Shelby County, AL 03/02/2007
State of Alabama

Deed Tax:$1.00

20070302000094460 1/8 $33.00
Shelby Cnty Judge of Probate,AL
03/02/2007 09:37:17AM FILED/CERT

STATE OF ALABAMA)
COUNTY OF SHELBY)

EASEMENT

This easement made and entered into this 11 day of January, 2007, by and between **Donald J. Emilian, Sr.** and **Della H. Emilian** (hereinafter referred to as Grantor) and **Highland Lakes Development, Ltd.**, an Alabama Limited Partnership and **Highland Lakes Residential Association, Inc.**, an Alabama Non-Profit Corporation (hereinafter referred to as Grantee):

WITNESSETH:

That for and in consideration of the sum of One Dollar ($1.00) and other good and valuable consideration in hand paid to the Grantor by Grantee, the receipt and sufficiency of which are hereby acknowledged, the Grantor does hereby grant, bargain, sell, convey and warrant to the Grantee, its respective successors, agents, assigns, guests and invitees, a right of way and easement in perpetuity, with the right, privilege and authority to said Grantee, its respective successors, agents and assigns, to construct and maintain a storm sewer/drainage pipe on the following described land, situated in Shelby County, Alabama:

A 15 foot wide drainage easement for ingress and egress situated from the southeast corner of Lot 2519, Highland Lakes 25th Sector Phase II to the northeast right-of-way line of Dunnavant Valley Road being situated in Shelby County, Alabama, said easement being more particularly described as follows:

See Exhibit "A" attached hereto and incorporated herein by reference.

See Exhibit "B" and the attached Exhibit "B-1" drawing attached hereto and incorporated herein by reference for a description of the drainage pipe to be installed.

Further, there shall be a right of way for ingress and egress to, over and under the premises at any and all times for the purpose of constructing, inspecting, maintaining, repairing, and replacing the storm sewer/drainage pipe.

TO HAVE AND TO HOLD, Unto the said Highland Lakes Development, Ltd., an Alabama Limited Partnership and Highland Lakes Residential Association, Inc., an Alabama Non-Profit Corporation, its successors, agents and assigns, forever, subject to the following terms and conditions:

1. The grant of this easement shall run with the land and shall be binding on and shall inure to the benefit of the parties hereto, its successors, agents and assigns.

2. The Grantee herein, HIGHLAND LAKES RESIDENTIAL ASSOCIATION, INC., its successors, agents and assigns shall have the responsibility for maintaining said storm sewer/drainage pipe and easement.

CLAYTON T. SWEENEY, ATTORNEY AT LAW

20070302000094460 2/8 $33.00
Shelby Cnty Judge of Probate,AL
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3. The Grantee herein, HIGHLAND LAKES DEVELOPMENT, LTD., shall have the responsibility for installing the storm sewer/drainage pipe.

4. The Grantee herein, HIGHLAND LAKES DEVELOPMENT, LTD., shall remove existing gravel drive to a minimum depth of 18 inches; backfill with clean topsoil (no fill dirt) and fine grade existing drive and surrounding area between new drive and the property line of Highland Lakes Development, Ltd. so that it is ready to be landscaped. Highland Lakes Development, Ltd. shall also construct a new gravel drive, to include installation of base course and gravel from Lot 25 to Dunnavant Valley Road. The existing Japanese Maple (Acer Palmatum) should not be disturbed.

5. The Grantee herein, HIGHLAND LAKES RESIDENTIAL ASSOCIATION, INC., its successors, agents and assigns shall have the responsibility for maintaining and repairing any erosion in the location at which the head wall of the storm sewer/drainage pipe intersects with Highway 41.

Together with and subject to the rights, easements, privileges and appurtenances in and to said lands which may be required for the full enjoyment of the rights herein granted.

IN WITNESS WHEREOF, Donald J. Emilian, Sr. and Della H. Emilian and Highland Lakes Development, Ltd.., by its General Partner, Eddleman Properties, Inc., by its President, Douglas D. Eddleman, and Highland Lakes Residential Association, Inc., by its President, Douglas D. Eddleman has caused this easement to be executed this the 11 day of January, 2007.

Donald J. Emilian, Sr.

Della H. Emilian

HIGHLAND LAKES DEVELOPMENT, LTD.
BY: EDDLEMAN PROPERTIES, INC.
Its General Partner

BY: _____
Douglas D. Eddleman
Its President

20070302000094460 3/8 $33.00
Shelby Cnty Judge of Probate,AL
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HIGHLAND LAKES RESIDENTIAL ASSOCIATION INC.

BY: _____
Douglas D. Eddleman
Its President

STATE OF ALABAMA)
Shelby COUNTY)

I, the undersigned, a Notary Public in and for said County in said State hereby certify that Donald J. Emilian, Sr. and Della H. Emilian whose names are signed to the foregoing instrument; and who are known to me, acknowledged before me on this day that, being informed of the contents of the above and foregoing instrument, they executed the same voluntarily on the day the same bears date.

Given under my hand and official seal of office this the 10th day of January, 2007.

_____
Notary Public

My Commission Expires: 10/28/2009

STATE OF ALABAMA)
JEFFERSON COUNTY)

I, the undersigned, a Notary Public in and for said County in said State hereby certify that Douglas D. Eddleman, whose name as President of Eddleman Properties, Inc., an Alabama Corporation, which is General Partner of Highland Lakes Development, Ltd., an Alabama Limited Partnership, 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 above and foregoing instrument, he, as such officer, and with full authority, executed the same voluntarily for and as the act of said corporation acting in its capacity as general partner of said limited partnership on the day the same bears date.

Given under my hand and official seal of office this the 10th day of January, 2007.

_____
Notary Public

20070302000094460 4/8 $33.00
Shelby Cnty Judge of Probate,AL
03/02/2007 09:37:17AM FILED/CERT

My Commission Expires: 4/4/10

STATE OF ALABAMA)
JEFFERSON COUNTY)

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Douglas D. Eddleman, whose name as President of Highland Lakes Residential Association, Inc., an Alabama Non-Profit 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 the 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 the 10th day of January, 2007.

Brandy M Kimbrell
Notary Public

My Commission Expires: 4/4/10

Compass Bank, the mortgagee of the Emilian's property, executes this Easement to acknowledge and accept the terms and conditions of this hereinabove Easement and Purchasers, their successors and assigns, agree and understand that the property is subject to the foregoing grant of easement.

COMPASS BANK

BY: _____
Kiley W. Elmore
Its Relationship Manager

20070302000094460 5/8 $33.00
Shelby Cnty Judge of Probate,AL
03/02/2007 09:37:17AM FILED/CERT

STATE OF ALABAMA)
JEFFERSON COUNTY)

I, the undersigned, a Notary Public in and for said County in said State hereby certify that Kiley W. Elmore, whose name as Relationship Manager of Compass Bank 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 above and foregoing instrument, he, as such officer, and with full authority, executed the same voluntarily for and as the act of said Bank on the day the same bears date.

Given under my hand and official seal of office this the 19th day of ~~January~~ February, 2007.

Shelia M. Mashburn
Notary Public

My Commission Expires: 10-31-10

SHELIA M. MASHBURN
NOTARY
PUBLIC
ALABAMA STATE AT LARGE

This Instrument Prepared By:
Clayton T. Sweeney, Attorney
2700 Highway 280 East, Suite 160
Birmingham, AL 35223

EXHIBIT "A"

20070302000094460 6/8 $33.00
Shelby Cnty Judge of Probate,AL
03/02/2007 09:37:17AM FILED/CERT

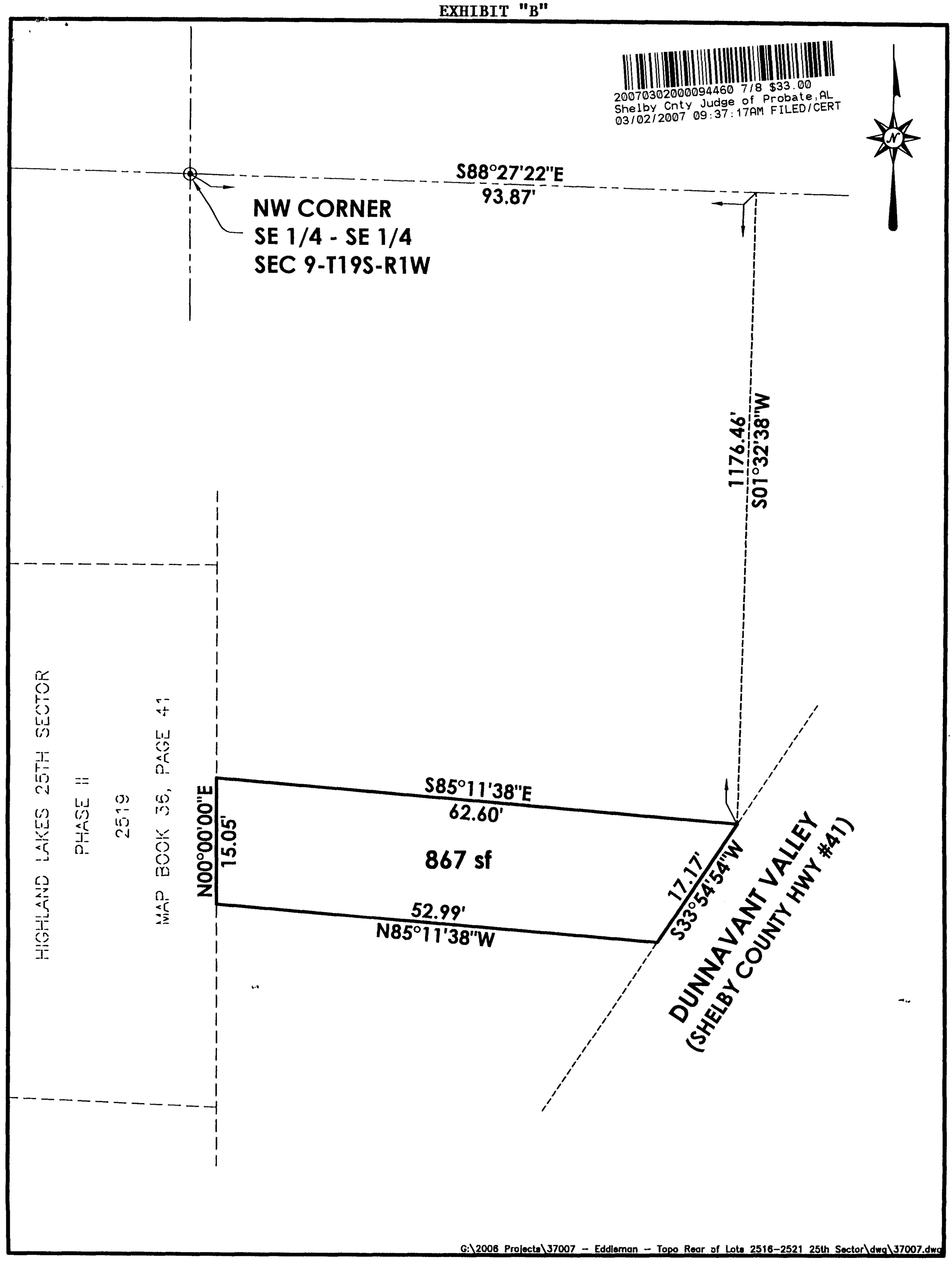
DESCRIPTION: 15' STORM SEWER EASEMENT

A TRACT OF LAND SITUATED IN THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 9, TOWNSHIP 19 SOUTH, RANGE 1 WEST, SHELBY COUNTY, ALABAMA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID 1/4 -1/4 SECTION AND THENCE RUN SOUTH 88°27'22" EAST ALONG THE NORTH LINE OF SAID 1/4- 1/4 SECTION FOR 93.87 FEET; THENCE RUN SOUTH 01°32'38" WEST FOR 1,176.46 FEET TO A POINT ON THE NORTHWESTERLY RIGHT-OF-WAY OF DUNNAVANT VALLEY ROAD (SHELBY COUNTY HIGHWAY #41) AND THE POINT OF BEGINNING OF THE TRACT OF LAND HEREIN DESCRIBED; THENCE RUN SOUTH 33°54'54" WEST ALONG SAID ROAD RIGHT-OF-WAY FOR 17.17 FEET; THENCE RUN NORTH 85°11'38" WEST FOR 52.99 FEET TO A POINT ON LOT 2519 OF HIGHLAND LAKES 25TH SECTOR PHASE II AS RECORDED IN MAP BOOK 36, PAGE 41; THENCE RUN NORTH 00°00'00" EAST ALONG SAID LOT FOR 15.05 FEET; THENCE RUN SOUTH 85°11'38" EAST FOR 62.60 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINING 866.77 SQUARE FEET.

EXHIBIT "B"


20070302000094460 7/8 $33.00
Shelby Cnty Judge of Probate, AL
03/02/2007 09:37:17AM FILED/CERT
S88°27'22"E
93.87'
NW CORNER
SE 1/4 - SE 1/4
SEC 9-T19S-R1W
1176.46'
S01°32'38"W
HIGHLAND LAKES 25TH SECTOR
PHASE II
2519
MAP BOOK 36, PAGE 41
N00°00'00"E
15.05'
S85°11'38"E
62.60'
867 sf
17.17'
S33°54'54"W
52.99'
N85°11'38"W
DUNNAVANT VALLEY
(SHELBY COUNTY HWY #41)
G:\2006 Projects\37007 - Eddleman - Topo Rear of Lots 2516-2521 25th Sector\dwg\37007.dwg

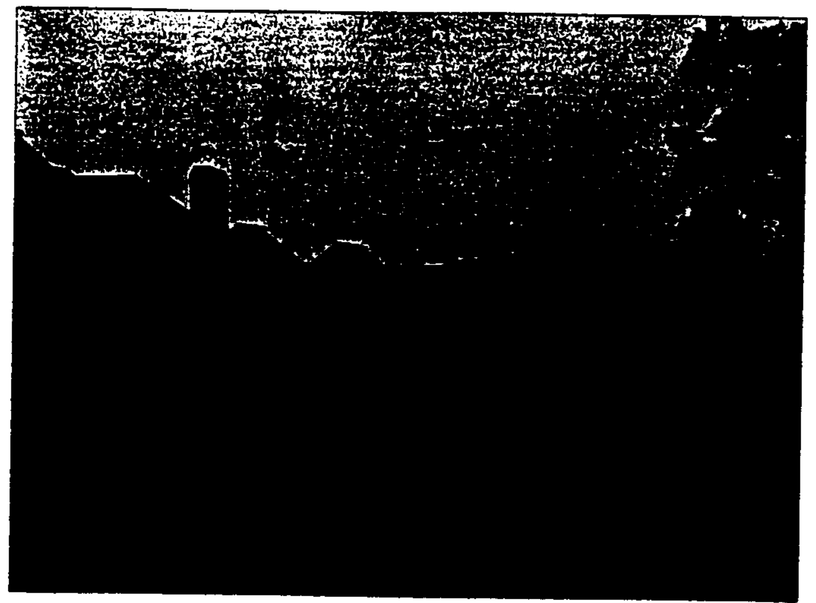
20070302000094460 8/8 $33.00
Shelby Cnty Judge of Probate,AL
03/02/2007 09:37:17AM FILED/CERT

EXHIBIT "B-1"

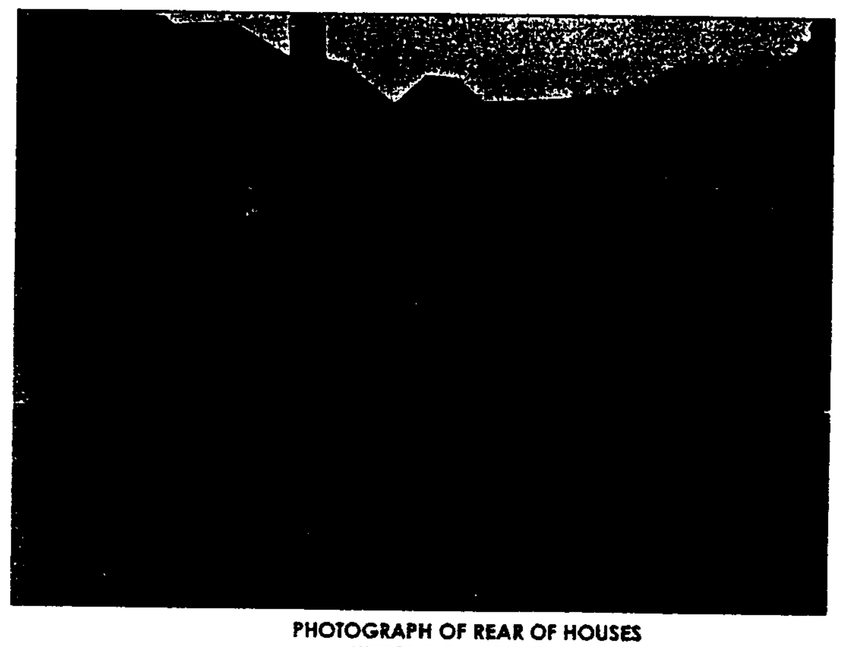
DRAINAGE PLAN
LOTS 2516-2521 HIGHLAND LAKES 25TH

SITUATED IN THE SOUTHEAST 1/4 OF SECTION 9, TOWNSHIP 19 SOUTH, RANGE 1 WEST, SHELBY COUNTY, ALABAMA

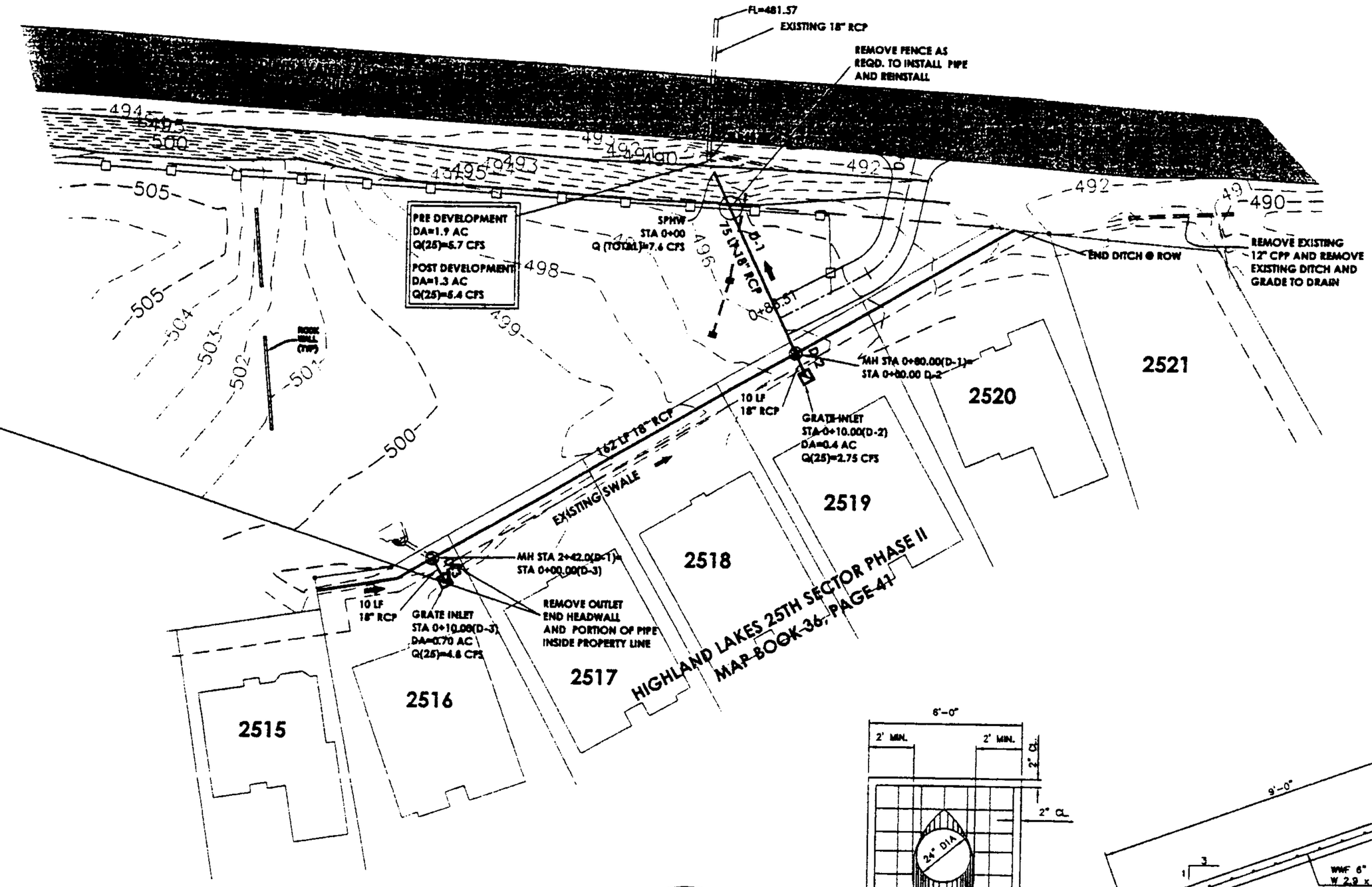
PREPARED FOR:
EDDLEMAN PROPERTIES, INC.
2700 HIGHWAY 280 EAST
SUITE 425 WEST
BIRMINGHAM, ALABAMA 35223
(205) 871-9755

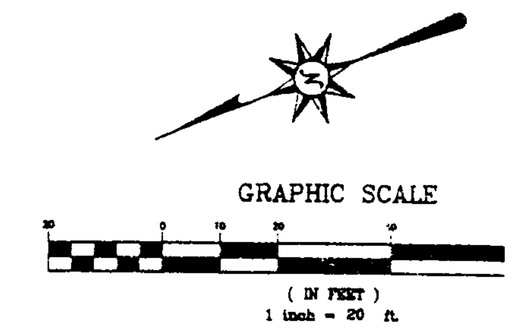


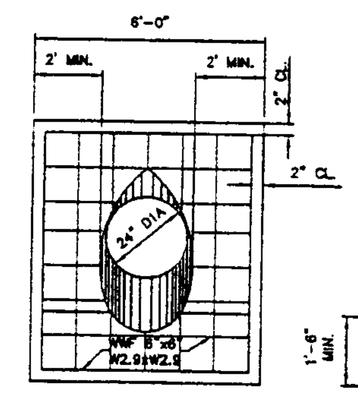
PHOTOGRAPH OF EXISTING HEADWALL TO BE REMOVED



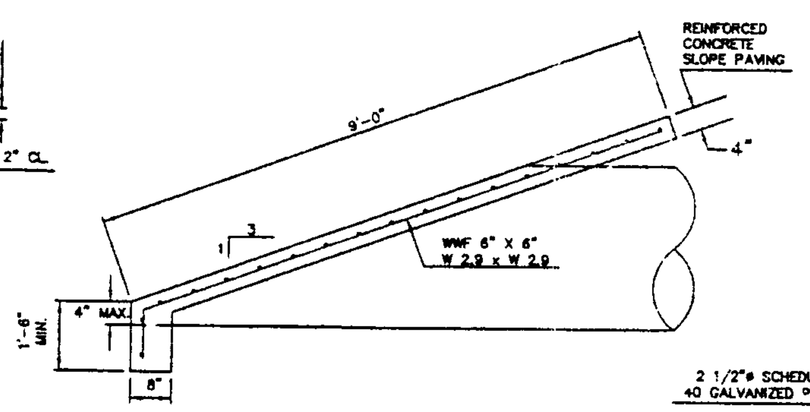
PHOTOGRAPH OF REAR OF HOUSES UNDER CONSTRUCTION



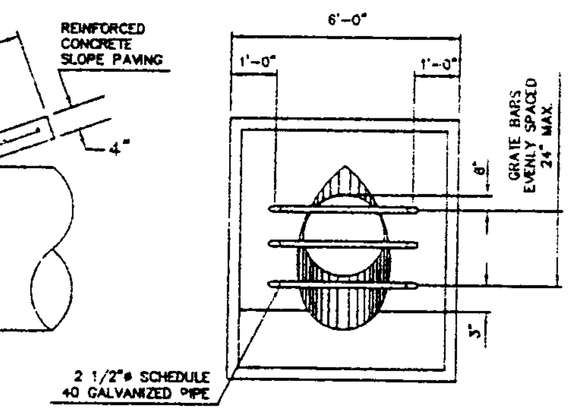




END ELEVATION



LONGITUDINAL SECTION

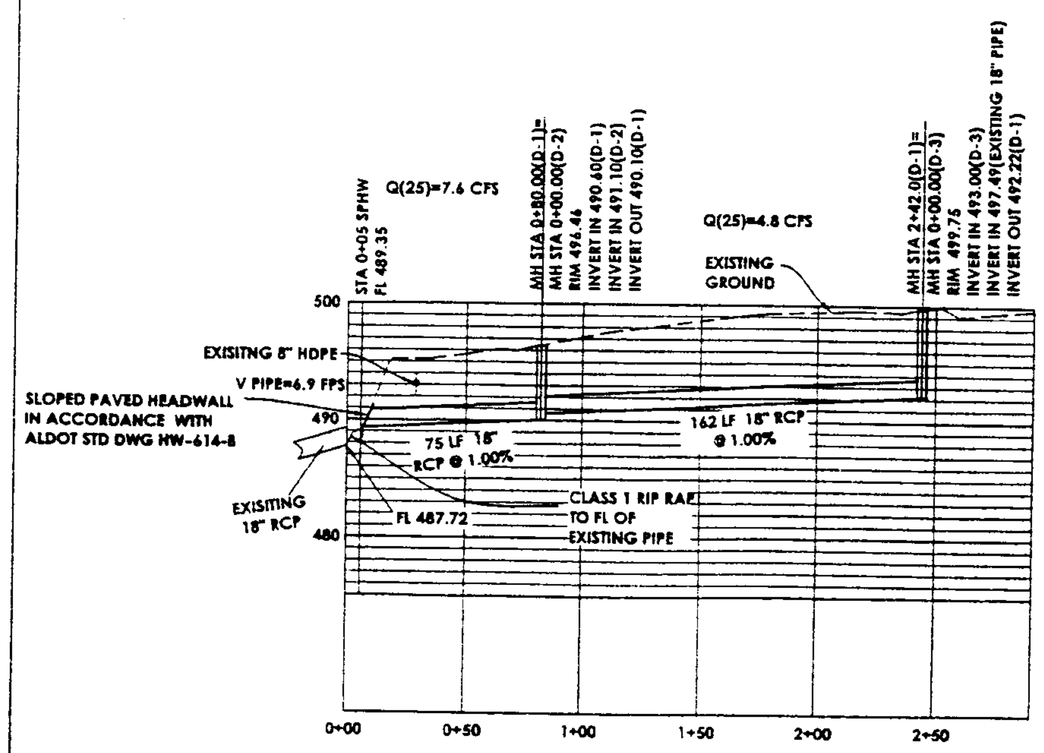


END ELEVATION
WITH SAFETY GRATE

SLOPE PAVED HEADWALL
N.T.S.

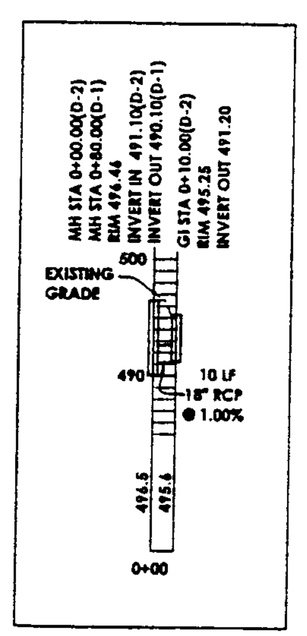
STATE OF ALABAMA
PROFESSIONAL ENGINEER
REGISTERED
#10686
LAND SURVEYOR
M.D. ARRINGTON

M.D. Arrington 12-19-06
M.D. ARRINGTON PE/PLS AL. REG. No. 10686



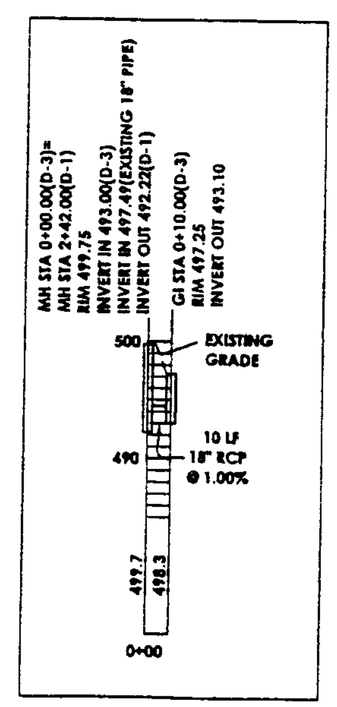
PROFILE D-1

SCALE HORIZONTAL 1"=50'
VERTICAL 1"=10'



PROFILE D-2

SCALE HORIZONTAL 1"=50'
VERTICAL 1"=10'



PROFILE D-3

SCALE HORIZONTAL 1"=50'
VERTICAL 1"=10'

NOTE:

STORM LINES D-1, D-2, & D-3 SHALL BE OWNED AND MAINTAINED B THE HOMEOWNERS ASSOCIATION

NO.	DATE	DESCRIPTION

ARRINGTON ENGINEER
Civil Engineers - Surveyors - Land Plann
OFFICE: (205) 985-9315
FAX: (205) 985-9385
2032 Valleydale Road
Birmingham AL 35244

DRAWING TITLE
DRAINAGE PLAN LOT 2516-2521
HIGHLAND LAKES 25TH SECTOR

LOCATION & DESCRIPTION
SITUATED IN THE SOUTHEAST 1/4 OF SECTION 9, TOWNSHIP 19 SOUTH, RANGE 1 WEST, SHELBY COUNTY, ALABAMA

STATE OF ALABAMA
REGISTERED
#18664
PROFESSIONAL LAND SURVEYOR
JEFF D. ARRINGTON

DRAWN BY	GRF
CHECKED BY:	JE
DATE:	OCTOBE
SCALE:	1" = 20
DRAWING NAME:	3
PROJECT NO.:	3
SHEET	1