

EASEMENT - DISTRIBUTION FACILITIES  
(Metes and Bounds)

26.50

TO BE RECORDED: YES X NO     

This instrument prepared by:

STATE OF ALABAMA }  
COUNTY OF SHELBY }  
TAX ID # \_\_\_\_\_

W.E. No. 61700-00-02377  
Parcel No. 78196872  
Transformer No. S16352

Jeff J. Callicott  
Alabama Power Company  
P. O. Box 2641  
Birmingham, Alabama 35291

A. GRANT KNOW ALL MEN BY THESE PRESENTS, That Highway 31 Alabaster Two, LLC, a Alabama limited liability Company

as grantors (s), (the "Grantor", whether one or more) for and in consideration of One and No/100 (\$1.00) and other good and valuable consideration, to Grantor in hand paid by Alabama Power Company, a corporation, the receipt and sufficiency of which are hereby acknowledged, does hereby grant to Alabama Power Company, its successors and assigns (the "Company"), the easements, rights and privileges described and designated in Section B below.


B. RIGHTS The easements, rights and privileges granted hereby are as follows:

- Overhead and/or Underground.** The right from time to time to construct, install, operate and maintain, upon, over, under and across the Property described in Section C below, along a route to be selected by the Company which is generally shown on the Company's final location drawing (which shows the general location of underground Facilities, if any, indicating an area not greater than ten feet (10') in width), all poles, towers, wires, conduits, fiber optics, cables, trans closures, transformers, anchors, guy wires and other Facilities useful or necessary in connection therewith (collectively, "Facilities"), for the overhead and/or underground transmission and distribution of electric power, and also the right to clear and keep clear a strip of land extending five feet (5') to either side of the center line of underground Facilities and fifteen feet (15') to either side of the center line of overhead Facilities; further, the right in the future to install and utilize intermediate poles in line for overhead Facilities and the right to trim and cut and keep trimmed and cut all dead, weak, leaning or dangerous trees or limbs outside of the thirty foot (30') strip for overhead Facilities that, in the sole opinion of the Company, might now or may hereafter endanger, interfere with or fall upon any of the overhead Facilities.
- Line Clearing.** The right to trim and cut and keep trimmed and cut all dead, weak, leaning or dangerous trees or limbs that, in the sole opinion of the Company, might now or may hereafter endanger, interfere with or fall upon the electric transmission or distribution lines, poles, towers or other Facilities now or hereafter located adjacent to the Property described in Section C below along a route to be selected by the Company generally shown on the Company's final location drawing, and also the right to clear and keep clear all trees, undergrowth, and other obstructions on property in which Grantor has an interest within fifteen feet (15') of the center line of the lines of such poles, towers or other Facilities.
- Guy Wires and Anchors.** The right to implant, install and maintain anchor(s) of concrete, metal or other material on and under the Property described in Section C below, and to construct, extend and maintain guy wires from such anchor(s) to structures now or hereafter erected adjacent to such Property or property adjacent thereto (collectively, "Guy Wire Facilities") along a route to be selected by the Company generally shown on the Company's final location drawing; and also the right to trim and cut and keep trimmed and cut all dead, weak, leaning or dangerous trees or limbs that, in the sole opinion of the Company, might now or may hereafter endanger, interfere with or fall upon any of the Guy Wire Facilities.

Grantor hereby grants to the Company all easements, rights and privileges necessary or convenient for the full enjoyment and use thereof, including without limitation the right of ingress and egress to and from the Facilities and Guy Wire Facilities, as applicable, and the right to excavate for installation, replacement, repair and removal thereof; and also the right to cut, remove and otherwise keep clear any and all structures, obstructions or obstacles of whatever character, on, under and above said Facilities and Guy Wire Facilities, as applicable.

C. PROPERTY DESCRIPTION The easements, rights and privileges granted hereby shall apply to, and the word "Property" as used in this instrument shall mean, the following described real property situated in Shelby County, Alabama (the "Property"):

For legal description, see Exhibit "A" attached hereto and made a part hereof.

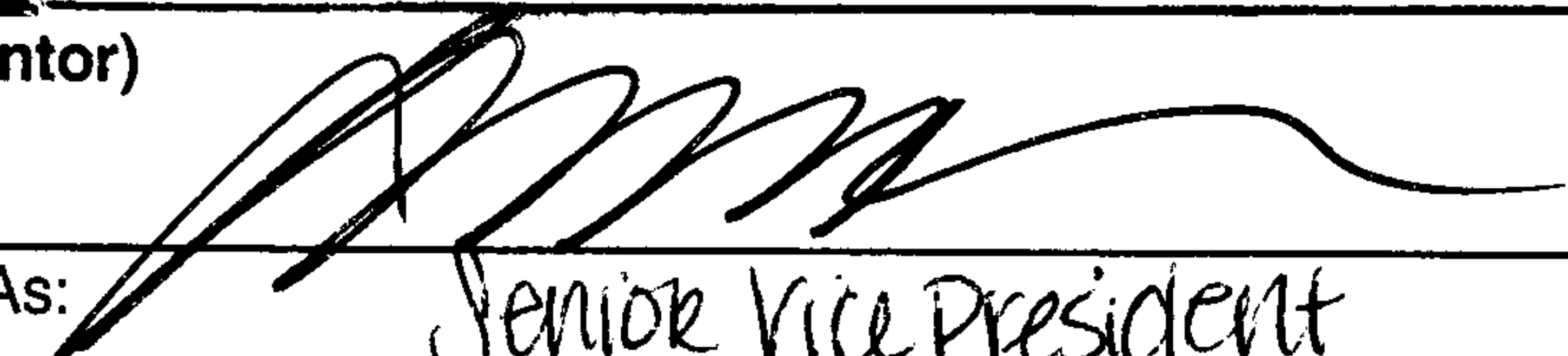
  
20071029000498240 1/6 \$26.50  
Shelby Cnty Judge of Probate, AL  
10/29/2007 12:55:11PM FILED/CERT

D. ADDITIONAL PROVISIONS. In the event it becomes necessary or desirable for the Company to move any of the Facilities in connection with the construction or improvement of any public road or highway in proximity to the Facilities, Grantor hereby grants to the Company the right to relocate the Facilities and, as to such relocated Facilities, to exercise the rights granted above; provided, however, the Company shall not relocate the Facilities on the Property at a distance greater than ten feet (10') outside the boundary of the right of way of any such public road or highway as established or re-established from time to time. This grant and agreement shall be binding upon and shall inure to the benefit of Grantor, the Company and each of their respective heirs, personal representatives, successors and assigns and the words "Company" and "Grantor" as used in this instrument shall be deemed to include the heirs, personal representatives, successors and assigns of such parties.

TO HAVE AND TO HOLD the same to the Company, its successors and assigns, forever.

IN WITNESS WHEREOF, the undersigned Grantor(s) has/have set his/her/their hand(s) and seal(s) this the 0 day of August, 2007.  
(SEAL)

\_\_\_\_\_  
Witness  
  
\_\_\_\_\_  
Witness  
  
\_\_\_\_\_  
Witness

\_\_\_\_\_  
(Grantor)  
Highway 31 Alabaster Two, LLC, an Alabama limited liability  
(Grantor) Company  
By:  (SEAL)  
As: Senior Vice President

IN WITNESS WHEREOF, the said Grantor, has caused this instrument to be executed by \_\_\_\_\_ its authorized representative, as of the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

ATTEST (if corporation) or WITNESS:

(Grantor - Name of Corporation/Partnership/LLC)

By: \_\_\_\_\_  
Its: \_\_\_\_\_

By: \_\_\_\_\_ (SEAL)  
Its: \_\_\_\_\_

[indicate President, General Partner, Member, etc.]

INDIVIDUAL NOTARIES

STATE OF ALABAMA }  
COUNTY OF \_\_\_\_\_ }

I, the undersigned, a Notary Public, in and for said County in said State, hereby certify that \_\_\_\_\_ whose name(s) is/are signed to the foregoing instrument and who is/are known to me, acknowledged before me on this day that being informed of the contents of the instrument, he/she/they executed the same voluntarily, on the day the same bears date.  
Given under my hand and official seal this the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

[SEAL]

Notary Public  
My commission expires: \_\_\_\_\_

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10/29/2007 12:55:11PM FILED/CERT

STATE OF ALABAMA }  
COUNTY OF \_\_\_\_\_ }

I, the undersigned, a Notary Public, in and for said County in said State, hereby certify that \_\_\_\_\_ whose name(s) is/are signed to the foregoing instrument and who is/are known to me, acknowledged before me on this day that being informed of the contents of the instrument, he/she/they executed the same voluntarily, on the day the same bears date.  
Given under my hand and official seal this the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

[SEAL]

Notary Public  
My commission expires: \_\_\_\_\_

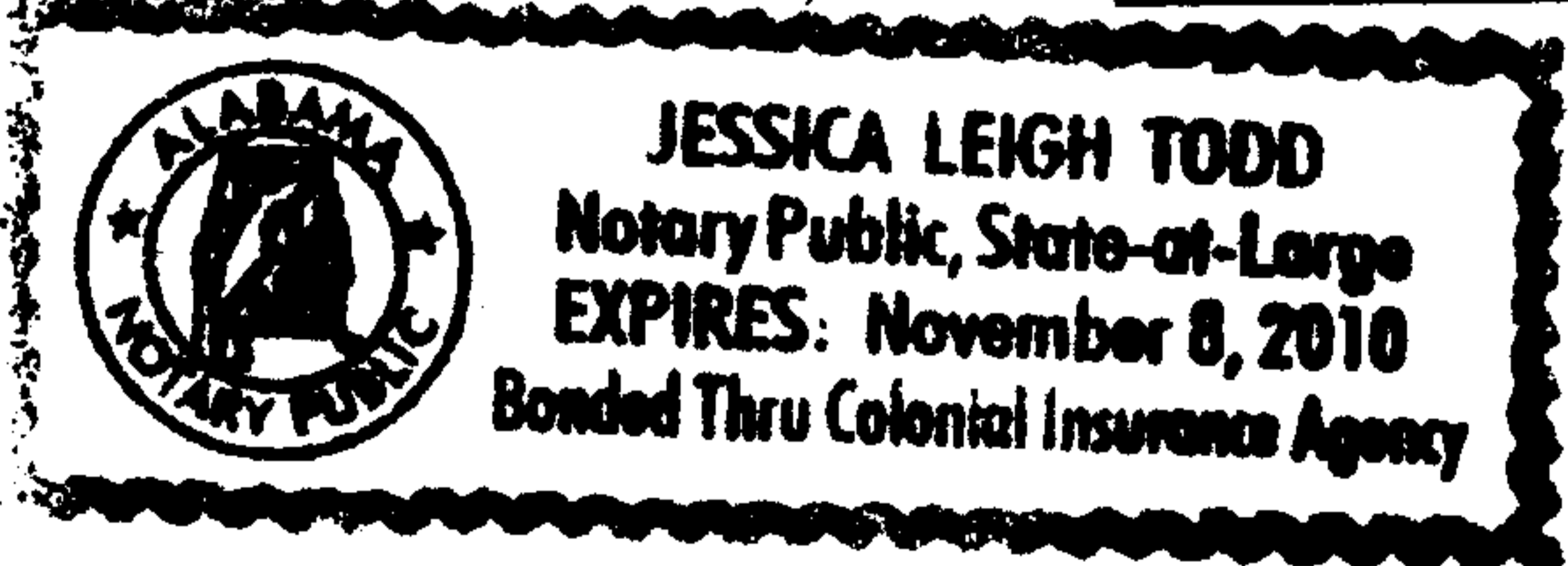
TRUSTEE/CORPORATION/PARTNERSHIP/LLC NOTARY

STATE OF Alabama }  
COUNTY OF Jefferson }

I, the undersigned, a Notary Public, in and for said County in said State, hereby certify that John L. Moss whose name as Senior Vice President of Hwy 31 Alabaster Two LLC a \_\_\_\_\_ [as \_\_\_\_\_], 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/she, as such SVP and with full authority, executed the same voluntarily for and as the act of said \_\_\_\_\_ [acting in such capacity as aforesaid].

Given under my hand and official seal, this the 9 day of August, 2007.

[SEAL]



Jessica Leigh Todd  
Notary Public  
My commission expires: Nov. 8, 2010

For Alabama Power Company Corporate Real Estate Department Use Only


All facilities on Grantor: \_\_\_\_\_ Station to Station: \_\_\_\_\_


Shelby County, AL 10/29/2007  
State of Alabama

Deed Tax: \$.50

Alabaster, AL  
Hwy 31 and I-65  
L/C: 001-0484  
File #43714

**EXHIBIT A**  
**Legal Description of the Premises**

  
20070411000168550 6/12 \$2517.50  
Shelby Cnty Judge of Probate, AL  
04/11/2007 04:06:45PM FILED/CERT

  
20071029000498240 3/6 \$26.50  
Shelby Cnty Judge of Probate, AL  
10/29/2007 12:55:11PM FILED/CERT

70196872

20070411000168550 7/12 \$2517.50  
Shelby Cnty Judge of Probate, AL  
04/11/2007 04:06:45PM FILED/CERT

**LEGAL DESCRIPTION**

OUTPARCEL 4-1 - PROPOSED LOT 9

COMMENCE AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE  
NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 21 SOUTH, RANGE 3 WEST;  
THENCE RUN SOUTH 87 DEGREES 31 MINUTES 35 SECONDS EAST FOR A DISTANCE  
OF 673.67 FEET TO THE POINT OF BEGINNING; FROM THE POINT OF BEGINNING THUS  
OBTAINED, THENCE RUN NORTH 20 DEGREES 13 MINUTES 35 SECONDS WEST FOR A  
DISTANCE OF 93.26 FEET TO THE POINT OF COMMENCEMENT OF A CURVE TO THE  
RIGHT, SAID CURVE HAVING A CENTRAL ANGLE OF 90 DEGREES 01 MINUTE 02  
SECONDS AND A RADIUS OF 20.00 FEET; THENCE RUN NORTHERLY ALONG THE ARC  
OF SAID CURVE FOR A DISTANCE OF 31.42 FEET; THENCE RUN NORTH 69 DEGREES  
47 MINUTES 27 SECONDS EAST FOR A DISTANCE OF 201.44 FEET TO A POINT ON U.S.  
HIGHWAY 31; THENCE RUN SOUTH 20 DEGREES 39 MINUTES 53 SECONDS EAST  
ALONG SAID RIGHT OF WAY FOR A DISTANCE OF 127.40 FEET; THENCE RUN SOUTH 20  
DEGREES 02 MINUTES 14 SECONDS EAST FOR A DISTANCE OF 78.74 FEET; THENCE  
RUN NORTH 87 DEGREES 31 MINUTES 35 SECONDS WEST, LEAVING SAID RIGHT OF  
WAY, FOR A DISTANCE OF 240.81 FEET TO THE POINT OF BEGINNING. SAID PARCEL  
CONTAINS 35,374.10 SQUARE FEET OR .81 ACRE.

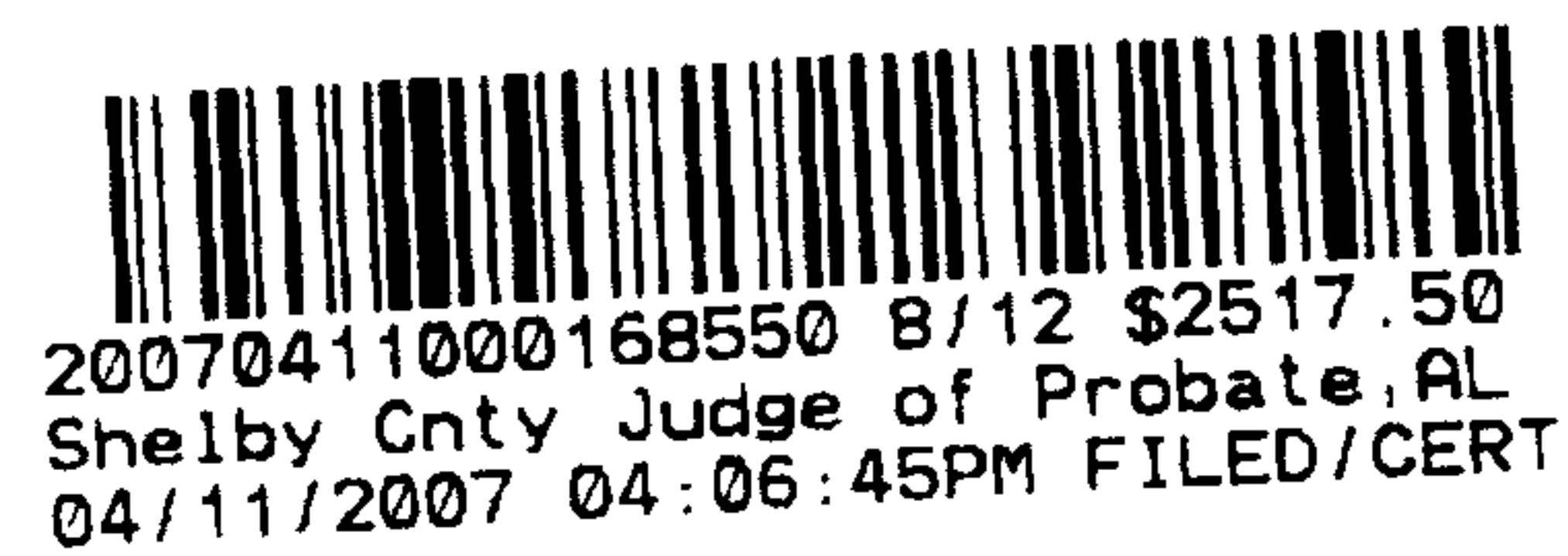
The above described property is all or part of the property conveyed to Colonial Realty  
Limited Partnership by Ground Lease, dated December 1, 2005, a Memorandum of which dated  
as of December 1, 2005 and recorded January 11, 2006, as Instrument No.  
20060111000019860, in the Shelby County Records; said interest being assigned to Highway  
31 Alabaster Two, LLC by Assignment dated as of December 20, 2005 and recorded on  
January 11, 2006 as Instrument No. 2006011100019870 and Instrument No.  
20060111000019880 in the Shelby County Records.

**EXHIBIT 2  
SUBLEASED PROPERTY**

20071029000498240 4/6 \$26.50  
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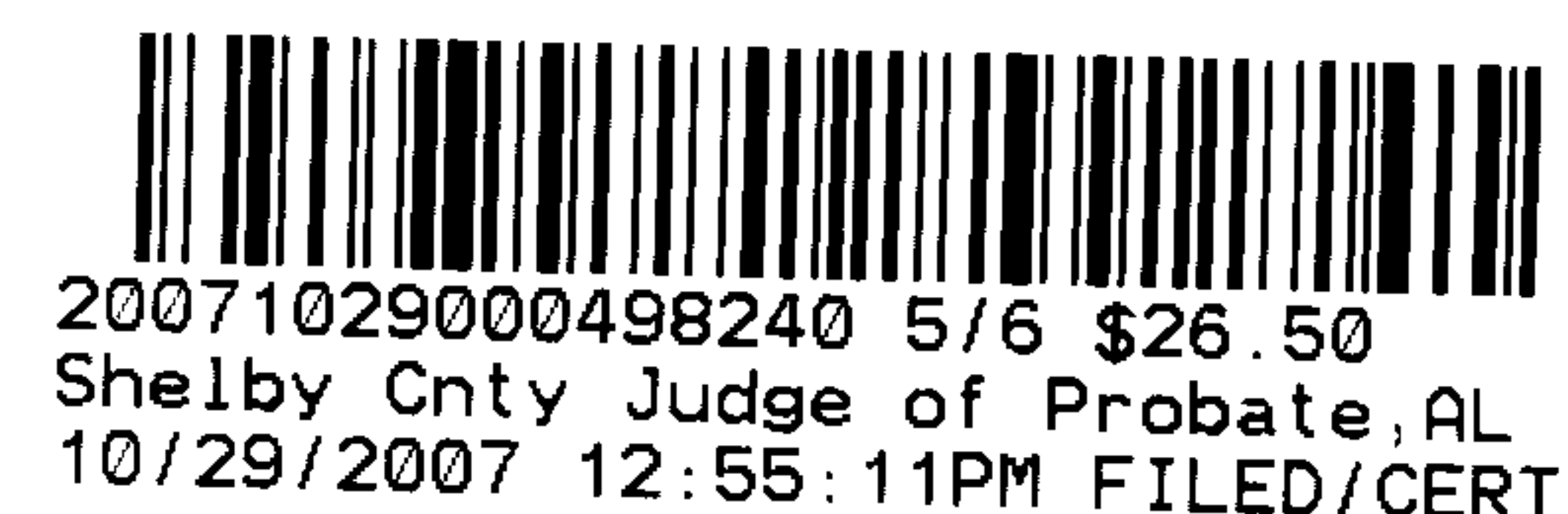


70196892

**LEGAL DESCRIPTION****OUTPARCEL 4-2 – PROPOSED LOT 8**

COMMENCE AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE  
NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 21 SOUTH, RANGE 3 WEST;  
THENCE RUN SOUTH 87 DEGREES 31 MINUTES 35 SECONDS EAST FOR A DISTANCE  
OF 673.67 FEET TO THE POINT OF BEGINNING; FROM THE POINT OF BEGINNING THUS  
OBTAINED, THENCE RUN NORTH 20 DEGREES 13 MINUTES 35 SECONDS WEST FOR A  
DISTANCE OF 93.26 FEET TO THE POINT OF COMMENCEMENT OF A CURVE TO THE  
RIGHT, SAID CURVE HAVING A CENTRAL ANGLE OF 90 DEGREES 01 MINUTE 02  
SECONDS AND A RADIUS OF 20.00 FEET; THENCE RUN NORTHERLY ALONG THE ARC  
OF SAID CURVE FOR A DISTANCE OF 31.42 FEET; THENCE RUN NORTH 69 DEGREES  
47 MINUTES 27 SECONDS EAST FOR A DISTANCE OF 201.44 FEET TO A POINT ON U.S.  
HIGHWAY 31; THENCE RUN SOUTH 20 DEGREES 39 MINUTES 53 SECONDS EAST  
ALONG SAID RIGHT OF WAY FOR A DISTANCE OF 127.40 FEET; THENCE RUN SOUTH 20  
DEGREES 02 MINUTES 14 SECONDS EAST FOR A DISTANCE OF 78.74 FEET TO THE  
POINT OF BEGINNING; THENCE CONTINUE LAST COURSE FOR A DISTANCE OF 14.03  
FEET; THENCE RUN SOUTH 69 DEGREES 47 MINUTES 27 SECONDS WEST FOR A  
DISTANCE OF 202.12 FEET TO THE POINT OF COMMENCEMENT OF A CURVE TO THE  
RIGHT, SAID CURVE HAVING A CENTRAL ANGLE OF 89 DEGREES 58 MINUTES 58  
SECONDS AND A RADIUS OF 20.00 FEET; THENCE RUN WESTERLY ALONG THE ARC  
OF SAID CURVE FOR A DISTANCE OF 31.41 FEET; THENCE RUN NORTH 20 DEGREES  
13 MINUTES 35 SECONDS WEST FOR A DISTANCE OF 86.90 FEET; THENCE RUN SOUTH  
87 DEGREES 31 MINUTES 35 SECONDS EAST FOR A DISTANCE OF 240.81 FEET TO THE  
POINT OF BEGINNING. SAID PARCEL CONTAINS 13,347.26 SQUARE FEET OR .30 ACRE.

The above described property is all or part of the property conveyed to Landlord by Deed,  
dated January 12, 2006, recorded on January 13, 2006, as Instrument No.  
20060113000022840, in the Shelby County Records.

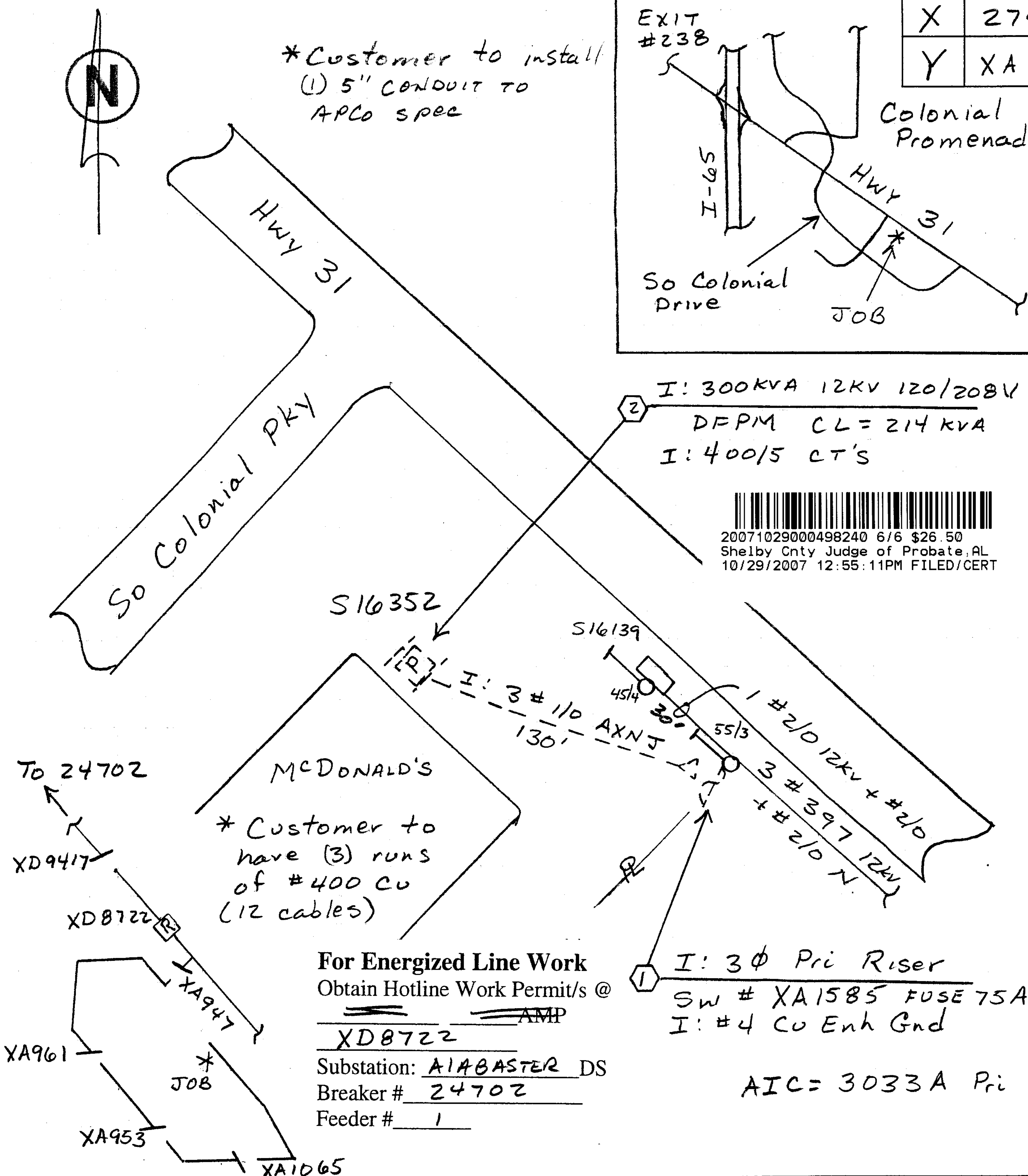
**EXHIBIT 1  
FEE OWNED PARCEL**

LEGAL

# SKETCH OF PROPOSED WORK — SIMPLIFIED W. E.

Sh 1 of 1

Customer <b>McDONALD'S</b>		Location <b>205 So Colonial Dr</b>		Agreed Serv. Date <b>10-30-07</b>		Estimate No. <b>61700-00-02377</b>	
Division <b>Birmingham</b>		District <b>Metro-So</b>		Town <b>Alabaster</b>		Drawn by <b>G. Belcher</b>	
County <b>Shelby</b>		Section <b>12</b>		Township <b>21S</b>		Range <b>3W</b>	
Acquisition Agent		Date R/W Assigned		Date R/W Cleared		Map Reference	
						Add'l Info <b>Gary Mills 365-4074</b>	
						LOE <b>X</b>	
						Transformer Loading <b>27402</b>	
						<b>Y</b> <b>XA1065</b>	



Voltage	
Pri	Sec.
12 KV	120/208
PHONE CO.	
Co. Name	
CATV CO.	
Co. Name	
ACCESSIBLE	
TREE CREW	
ROCK HOLE	
PERMITS REQ'D	
R/W	
CITY	
COUNTY	
STATE	
MISSALL #	
OTHER	
SCALE	
<b>NTS</b>	
Ft. Per Inch	

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**For Energized Line Work**  
Obtain Hotline Work Permit/s @  
AMP  
XD8722  
Substation: ALABASTER DS  
Breaker # 24702  
Feeder # 1

**I: 3φ Pri Riser**  
**SW # XA1585 FUSE 75A**  
**I: #4 Cu Enh Gnd**

**AIC = 3033A Pri**

Cnst. Completed By

**70196892**

Date