

STATE OF Alabama  
COUNTY (PARISH) OF Shelby



This instrument is number 1 of 2 originals

RF-8415  
(12-2006)

Preparer's name and address: Elizabeth M. Smith  
3196 Highway 280 Room 102N  
Birmingham, AL 35243

### Release of Easement (Servitude)

THIS INSTRUMENT made this 22nd day of February, 2007, by **BELLSOUTH TELECOMMUNICATIONS, INC.**, formerly Southern Bell Telephone and Telegraph Company and successor by merger to South Central Bell Telephone Company, a Georgia corporation having an office at 675 West Peachtree Street, N. E., Atlanta, Georgia 30375.

### Witnesseth:

WHEREAS, heretofore and by an instrument in writing bearing the day of March 18, 1993 and recorded on June 03, 1993, in Deed Book 1993, Page(s) 16007, Shelby County (Parish), State of Alabama Records, (hereinafter referred to as the "Original Easement" (Servitude)), South Central Bell, its successors and assigns, was granted a right of way and easement (servitude) for its communications lines over, through, and across certain property in the Town/City of Birmingham, County (Parish) of Shelby, State of Alabama, described in the Original Easement (Servitude), and also, upon, over and/or under the highways upon or adjoining said property together with certain other rights as therein set forth; and

WHEREAS, by accepting this Instrument, Lake Wellington Development Group, LLC, residing at P.O. Box 382484, Town/City of Birmingham, County (Parish) of Shelby, State of Alabama, (hereinafter referred to as "Owner"), represents that he/she is the owner of property burdened by the Original Easement (Servitude), and is desirous of having such property released from the burden of the Original Easement (Servitude); and

WHEREAS, the property to be released from the burden of the Original Easement is more particularly described as follows, (and hereinafter referred to as "Property Released"):

a strip of land 2 ft by 870 ft across a parcel of land in the NW1/4 of Section 10, Township 19S, Range 2W at  
5060 Caldwell Mill Road.

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) paid by Owner, the receipt of which is hereby acknowledged, BellSouth Telecommunications, Inc. does hereby release unto the Owner of said property all the rights, title and interest which BellSouth Telecommunications, Inc. acquired by the Original Easement (Servitude) as it pertains to the Property Released. EXCEPTING AND RESERVING to BellSouth Telecommunications, Inc., its successors and assigns, however, all rights, privilege and authority acquired under said Original Easement (Servitude), over and/or under the highways upon or adjoining said property together with the rights appurtenant thereto.



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IN WITNESS WHEREOF, BellSouth Telecommunications, Inc. has caused this instrument to be duly executed the day and year first hereinbefore written.

Diana S. Chiro  
Witness  
(Print Name) Diana S. Chiro

BELLSOUTH TELECOMMUNICATIONS, INC.

Roslin I. Hamilton  
Witness  
(Print Name) ROSLIND I. HAMILTON

By: [Signature]  
Title: VP Gulf States Network Ops

STATE OF LOUISIANA  
COUNTY (PARISH) OF ORLEANS

On the 8th day of MARCH, 2007, before me personally appeared DARREN G. COOPER to me known, who being by me duly sworn, did depose and say that he/she is a V. P. GULF STATES NETWORK OPERATIONS of BellSouth Telecommunications, Inc., the corporation described in and which executed the above instrument, and that he/she signed his/her name thereto on behalf of said corporation.

[Signature]  
Notary Public  
(Print Name)

My Commission Expires: at death

TO BE COMPLETED BY BELLSOUTH: (Release must be approved and concurred before execution.)

Release Approved:

[Signature]  
John E. Jones - Area Manager - North Alabama  
Manager (type or print name)

Date: 2/23/07

Release Approved:

[Signature]  
Steven R. Chancellor  
State Right of Way Manager (type or print name)

Date: 3/6/07

|                                  |                   |   |                             |
|----------------------------------|-------------------|---|-----------------------------|
| District<br><b>North Alabama</b> | FRC<br><b>45C</b> | Wire Center/NXX<br><b>BRHMALOM/205991</b> | Authority                   |
| Drawing<br><b>1</b>              | Area Number       | Plat Number                               | RWID<br><b>AL117Q651737</b> |
| Approval                         |                   | Title                                     |                             |





**South Central Bell**

A BELL SOUTH Company

AL117EVT002936

**Right Of Way & Easement** 991-0285  
 CARL JACOB  
 5060 CALDWELL Mill Rd  
 B'HAM, AL 35242  
 8418-A-SC (9-88)

**South Central Bell Telephone Company Use Only**

|                                |  |                        |  |                  |
|--------------------------------|--|------------------------|--|------------------|
| Authority<br>A1079 Dwg. #52    |  | Classification<br>R45C | Area<br>Birmingham South                 | Exchange<br>OKMT |
| Approved<br><i>[Signature]</i> |  |                        | Title<br>Manager-Support/Scheduling/OPAC |                  |

For and in consideration of One Dollar (\$ 1.00 ) dollars and other good and valuable consideration, the receipt of which is hereby acknowledged, the undersigned, its successors, heirs and assigns do hereby grant to South Central Bell Telephone Company, its licensees, successors, and assigns (hereinafter referred to as Grantee), a right of way and easement to construct, operate, maintain, add and/or remove such lines or systems of communications or related services as the Grantee may require from time to time consisting of:

- ~~A. Poles, guys, anchors, aerial cables and wires;~~
- B. Buried cables, wires, terminals, markers, splicing boxes, pedestals;
- ~~C. Conduit, manholes, markers, underground cables and wires;~~
- ~~D. Other amplifiers, boxes, appurtenances or devices; and~~
- ~~E. Repeater stations, buildings, shelters, and structures for the protection and containment of the aforesaid and their appurtenances, including but not limited to~~

Inst # 1993-16007

06/03/1993-16007  
 02:52 PM CERTIFIED  
 SHELBY COUNTY JUDGE OF PROBATE  
 D02 MCD 9:50

Upon, over and under a strip of land X 2' feet wide across the following lands in SHELBY County, State of Alabama, Section 10, Township 19S, Range 2W, described as follows:

NW $\frac{1}{4}$  of Section 10, Township 19S, Range 2W; 5060 Caldwell Mill Road, Shelby County, Alabama. A 2' x 870' easement beginning at the edge of the right of way of Pole 128-29 Caldwell Mill Road, then paralleling road  $\pm$ 870'. SEE SKETCH FOR DETAILS.

20070321000128500 3/4 \$20.00  
 Shelby Cnty Judge of Probate, AL  
 03/21/2007 09:19:37AM FILED/CERT

and to the fullest extent the undersigned has the power to grant, if at all, along and under the roads, streets, or highways adjoining or through said property.

The following rights are also granted: to allow any other person, firm or corporation to attach wires or lay cable or conduit or other appurtenances upon, over and under said easement for communications or electric power transmission or distribution; ingress and egress to said easement at all times; to clear the easement and keep it cleared of all trees, undergrowth or other obstructions; to trim and cut and keep trimmed and cut all dead, weak, leaning or dangerous trees or limbs outside of the easement which might interfere with or fall upon the lines or systems of communications or power transmission or distribution; and the right to relocate said facilities on said lands to conform to any future highway relocation, widening or improvements.

To have and to hold the above granted easement unto South Central Bell Telephone Company, its successors and assigns forever and in perpetuity.

Grantor(s) warrant(s) that he/she/they is/are the true owner(s) of record of the above described land on which the aforesaid easement is granted.

In witness whereof, the undersigned has/have caused this instrument to be executed on the 18<sup>th</sup> day of MARCH, 1993.

|                               |  |      |
|-------------------------------|--|------|
| Witness<br><i>[Signature]</i> | Owner<br><i>Carl Jacob</i><br>CARL JACOB                 | L.S. |
| Witness<br><i>[Signature]</i> | Owner<br><i>Christine H. Jacob</i><br>CHRISTINE H. JACOB | L.S. |
| Name Of Corporation           |  |      |





20070321000128500 4/4 \$20.00  
Shelby Cnty Judge of Probate, AL  
03/21/2007 09:19:37AM FILED/CERT

Sketch:

No  
SCALE

LAKE

991-0285

BARN

HEATHERWOOD DR.

**Acknowledgements**

Individual

CALDWELL MILL 2<sup>nd</sup> ROAD

State of Alabama

County of \_\_\_\_\_

Personally appeared before me \_\_\_\_\_, the within named grantor(s) with whom I am personally acquainted, who acknowledged that, being informed of the contents of the within named instrument he/she/they executed and delivered the same voluntarily as his/her/their act and deed for the purposes therein contained.

Witness my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

Notary Public

**Corporation Form**

State of Alabama

County of \_\_\_\_\_

Before me \_\_\_\_\_ of the state and county aforesaid, appeared \_\_\_\_\_ with whom I am personally acquainted, and who, being duly sworn, acknowledged himself/herself to be \_\_\_\_\_ of the \_\_\_\_\_, the within named bargainer, a corporation, and further acknowledged that he/she as such \_\_\_\_\_, being authorized by the Board of Directors of said corporation, so to do, executed the foregoing instrument, and affixed the corporate seal thereto, for the purposes therein contained, by signing the name of the corporation by himself/herself as \_\_\_\_\_. And that the said \_\_\_\_\_ acknowledged the said writing to be the free act and deed of the said corporation.

Witness my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

Notary Public

This instrument prepared by:

Willa G. Bailey

Name

Assistant Staff Manager-Right of Way

Title

Room 102N, 3196 Highway 280 South

Birmingham, AL 35243

Inst # 1993-16007

06/03/1993-16007  
02:52 PM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
002 KCD 9.50