

*This Instrument Prepared by  
and Upon Recording Return to:  
Gail Livingston Mills, Esq.  
Burr & Forman LLP  
3100 Wachovia Tower  
420 North 20th Street  
Birmingham, AL 35242*

STATE OF ALABAMA                    )  
COUNTY OF SHELBY                )

**GRANT OF TEMPORARY ACCESS EASEMENT**

**THIS GRANT OF TEMPORARY ACCESS EASEMENT** (this "Agreement") is made as of this 15<sup>th</sup> day of December, 2006, by **SEIL CO., LLC**, an Alabama limited liability company ("Grantor"), whose address is 100 Village Street, Birmingham, Alabama 35242, in favor of **D.R. HORTON, INC. - BIRMINGHAM**, an Alabama corporation ("Horton"), whose address is 2090 Columbiana Road, Suite 4000, Birmingham, Alabama 35216.

**W I T N E S S E T H:**

**WHEREAS**, Grantor is the owner and developer of certain real property situated in Shelby County, Alabama Section 34 Township 21 South Range 2 West, Shelby County, Alabama which is north of Alabama State Highway No. 70 (the "Grantor Land"); and

**WHEREAS**, Grantor is developing a portion of the Grantor Land as a residential subdivision known as "Kensington Place," which will be situated on certain real property situated which is more particularly described on Exhibit A attached hereto (the "Residential Property"); to date, Grantor has recorded a subdivision map for Kensington Place, Phase I, Sector I, recorded in Map Book 37, Page 147 in the Office of the Judge of Probate of Shelby County, Alabama; and

**WHEREAS**, access to the Subdivision from Alabama State Highway No. 70 shall be by means of Kensington Boulevard, a 50 foot wide right-of-way, which such right-of-way is shown on the map attached hereto as Exhibit B (the "Boulevard"); the Boulevard is completed to within approximately 200 feet of Alabama State Highway No. 70 and Grantor is presently in the process of completing the remainder of the Boulevard; the Boulevard is or will be situated wholly on property owned by Grantor;

**WHEREAS**, contemporaneously herewith, Grantor has sold to Horton Lots 1-13, 15-17, and 20-43 of Kensington Place, Phase I, Sector I, recorded in Map Book 37, Page 147 in the Office of the Judge of Probate of Shelby County, Alabama.(the "Horton Lots"); and

**WHEREAS**, as a condition to the purchase of the Horton Lots, and in order to assure to Horton continuous and uninterrupted access to the Horton Lots from Alabama State Highway

No. 70, Horton requires Grantor grant to Horton, together with Horton's contractors, agents, employees, and assigns, a temporary easement across the area of the Grantor's Property which is particularly identified on Exhibit B as the "Temporary Entrance" for the purpose of providing ingress and egress to the Horton Lots.

**NOW, THEREFORE**, in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Grantor does hereby grant, bargain, sell, and convey to Horton, its successors, successors-in-title, assigns, contractors, invitees and licensees, a nonexclusive easement for ingress and egress to use a road over and across the Grantor's Property in the area shown on Exhibit B attached hereto and made a part hereof as the "Temporary Entrance" for all forms of pedestrian and vehicular traffic, including without limitation, truck traffic and construction traffic on, over, through and across said Temporary Entrance for the benefit of the Horton Lots (the "Access Easement"). SUBJECT, however, to such easements and restrictions as may appear of record or as may be apparent from an examination of the premises.


**TO HAVE AND TO HOLD** the above described Access Easement unto Horton, its successors and assigns, so long as it or they may require the same for the purposes granted herein. Provided however, that the Access Easement granted herein shall be temporary in nature and shall terminate and expire at such time as the Boulevard is duly completed and dedicated to the City of Calera as a public road.

The easements and rights of use hereby created and declared include the creation of all incidental rights reasonably necessary for the use and enjoyment of the easements and rights of use for their intended purposes.

**IN WITNESS WHEREOF**, the undersigned has caused this Agreement to be properly executed on the day and year first above written.

**SEIL CO.:**

**SEIL CO., LLC,**  
an Alabama limited liability company

BY:   
Irving D. Meisler  
Its Manager

STATE OF ALABAMA )

COUNTY OF JEFFERSON )

Before me, a Notary Public in and for said County in said State, hereby certify that Irving D. Meisler whose name as Manager of Seil Co., 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 such 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 seal, this 15<sup>th</sup> day of December, 2006.

Regina H. Ellis

NOTARY PUBLIC

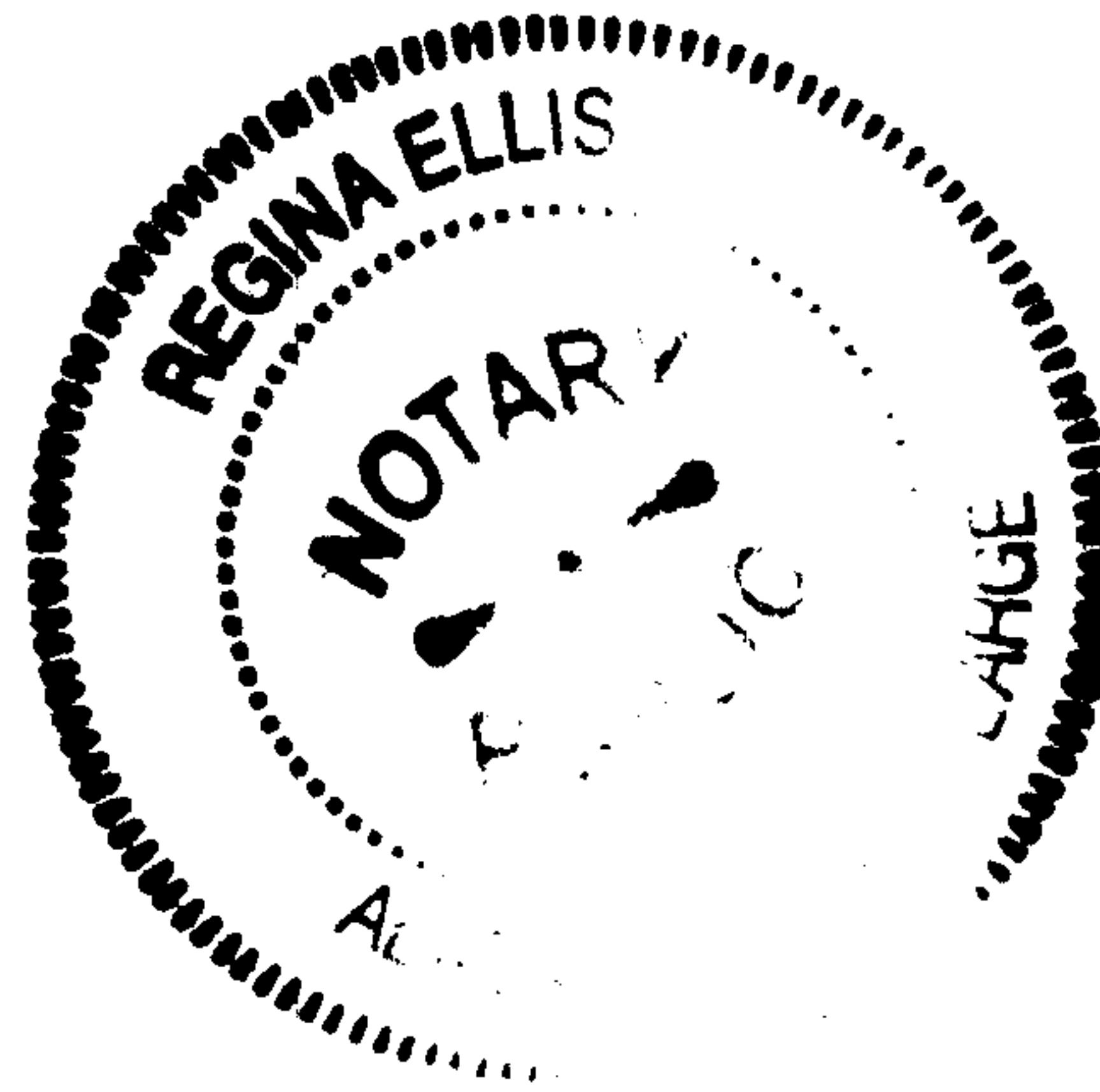
My Commission Expires:

9-30-09

[NOTARY SEAL]

Shelby County, AL 12/27/2006  
State of Alabama

Deed Tax: \$.50




20061227000626720 3/6 \$26.50  
Shelby Cnty Judge of Probate, AL  
12/27/2006 10:33:06AM FILED/CERT

## **EXHIBIT A**

### **LEGAL DESCRIPTION**

A parcel of land situated in Section 34 Township 21 South Range 2 West, Shelby County, Alabama, being more particularly described as follows:

Begin at the Northeast corner of the Southwest one quarter of the Northeast one quarter of said section; thence run South  $2^{\circ}08'38''$  West along the East line of said quarter a distance of 1331.32 feet; thence run North  $86^{\circ}28'32''$  West for a distance of 315.41 feet; thence run South  $2^{\circ}17'56''$  West for a distance of 100.21 feet to the Point of Commencement of a curve to the right, said curve having a central angle of  $128^{\circ}48'07''$ , a radius of 166.00 feet and a chord bearing of North  $66^{\circ}41'59''$  East; thence run Southerly and Westerly along the arc of said curve for a distance of 373.17 feet; thence run North  $87^{\circ}21'04''$  West for a distance of 600.60 feet to the Point of Commencement of a curve to the right, said curve having a central angle of  $36^{\circ}14'18''$ , a radius of 380.00 feet and a Chord bearing of North  $69^{\circ}13'55''$  West; thence run Westerly along the arc of said curve for a distance of 240.34 feet; thence run North  $51^{\circ}06'45''$  West for a distance 53.76 feet; thence run North  $66^{\circ}15'27''$  West for a distance of 52.76 feet; thence run North  $41^{\circ}36'15''$  West for a distance of 107.71 feet; thence run North  $2^{\circ}07'56''$  East for a distance of 47.30 feet; thence run North  $86^{\circ}16'57''$  West for a distance of 945.75 feet; thence run North  $1^{\circ}59'03''$  East for a distance of 1343.68 feet; thence run South  $86^{\circ}09'57''$  East for a distance of 2527.38 feet to the Point of Beginning.



20061227000626720 4/6 \$26.50  
Shelby Cnty Judge of Probate, AL  
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**EXHIBIT B**

MAP SHOWING LOCATION OF EASEMENT

SEE ATTACHED


  
20061227000626720 5/6 \$26.50  
Shelby Cnty Judge of Probate, AL  
12/27/2006 10:33:06AM FILED/CERT

EXHIBIT "A"



POWER COMPANY EASEMENT  
ENT 820040630003358870

ACREAGE

OWNER:  
WALD C &  
CY M MCCOY  
2ND AVE N  
BER, AL 35020  
ZONED RG



20061227000626720 6/6 \$26.50  
Shelby Cnty Judge of Probate, AL  
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OUTPARCEL #1  
1.8 ± ACRES

PERMANENT ENTRANCE TO BE COMPLETED

OUTPARCEL #2  
1.82 ± ACRES

ALABAMA STATE HIGHWAY NO. 70  
(R.O.W. VARIES)

Kensington Place, Calera, AL