

EASEMENT - DISTRIBUTION FACILITIES
(Metes and Bounds)

TO BE RECORDED: YES x NO

107 MAY 31 AM 8:27
This instrument prepared by:

Matt Fields

STATE OF ALABAMA }

W.E. No. 61700-00-05406

COUNTY OF Shelby }

Parcel No. 70194055

TAX ID #

Transformer No.

S15720

Alabama Power Company

P.O. Box 2641

Birmingham, Alabama 35291

A. GRANT KNOW ALL MEN BY THESE PRESENTS, That HIGHWAY 31 ALABASTER TWO, LLC.

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:

1. **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, by 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.
2. **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.
3. **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"):

A parcel of land NW1/4 of NE1/4 of Section 12, Township 21 South, Range 03 West,

Recorded in Deed Instrument 20060113000022840 in the office of judge of probate

Shelby County, Alabama

20071030000500760 1/3 \$17.50
Shelby Cnty Judge of Probate, AL
10/30/2007 10:33:29AM 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 18 day of May, 20 07.

Witness

Witness

Witness

HIGHWAY 31 ALABASTER TWO, LLC.

(Grantor)

(SEAL)

(Grantor)

JOHN L. MOSS

SENIOR VICE PRESIDENT

By:

As:

(SEAL)

(SEAL)

IN WITNESS WHEREOF, the said Grantor, has caused this instrument to be executed by John L Moss its authorized representative, as of the 18th day of May, 2007.

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: _____

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: _____


20071030000500760 2/3 \$17.50
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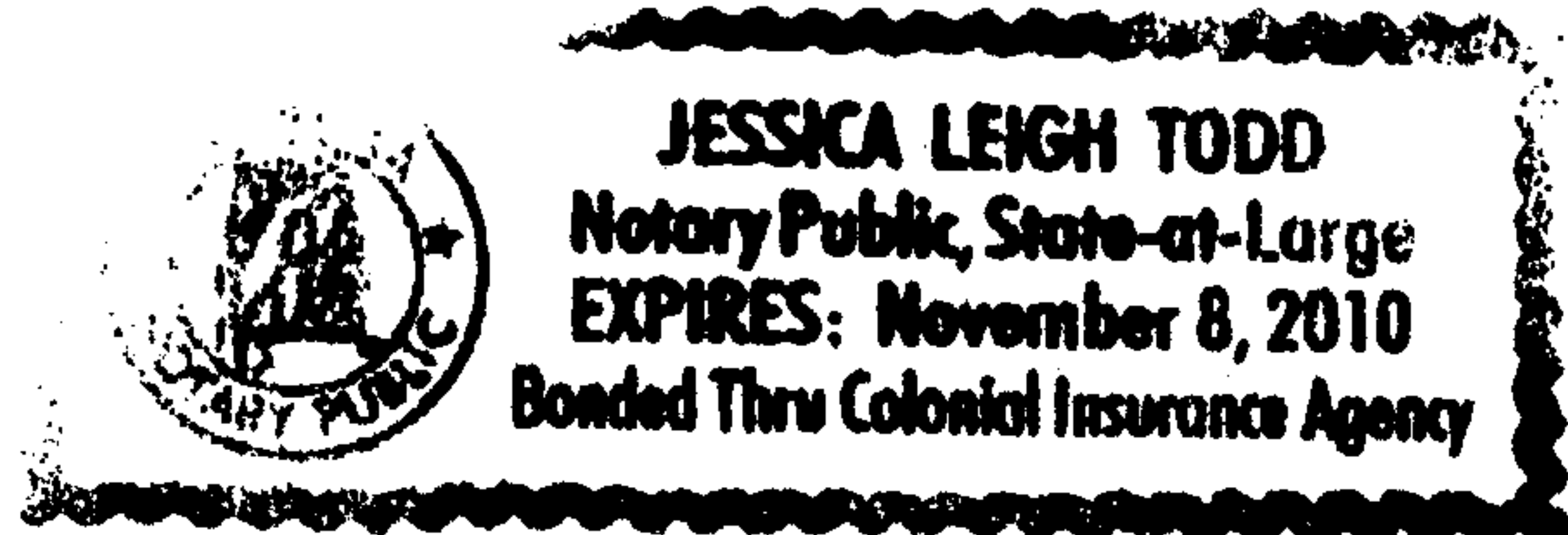
TRUSTEE/CORPORATION/PARTNERSHIP/LLC NOTARY

STATE OF ALABAMA }
COUNTY OF Jackson }

I, the undersigned, a Notary Public, in and for said County in said State, hereby certify that John L. Moss whose name as SVP of Highway 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 _____ 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 18 day of May, 2007.

[SEAL]



Notary Public
My commission expires: Nov. 8, 2010

For Alabama Power Company Corporate Real Estate Department Use Only

All facilities on Grantor: X _____

Station to Station: sta. 1+00 to 1+40

Shelby County, AL 10/30/2007
State of Alabama

Deed Tax: \$.50

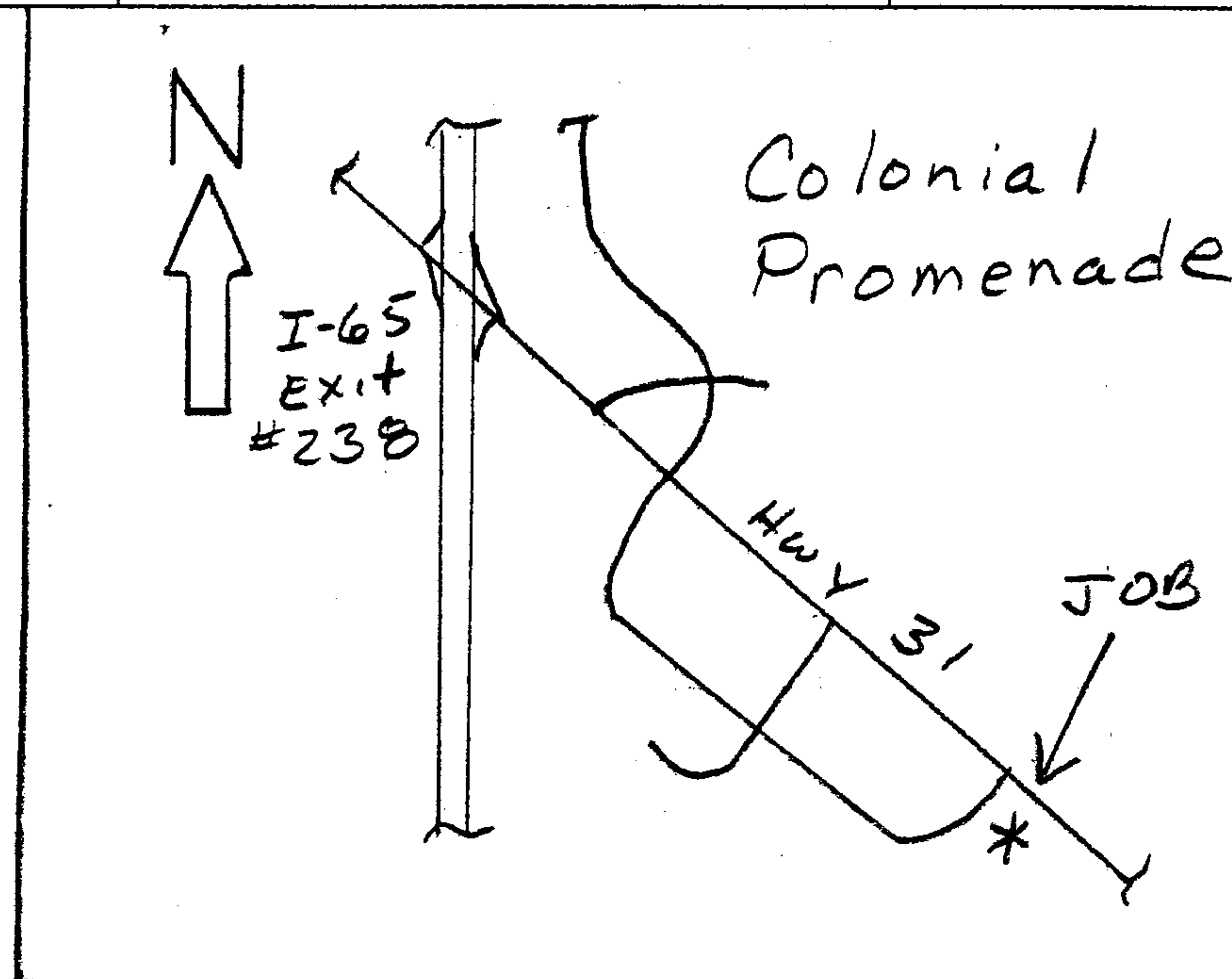
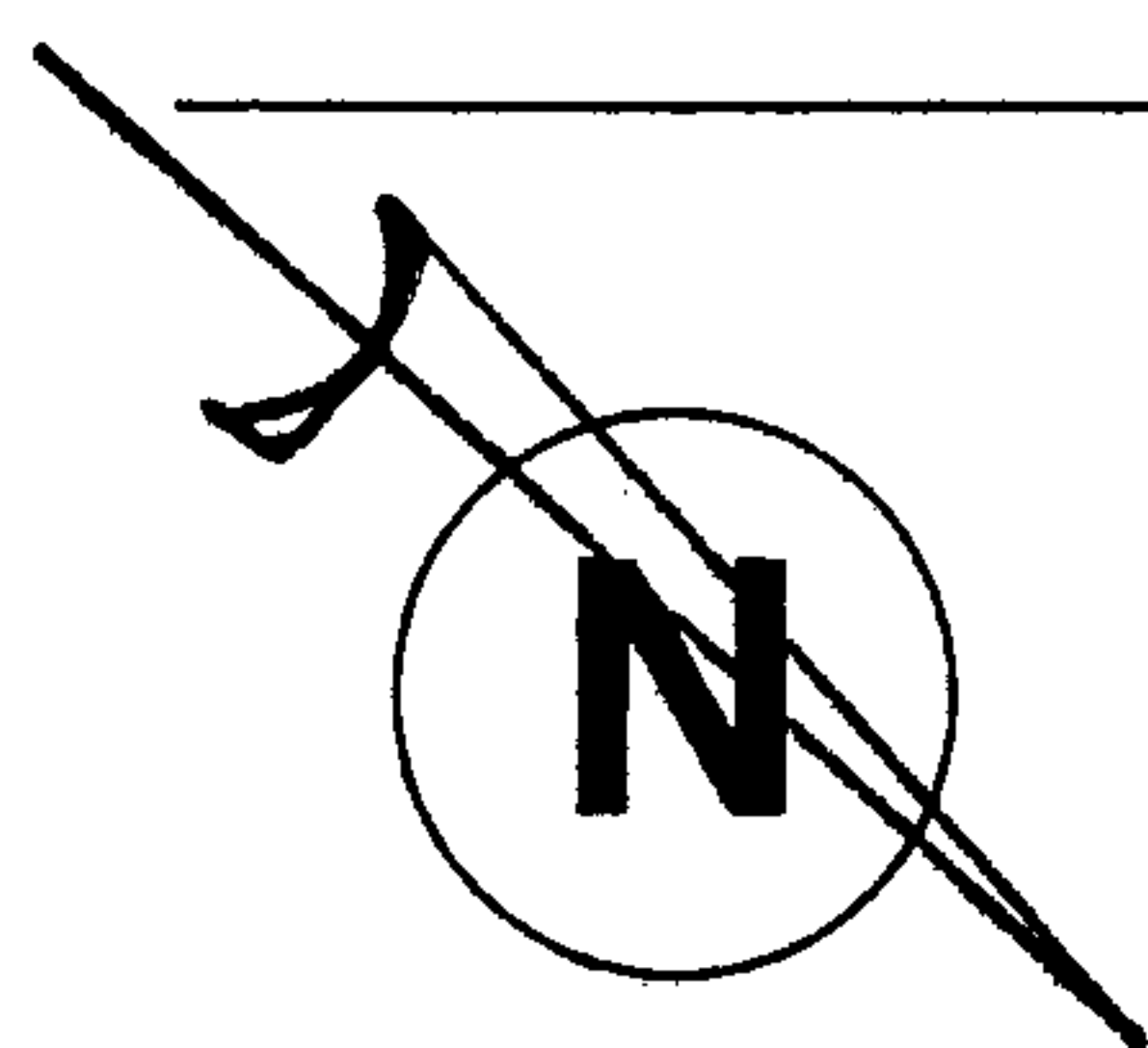
70194055

Sketch of Proposed Work

Sheet 1 of 1

ALABAMA
POWER
A SOUTHERN COMPANY

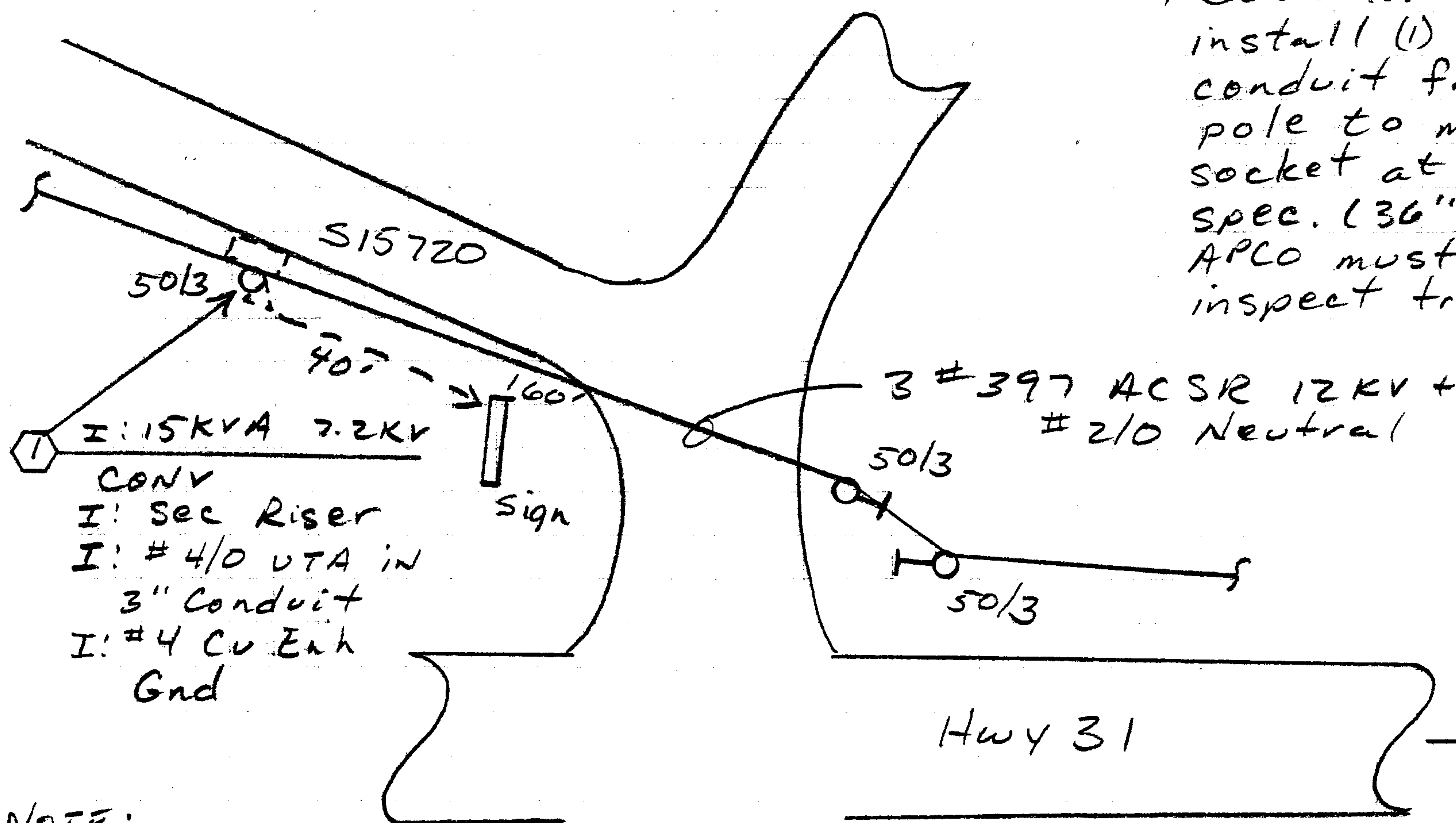
Customer Colonial Promenade		Location So Colonial Dr		Committed Svc. Date 5-30-07		Work Order No. 61700-00-05406	
Division Birmingham		District Metro-So		Town Alabaster		Drawn By G. Belcher	
Date 11-15-06							
County Shelby		Section 12		Township 21S		Range 3W	
Add'l Info Doug Jeffards							
Aquisition Agent		R/W Assigned		R/W Cleared		Map Reference	
						Substation Name Alabaster D.S.	
Account #		Meter #		Feeder # 24702		Switch # XA1065	
Reading		Date Meter Set		Set By		Primary Volt 12KV	
						Sec. Volt 120/240	



CL = 8 KVA
VD = 1.3790

AIC = 3033 Amps

* Customer to install (1) 3" conduit from pole to meter socket at APCO spec. (36" depth) APCO must inspect trench.



NOTE:

Loc 1 is 2ND pole North of Riser XA977



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PHONE CO.	
Co. Name	
CATV CO.	
ACCESSIBLE	
TREE CREW	
ROCK HOLE	
PERMITS	
CITY	
COUNTY	
STATE	
ONE-CALL	
REF #	
GOOD ON	
GOOD THROUGH	
UPDATE ON	
Scale	NTS

Cnst. Completed By

Date