a portion of this right of way to accommodate in the development of the subject property.

After the relocation of the transmission line facilities has been constructed, a new right of way document will be acquired from the owner, not only for that

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portion of the line that is being relocated, but for any portion of the transmission line that traverses the subject property.

Alabama Power Company will at that time quitclaim not only that portion of the Paul O. Luck right-of-way document, but any other right of way documents that affect the subject property, to the owner.

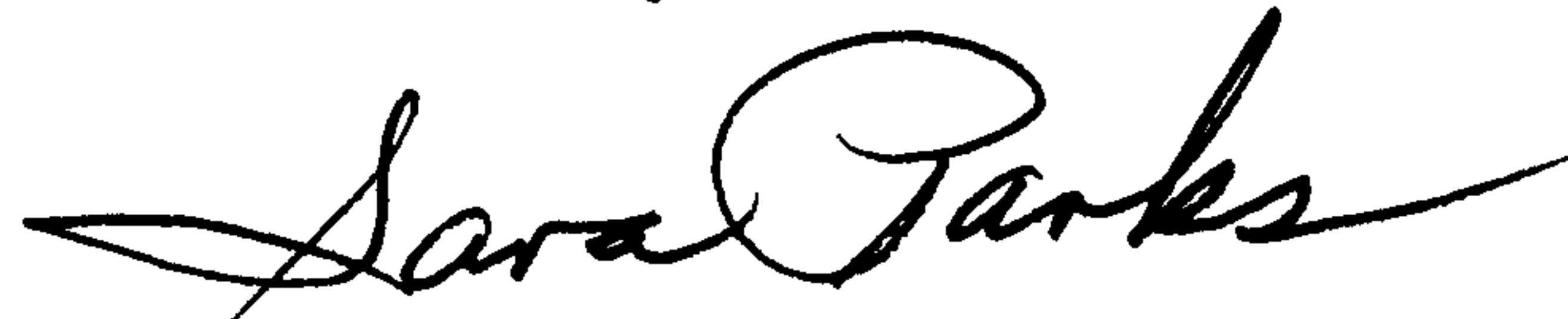
APC Tenant-at-Will Agreement

- (1) That certain instrument executed by Robert E. Owens and Alabama Power Company dated May 10, 1977, recorded in Book 305, page 711, in the Office of the Judge of Probate, Shelby County, Alabama.

The purpose for which this instrument was acquired was to allow Mr. Owens to install and maintain a driveway and ditch across Alabama Power Company's 100-foot wide transmission line right of way at the location shown attached to the agreement.

If a field inspection reveals that this encroachment no longer exists, this agreement will be terminated by Alabama Power Company.

Sincerely,



Sara Parks, SR/WA
Land Supervisor
Corporate Real Estate

cc: Mr. William Tidwell