



20071108000517240 1/21 \$98.00
Shelby Cnty Judge of Probate, AL
11/08/2007 03:26:29PM FILED/CERT

IN THE CIRCUIT COURT FOR SHELBY COUNTY, ALABAMA

UNITED STATES STEEL CORPORATION,
and GORDON TIMBERLANDS, LTD,

PLAINTIFFS,

VS.

CIVIL ACTION NO. CV- 06-712

CERTAIN REAL PROPERTY LOCATED
IN SHELBY COUNTY, ALABAMA,
GARY SCHAFER, SCHAFER LIVING
TRUST, NEAL C. DEPIANO JR, STACY
H. DEPIANO, NEAL C. DEPIANO SR,
JANICE K. DEPIANO, DAVID BRETT
MCGEWEN, CARLA SUDDERTH
MCGEWEN, EUGENE E. LINTON,
JR, VILLET A M. LINTON, B.J.
HUMPHRIES, DIANE B. HUMPHRIES,
ROBERT BLICKENSTAFF, JACQUELYN
BLICKENSTAFF, THOMAS D. PINION,
MARTHA J. PINION, ANN DENTON,
STEPHEN E. HUMPHREYS, ROGER ALAN
MILLER, AIMEE MICHELLE MILLER,
BETTY HUBBARD PAULK, CECIL
HUBBARD, BETTY MELISSA MAUSER
GALVIN, MICHAEL H. SMITH, DEBORAH
S. SMITH, STEPHEN W. MOTT, and
FARMER WALLACE LLC

DEFENDANTS.

RECEIVED AND FILED
MARY H. HARRIS
JUL 13 2007
CIRCUIT & DISTRICT
COURT CLERK
SHELBY CO.

AND

GARY SCHAFER,

PLAINTIFF,

VS.

CIVIL ACTION NO. CV- 05-252

ROBERT CONNER FARMER, JR., et al.

DEFENDANTS.

AMENDED AGREED ORDER

WHEREAS this matter came before this Court upon plaintiffs United States Steel Corporation and Gordon Timberlands, Ltd.s' Complaint for Declaratory Judgment in CV-06-712, and also upon Plaintiffs Gary and Carole Shafer and Neal and Janice Depiano Sr.s' Complaint for Declaratory Judgment in CV-05-252; and

WHEREAS all defendants named herein have been served, filed an Answer, and/or have consented to this Court's jurisdiction; and

WHEREAS, this Court entered an Order on November 29, 2006 consolidating the above cases for purposes of discovery and instructing all parties to the above-described actions and their counsel of record to appear for a Court directed settlement conference to be held on February 22, 2007 at 9:00 a.m.; and

WHEREAS, the Clerk of the Court mailed a copy of such Order to all parties named herein (the "Parties"); and

WHEREAS, such Court directed settlement conference occurred on February 22, 2007; and

WHEREAS, the Parties have reached an agreement as to the nature and extent of the public prescriptive easement that is the subject of the Complaint CV-06-712, as well as to various other matters concerning and relating to the property that is the subject of the above describe actions; and

WHEREAS, the Parties have mutually agreed to the following facts:

1. Plaintiff United States Steel Corporation ("USS") is the owner of that certain real property located in Shelby County, Alabama, and more particularly described in **Exhibit A** attached

hereto and incorporated by reference herein (the "USS Property").

2. Plaintiff Gordon Timberlands, Ltd. ("Gordon") is the owner certain real property located in Shelby County, Alabama, described in that certain instrument recorded in the Office of the Judge of Probate of Shelby County, Alabama as #19970110/11481, and more particularly described in **Exhibit C** attached hereto and incorporated by reference herein (the "Gordon Property").

3. Such property contains roads as visually depicted on **Exhibit B** attached hereto and incorporated by reference herein (the "Road"). The Road is identified on **Exhibit B** as "County Hwy 1" and as "Unnamed County Road." The "Road" as defined herein, is further defined and described in Paragraph 34 below.

4. Defendant "Sunset Meadows Subdivision" is that certain real property consisting of those six (6) lots as described in the map and survey of Sunset Meadows Subdivision, as recorded in Map Book 29, Page 106, in the Probate Office of Shelby County, Alabama, and (hereinafter "Sunset Meadows"). Sunset Meadows is visually depicted on **Exhibit B**.

5. Defendant "Cahaba River Getaways Subdivision" is that certain real property consisting of those five (5) lots as described in the Final Plat of Cahaba River Getaways, the Resurvey of Lot 2 and 3 Cahaba River Getaways, the Resurvey of Lot 3A of a Resurvey of Lot 2 and 3 of Cahaba River Getaways and Lot 4 of Cahaba River Getaways, as recorded in Map Book 29, Page 94; Map Book 31, Page 41; and Map Book 32, Page 57, respectively, in the Probate Office of Shelby County, Alabama (hereinafter "Cahaba Getaways"). Cahaba Getaways is visually depicted on **Exhibit B**.

6. Defendant the Schafer Living Trust is the owner of certain real property located in

Shelby County, Alabama, described in that certain instrument recorded in the Office of the Judge of Probate of Shelby County, Alabama, as #20050428/203620, more particularly described to wit:

Lots 1 and 5, according to the Final Plat of Sunset Meadows as recorded in Map Book 29, Page 106, in the Probate Office of Shelby County, Alabama, being situation in Shelby County, Alabama.

(hereinafter "the Schafer Property")

7. Defendant Neal C. Depiano, Jr. is one of the joint owners of certain real property located in Shelby County, Alabama, described in that certain instrument recorded in the Office of the Judge of Probate of Shelby County, Alabama, as #20030211/84910, to wit:

Lot 2, according to the Final Plat of Sunset Meadows as recorded in Map Book 29, Page 106, in the Probate Office of Shelby County, Alabama; being situated in Shelby County, Alabama.

8. Defendant Stacy H. Depiano is one of the joint owners of certain real property located in Shelby County, Alabama, described in that certain instrument recorded in the Office of the Judge of Probate of Shelby County, Alabama, as #20030211/84910, to wit:

Lot 2, according to the Final Plat of Sunset Meadows as recorded in Map Book 29, Page 106, in the Probate Office of Shelby County, Alabama; being situated in Shelby County, Alabama.

9. Defendant Neal C. Depiano, Sr. is one of the joint owners of certain real property located in Shelby County, Alabama, described in that certain instrument recorded in the Office of the Judge of Probate of Shelby County, Alabama, as #20040408/181350, to wit:

Lot 3, according to the Final Plat of Sunset Meadows as recorded in Map Book 29, Page 106, in the Probate Office of Shelby County, Alabama.

10. Defendant Janice K. Depiano is one of the joint owners of certain real property located in Shelby County, Alabama, described in that certain instrument recorded in the Office of

the Judge of Probate of Shelby County, Alabama, as #20040408/181350, to wit:

Lot 3, according to the Final Plat of Sunset Meadows as recorded in Map Book 29, Page 106, in the Probate Office of Shelby County, Alabama.

11. Defendant David Brett McGewen, upon information and belief, has an interest in that certain real property located in Shelby County, Alabama, described in that certain instrument recorded in the Office of the Judge of Probate of Shelby County, Alabama, as #2000627/405900, to wit:

Lot 4, according to the Final Plat of Sunset Meadows as recorded in Map Book 29, Page 106, in the Probate Office of Shelby County, Alabama.

12. Defendant Carla Sudderth McGewen is one of the owners of certain real property located in Shelby County, Alabama, described in that certain instrument recorded in the Office of the Judge of Probate of Shelby County, Alabama, as #2000627/405900, to wit:

Lot 4, according to the Final Plat of Sunset Meadows as recorded in Map Book 29, Page 106, in the Probate Office of Shelby County, Alabama.

13. Defendant Eugene E. Linton, Jr. is one of the joint owners of certain real property located in Shelby County, Alabama, described in that certain instrument recorded in the Office of the Judge of Probate of Shelby County, Alabama, as #20030108/16650, to wit:

Lot 6, according to the Final Plat of Sunset Meadows as recorded in Map Book 29, Page 106, in the Probate Office of Shelby County, Alabama; being situated in Shelby County, Alabama.

14. Defendant Villeta M. Linton is one of the joint owners of certain real property located in Shelby County, Alabama, described in that certain instrument recorded in the Office of the Judge of Probate of Shelby County, Alabama, as #20030108/16650, to wit:

Lot 6, according to the Final Plat of Sunset Meadows as recorded in Map Book 29, Page 106, in the Probate Office of Shelby County, Alabama; being situated in Shelby County, Alabama.

15. Defendant B. J. Humphries is the owner of certain real property located in Shelby County, Alabama, described in that certain instrument recorded in the Office of the Judge of Probate of Shelby County, Alabama, as #20030219/104110, to wit:

Lot 1, according to the Survey of Cahaba River Get A Ways Subdivision, as recorded in Map Book 29, Page 94, in the Probate Office of Shelby County, Alabama; being situated in Shelby County, Alabama.

In addition, Defendant B. J. Humphries is one of the joint owners of certain real property located in Shelby County, Alabama, described in that certain instrument recorded in the Office of the Judge of Probate of Shelby County, Alabama, as #20030425/256630, to wit:

Lot 2A, according to the Final Plat, resurvey of Lots 2 and 3, Cahaba River Getaways, as recorded in Map Book 31, Page 41, in the Probate Office of Shelby County, Alabama; being situated in Shelby County, Alabama.

16. Defendant Diane B. Humphries is one of the joint owners of certain real property located in Shelby County, Alabama, described in that certain instrument recorded in the Office of the Judge of Probate of Shelby County, Alabama, as #20030425/256630, to wit:

Lot 2A, according to the Final Plat, resurvey of Lots 2 and 3, Cahaba River Getaways, as recorded in Map Book 31, Page 41, in the Probate Office of Shelby County, Alabama; being situated in Shelby County, Alabama.

17. Defendant James Humphries is the owner of certain real property located in Shelby County, Alabama, described in that certain instrument recorded in the Office of the Judge of Probate of Shelby County, Alabama, as #20030219/104110, to wit:

Lot 1, according to the Survey of Cahaba River Get A Ways Subdivision, as recorded in Map Book 29, Page 94, in the Probate Office of Shelby County, Alabama; being situated in Shelby County, Alabama.

18. Defendant Robert Blickenstaff is one of the joint owners of certain real property located in Shelby County, Alabama, described in that certain instrument recorded in the Office of the Judge of Probate of Shelby County, Alabama, as #20031031/728460, to wit:

Lot 3B, according to the Resurvey of Lot 3A, of a Resurvey of Lots 2 and 3 and 4 of Cahaba River Getaways subdivision, as recorded in Map Book 32, Page 57, in the Probate Office of Shelby County, Alabama; being situated in Shelby County, Alabama.

19. Defendant Jacquelyn Blickenstaff is one of the joint owners of certain real property located in Shelby County, Alabama, described in that certain instrument recorded in the Office of the Judge of Probate of Shelby County, Alabama, as #20031031/728460, to wit:

Lot 3B, according to the Resurvey of Lot 3A, of a Resurvey of Lots 2 and 3 and 4 of Cahaba River Getaways subdivision, as recorded in Map Book 32, Page 57, in the Probate Office of Shelby County, Alabama; being situated in Shelby County, Alabama.

20. Defendant Thomas D. Pinion is one of the owners of certain real property located in Shelby County, Alabama, described in that certain instrument recorded in the Office of the Judge of Probate of Shelby County, Alabama, as #20040112/32200, to wit:

Lot 4-B, according to a Resurvey of Lot 3A, of a Resurvey of Lots 2 and 3 and 4 of Cahaba River Getaways subdivision, as recorded in Map Book 32, Page 57, in the Probate Office of Shelby County, Alabama; being situated in Shelby County, Alabama.

21. Defendant Martha J. Pinion is one of the joint owners of certain real property located in Shelby County, Alabama, described in that certain instrument recorded in the Office of the Judge of Probate of Shelby County, Alabama, as #20040112/32200, to wit:

Lot 4-B, according to a Resurvey of Lot 3A, of a Resurvey of Lots 2 and 3 and 4 of Cahaba River Getaways subdivision, as recorded in Map Book 32, Page 57, in the Probate Office of Shelby County, Alabama; being situated in Shelby County, Alabama.

22. Defendant Ann Denton is one of the joint owners of certain real property located in Shelby County, Alabama, described in that certain instrument recorded in the Office of the Judge of Probate of Shelby County, Alabama, as #20030926/649890, to wit:

Lot 5, according to the survey of Cahaba River Getaways Subdivision, Map Book 29, Page 94, in the Probate Office of Shelby County, Alabama.

23. Defendant Stephen E. Humphreys is one of the owners of certain real property located in Shelby County, Alabama, described in that certain instrument recorded in the Office of the Judge of Probate of Shelby County, Alabama, as #20030926/649890, to wit:

Lot 5, according to the survey of Cahaba River Getaways Subdivision, Map Book 29, Page 94, in the Probate Office of Shelby County, Alabama.

24. Defendant Roger Alan Miller is one of the owners of certain real property located in Shelby County, Alabama, described in that certain instrument recorded in the Office of the Judge of Probate of Shelby County, Alabama, as #2002-05936, to wit:

Commence at the SE corner of Section 8, Township 21 South, Range 4 West. Thence N 02°00'55" W along said 1/4 - 1/4 line a distance of 1313.06'; Thence S 89°40'38" W a distance of 114.89' to the Point of Beginning. Thence continue along the last described course a distance of 945.18'; Thence N 0°0'0" E a distance of 435.50'; Thence N 64°12'41" E a distance of 438.20' to a point being the centerline of an existing dirt road. Thence S 06°44'04" E along said centerline a distance of 161.92' to a point being the beginning of a curve to the left having a radius of 282.13' a central angle of 25°47'38" and subtended by a chord which bears S 21°56'15" E a chord distance of 125.94' Thence along arc and said centerline a distance of 127.01' to the end of said curve. Point being the beginning of a curve to the left having

a radius of 487.54" a central angle of 21'49'23" and subtended by a chord which bears S43'50'56" E a chord distance of 184.58' thence along arc and said centerline a distance of 185.7' to the end of said curve. Point being the beginning of a curve to the left having a radius of 1623.78' a central angle of 11'08'13" and subtended by a chord which bears S 58'50'44" E a chord distance of 315.13 Thence along arc and said centerline a distance of 315.63' to the end of said curve. Thence 61'36'20" E a distance of 98.92' to the Point of Beginning.

Said parcel containing 7.07 acres more or less.

(hereinafter the "Miller Property"). The Miller Property is visually depicted on **Exhibit B**.

25. Defendant Aimee Michelle Miller is one of the owners of certain real property located in Shelby County, Alabama, described in that certain instrument recorded in the Office of the Judge of Probate of Shelby County, Alabama, as #2002-05936, to wit:

Commence at the SE corner of Section 8, Township 21 South, Range 4 West. Thence N 02'00'55" W along said 1/4 - 1/4 line a distance of 1313.06'; Thence S 89'40'38" W a distance of 114.89' to the Point of Beginning. Thence continue along the last described course a distance of 945.18'; Thence N 0'0'0" E a distance of 435.50'; Thence N 64'12'41" E a distance of 438.20' to a point being the centerline of an existing dirt road. Thence S 06'44'04" E along said centerline a distance of 161.92' to a point being the beginning of a curve to the left having a radius of 282.13' a central angle of 25'47'38" and subtended by a chord which bears S 21'56'15" E a chord distance of 125.94' Thence along arc and said centerline a distance of 127.01' to the end of said curve. Point being the beginning of a curve to the left having a radius of 487.54" a central angle of 21'49'23" and subtended by a chord which bears S43'50'56" E a chord distance of 184.58' thence along arc and said centerline a distance of 185.7' to the end of said curve. Point being the beginning of a curve to the left having a radius of 1623.78' a central angle of 11'08'13" and subtended by a chord which bears S 58'50'44" E a chord distance of 315.13 Thence along arc and said centerline a distance of 315.63' to the end of said curve. Thence 61'36'20" E a distance of 98.92' to the Point of Beginning.

Said parcel containing 7.07 acres more or less.

26. Defendant Betty Hubbard Paulk is one of the owners of certain real property located in Shelby County, Alabama, described in that certain instrument recorded in the Office of the Judge of Probate of Shelby County, Alabama, as #2002-06854, to wit:

Begin at the locally accepted SE corner of the NE 1/4 of the NE 1/4 of Section 8, Township 21 South, Range 4 West. Thence S 2°0'55" E a distance of 200.00'; Thence S 87°59'05" W a distance of 1,059.36' to a point being the beginning of a curve to the right having a radius of 335.99' a central angle of 25°59'16" and subtended by a chord which bears N 4°52'17" W a chord a distance of 151.09' thence along arc and said curve a distance of 152.39' to the end of said curve. Point being the centerline of Southern Lane (Prescriptive ROW) point also being the beginning of a curve to the left having a radius of 195.70' a central angle of 26°23'23" and subtended by a chord which bears N 2°16'57" W a chord distance of 89.34' Thence along arc and said curve a distance of 90.14'; thence 89°51'21" E and leaving said curve a distance of 1,069.07' to the Point of Beginning. Said parcel containing 5.38 acres more or less.

(hereinafter the "Hubbard Property"). The Hubbard Property is visually depicted on Exhibit B.

27. Defendant Cecil Hubbard is one of the owners of certain real property located in Shelby County, Alabama, described in that certain instrument recorded in the Office of the Judge of Probate of Shelby County, Alabama, as #2002-06854, to wit:

Begin at the locally accepted SE corner of the NE 1/4 of the NE 1/4 of Section 8, Township 21 South, Range 4 West. Thence S 2°0'55" E a distance of 200.00'; Thence S 87°59'05" W a distance of 1,059.36' to a point being the beginning of a curve to the right having a radius of 335.99' a central angle of 25°59'16" and subtended by a chord which bears N 4°52'17" W a chord a distance of 151.09' thence along arc and said curve a distance of 152.39' to the end of said curve. Point being the centerline of Southern Lane (Prescriptive ROW) point also being the beginning of a curve to the left having a radius of 195.70' a central angle of 26°23'23" and subtended by a chord which bears N 2°16'57" W a chord distance of 89.34' Thence along arc and said curve a distance of 90.14'; thence 89°51'21" E and leaving said curve a distance of 1,069.07' to the Point of Beginning. Said parcel

containing 5.38 acres more or less.

28. Defendant Betty Melissa Mauser Galvin is the owners of certain real property located in Shelby County, Alabama, described in that certain instrument recorded in the Office of the Judge of Probate of Shelby County, Alabama, as #20020524/2473000, and more particularly described in **Exhibit D** of this Complaint, as well as in the Scrivener's Affidavit of Error attached to this Complaint as **Exhibit E** (hereinafter the "Galvin Property"). The Galvin Property is visually depicted on Exhibit B.

29. Defendant Michael H. Smith is one of the owners of certain real property located in Shelby County, Alabama, described in that certain instrument recorded in the Office of the Judge of Probate of Shelby County, Alabama, as #20021203/601970, and more particularly described in **Exhibit F** of this Complaint (hereinafter the "Smith Property"). The Smith Property is visually depicted on Exhibit A.

30. Defendant Deborah S. Smith is one of the owners of certain real property located in Shelby County, Alabama, described in that certain instrument recorded in the Office of the Judge of Probate of Shelby County, Alabama, as #20021203/601970, and more particularly described in **Exhibit G** of this Complaint.

31. Defendant Stephen W. Mott is the owner certain real property located in Shelby County, Alabama, described in that certain instrument recorded in the Office of the Judge of Probate of Shelby County, Alabama, as #20020910000433600, and more particularly described in **Exhibit H** of this Complaint (hereinafter the "Mott Property"). The Mott Property is visually depicted on Exhibit A.

32. Defendant Farmer-Wallace LLC is the owner of certain real property located in Shelby County, Alabama, described in that certain instrument recorded in the Office of the Judge

of Probate of Shelby County, Alabama, as #2002-11277, and more particularly described in **Exhibit**

I. In addition, Farmer-Wallace LLC may have other property interest in the subdivisions described above know as Sunset Meadows and Cahaba Getaways.

33. The foregoing defendants each own real property, or hold an interest in real property, as described above, that is served by the Road.

34. The Road visually depicted on **Exhibit B** attached hereto and incorporated by reference herein enters the Sunset Meadows subdivision on the northernmost border of the Schafer Property from Southern Lane and continues in a southerly and southeasterly direction to the southeast corner of Sunset Meadows Subdivision and on in a southerly direction south of Sunset Meadows through the Gordon Property and onto the USS Property to a point where the Road splits into two segments, both of which enter Cahaba Getaways. One segment of the Road continues in a southeasterly direction, through the USS Property, to the Humphries Property. The other segment continues in a southwesterly direction, through the USS Property, to the Mott Property. A partial legal description of the Road from the northern boundary of Sunset Meadows to its terminus on the West line of the NE 1/4 of the SE 1/4 of Section 17 is provided in **Exhibit J** attached hereto. The Road provides the sole improved access from Shelby County Highway 13 and Southern Lane to the property of all defendants named in CV06-712, the Gordon Property, and the USS Property.

35. On or about February 1, 2002, Farmer-Wallace, LLC, conveyed the Miller Property to Alan Miller and Aimee Michele Miller subject to restrictions. Such Deed acknowledged that, "To the best knowledge and belief of the Grantor, the Road is a prescriptive public road." Such Deed was duly recorded on February 4, 2002, and is attached hereto as **Exhibit K**.

36. On or about March 8, 2002, Bobby J. Durham, Stephen M. Stamba, Joseph A.

Stamba, and Peter C. Rouveyrol, the common owners of the Cahaba Getaways Subdivision at that time, executed a "Declaration of Restrictive Covenants for Cahaba River Getaways", such declaration being recorded in the Probate Office of Shelby County, Alabama, as instrument no. 2002-11279. Such declaration acknowledged that, "To the best knowledge and belief of the Developers, the Road is a prescriptive public road." Such declaration also purported to grant a "non-exclusive, perpetual easement, sixty (60) feet in width" to the Cahaba Getaways subdivision owners. Such Restrictive Covenant were duly recorded on March 8, 2002. A true and correct copy of such covenants are attached hereto as **Exhibit L**.

37. On or about April 4, 2002, Farmer Wallace, LLC, the common owner of the Sunset Meadows Subdivision at that time, executed a "Declaration of Restrictive Covenants for Sunset Meadows", such declaration being recorded in the Probate Office of Shelby County, Alabama, as instrument no. 2002-17255. Such declaration acknowledged that, "To the best knowledge and belief of the Developers, the Road is a prescriptive public road." Such declaration also purported to grant a "non-exclusive, perpetual easement, sixty (60) feet in width" to the Sunset Meadows subdivisions owners. Such Restrictive Covenants were duly recorded on April 12, 2002. A true and correct copy of such covenants are attached hereto as **Exhibit M**.

38. There currently exists and an automatic, electronically controlled, locking gate across the access road. The approximate location of such gate (the "Gate") is visually depicted on **Exhibit B**.

Based on the foregoing agreed findings of fact, its is hereby **Ordered, Decreed, and Adjudged**, upon agreement of the Parties named and identified in CV-06-712 as follows:

1. A public prescriptive easement measuring a minimum of thirty (30) feet on each side

of the center-line of that portion of the Road equaling whatever minimum width is necessary for the development of any of the property adjacent to the Road, as determined by the applicable governmental subdivision rules and regulation at any time, exists along the course of the Road. It is agreed among all the parties that such prescriptive easement is properly defined to allow for ingress, egress, and utilities to serve the USS and Gordon Property.

2. Neither USS nor Gordon, or their respective heirs, successors, or assigns shall use the Road where it has been paved as of the date of this Order from the Gate to where the Road splits in Section 9 for purposes of commercial timber removal from the USS Property and the Gordon Property until such time such easement is dedicated as a public road by an appropriate governmental entity.

3. Until such time such easement is dedicated as a public road by an appropriate governmental entity, the remainder of the Road shall remain unpaved.

4. The Gate may remain, at the option of the Defendants, until such time as either Gordon and/ or USS, or their successors or assigns, develop their respective properties for purposes of commercial or residential use, at which time the gate shall come down upon demand by either USS or Gordon, in their sole discretion.

5. The Defendants shall provide USS, Gordon, and each property owner holding title to property abutting or adjoining the Road, including property owner lessees and/or assigns, and also including the holders of recorded easements and right of ingress/egress along the Road with access codes for the Gate, and it is understood and agreed by all parties that USS and Gordon shall have the right to provide such codes to any third parties that are entitled to access to their respective properties. The Defendants shall provide USS, and Gordon the contact information of the person

or persons, to be determined within 45 days, who will be responsible for the maintenance of the Gate or any future gate.

6. It is acknowledged and agreed by the Defendants that the existence and use of the Gate shall not change the existing nature and use of the public prescriptive easement, and that neither USS nor Gordon are giving up any title or rights they may have previously had in the public prescriptive easement, except as specifically set out in this Order.

7. Defendant Farmer Wallace, LLC, Land Resource Group, Inc., and Robert Conner Farmer, Jr. (hereinafter collectively referred to as "Farmer") shall dress, clear, and grade the existing logging roads that have been built by USS and/or its lessees in Sections 4, 8, and 9 so as to provide access to USS Property for purposes of maintaining and removing its timber. Farmer shall be obligated to dress, clear, and grade such roads only once. Such work shall be performed in a reasonable manner so that such roads meet the criteria for reasonable access for silvicultural equipment to access and harvest the timber on the USS Property.

8. Farmer Wallace, LLC shall build a steel reinforced concrete road crossing approximately twenty (20) feet wide in the Road near where the Road splits in Section 9. Such steel reinforced concrete road shall be at least six (6) inches thick and built to withstand reasonable use under heavy logging trucks. Such crossing shall be built so as to enable USS and Gordon and their respective successors in interest to remove timber from their respective properties via the alternate logging road without damaging the Road where it courses through Sunset Meadows and where it has already been paved as of the date of this Order. The exact location of such crossing shall be determined by USS.

9. USS and Gordon shall provide mutual non-exclusive easements to each other so that

each will have access to their respective properties in Sections 4, 8, 9 and 17 for purposes of commercial removal of their timber. Such easements shall be granted via a separate instruments to be agreed upon by Gordon and USS.

10. The cost of conducting the survey and preparing the legal description of the easement shall be taxed to Farmer.

11. Plaintiffs will dismiss CV-06-712 with prejudice, each party to bear his or her own costs.

12. In order to facilitate USS' access to the USS Property in Section 17, Defendant Blickenstaff is exchanging with USS the following described real property owned by him and that is encumbered by the Declaration of Restrictive Covenants for Cahaba River Getaways, as recorded in Instrument 2002-11270 in the Office of the Judge of Probate of Shelby County, Alabama (hereinafter the "Covenants"):

That part of the Northwest quarter of the Northwest quarter of Section 16, Township 21 South, Range 4 West, situated in Shelby County, Alabama, more particularly described as follows:

Begin at the Northwest corner of Lot 3B, Resurvey of Lot 3A of a Resurvey of Lots 2 & 3 of Cahaba River Getaways, as recorded in Map Book 32, Page 57 in the Probate Office of Shelby County, Alabama and run easterly along the north line of said lot for a distance of 128.77 feet; thence turn an interior angle left of 66° 57' 36" and run southwesterly for a distance of 30.29 feet to the beginning of a curve to the left with a radius of 200.00 feet, a central angle of 19° 56' 47" and a chord length of 69.28 feet; thence continue in a southwesterly direction along the arc of said curve for a distance of 69.63 feet; thence continue southwesterly along tangent extended from said curve for a distance of 211.66 feet to the beginning of a curve to the right with a radius of 200.00 feet, a central angle of 46° 15' 29 " and a chord length of 157.12 feet; thence continue in a southwesterly direction along the arc of said curve for a distance of 161.47 feet; thence continue southwesterly along tangent extended from said curve for a distance of 17.98 feet to a point on the west line of said Lot; thence turn an interior angle left of 50° 11' 41" and run northerly along said Lot line for a distance of 459.42 feet to the Point Of Beginning. Said parcel contains 38,909



square feet or 0.89 acre, more or less.

Reserving a nonexclusive 30 foot easement lying to the west and abutting the following described line:

Commence at the Northwest corner of Lot 3B, Resurvey of Lot 3A of a Resurvey of Lots 2 & 3 of Cahaba River Getaways, as recorded in Map Book 32, Page 57 in the Probate Office of Shelby County, Alabama and run easterly along the north line of said lot for a distance of 128.77 feet to the Point of Beginning of the following described line; thence turn an interior angle left of $66^{\circ} 57' 36''$ and run southwesterly for a distance of 30.29 feet to the beginning of a curve to the left with a radius of 200.00 feet, a central angle of $19^{\circ} 56' 47''$ and a chord length of 69.28 feet; thence continue in a southwesterly direction along the arc of said curve for a distance of 69.63 feet; thence continue southwesterly along tangent extended from said curve for a distance of 211.66 feet to the beginning of a curve to the right with a radius of 200.00 feet, a central angle of $46^{\circ} 15' 29''$ and a chord length of 157.12 feet; thence continue in a southwesterly direction along the arc of said curve for a distance of 161.47 feet; thence continue southwesterly along tangent extended from said curve for a distance of 17.98 feet to a point on the west line of said Lot said point being the terminus of said line.

And granting a nonexclusive 30 foot easement lying to the east and abutting the following described line:

Commence at the Northwest corner of Lot 3B, Resurvey of Lot 3A of a Resurvey of Lots 2 & 3 of Cahaba River Getaways, as recorded in Map Book 32, Page 57 in the Probate Office of Shelby County, Alabama and run easterly along the north line of said lot for a distance of 128.77 feet to the Point of Beginning of the following described line; thence turn an interior angle left of $66^{\circ} 57' 36''$ and run southwesterly for a distance of 30.29 feet to the beginning of a curve to the left with a radius of 200.00 feet, a central angle of $19^{\circ} 56' 47''$ and a chord length of 69.28 feet; thence continue in a southwesterly direction along the arc of said curve for a distance of 69.63 feet; thence continue southwesterly along tangent extended from said curve for a distance of 211.66 feet to the beginning of a curve to the right with a radius of 200.00 feet, a central angle of $46^{\circ} 15' 29''$ and a chord length of 157.12 feet; thence continue in a southwesterly direction along the arc of said curve for a distance of 161.47 feet; thence continue southwesterly along tangent extended from said curve for a distance of 17.98 feet to a point on the west line of said Lot said point being the terminus of said line. (The "Blickenstaff Exchange Property").

It is also agreed by all residents of Cahaba River Getaways and Ordered by the Court that

Covenants shall not encumber the Blickenstaff Exchange Property upon its conveyance to USS.

As part of the exchange, USS is conveying to Blickenstaff its interest in the following described real property owned by USS and that was not previously encumbered by the Covenants:

That part of the Southwest quarter of the Southwest quarter of Section 9, Township 21 South, Range 4 West, situated in Shelby County, Alabama, more particularly described as follows:

Commence at the Northwest corner of Lot 3B, Resurvey of Lot 3A of a Resurvey of Lots 2 & 3 of the Cahaba River Getaways, as recorded in Map Book 32, Page 57 in the Probate Office of Shelby County, Alabama and run easterly along the north line of said lot for a distance of 128.77 feet to the Point Of Beginning; thence continue along the last described course for a distance of 877.33 feet to the Northeast corner of said Lot; thence turn an interior angle right of 06° 01' 50" and run northwesterly for a distance of 844.28 feet; thence turn an interior angle right of 107° 00' 35" and run southwesterly for a distance of 96.39 feet to the Point Of Beginning. Said parcel contains 38,909 square feet or 0.89 acre, more or less.

Reserving a nonexclusive 30 foot easement lying to the east and abutting the following described line:

Commence at the Northwest corner of Lot 3B, Resurvey of Lot 3A of a Resurvey of Lots 2 & 3 of the Cahaba River Getaways, as recorded in Map Book 32, Page 57 in the Probate Office of Shelby County, Alabama and run easterly along the north line of said lot for a distance of 128.77 feet to the Point Of Beginning of the following described line; thence turn an angle of 66° 57' 36" to the left in a northeasterly direction 96.39 feet to the terminus of said line.

And granting a nonexclusive 30 foot easement lying to the west and abutting the following described line:

Commence at the Northwest corner of Lot 3B, Resurvey of Lot 3A of a Resurvey of Lots 2 & 3 of the Cahaba River Getaways, as recorded in Map Book 32, Page 57 in the Probate Office of Shelby County, Alabama and run easterly along the north line of said lot for a distance of 128.77 feet to the Point Of Beginning of the following described line; thence turn an angle of 66° 57' 36" to the left in a northeasterly direction 96.39 feet to the terminus of said line.

(The "USS Exchange Property").

It is agreed by all residents of Cahaba River Getaways and Ordered by the Court that the Covenants shall encumber the USS Exchange Property upon its conveyance into Blickenstaff, with the exception of any part of the USS Exchange Property that is part of the Road, as otherwise set forth in this Order.

13. It is understood and acknowledged by the Parties hereto and the Court that this Agreed Order arises out of the respective complaints for declaratory judgment and damages relating to the nature and extent of the Road described in the Complaint, and that there may still be disputes among the parties with respect to their interests in their respective properties and the location of their respective boundaries. Therefore, nothing in this Agreed Order or the recitals herein shall prohibit the parties from pursuing whatever lawful claims they may have arising or relating to their respective property interest apart from Road and Easement described herein.

In addition, based on the foregoing agreed findings of fact, its is hereby **Ordered, Decreed, and Adjudged**, upon agreement of the Parties named and identified in CV-05-252 as follows:

1. Farmer shall pay to the named plaintiffs the sum of Forty-five Thousand and no/100 Dollars (\$45,000.00) within forty-five (45) days of the entry of this Order, as full settlement for the damages claimed by the named plaintiffs. Upon said payment, defendants shall have no further obligation either to the named plaintiffs or any other landowner within Sunset Meadows subdivision to do any repair or other work of any nature whatsoever as to the Road.

2. The payment for damages referred to in Paragraph 1 above shall be remitted to Hobson Law Firm L.L.C. to be held in trust for the account of Plaintiffs Depiano and Schafer. Thomas Michael Hobson, Esq. shall serve as trustee for the Plaintiffs. The proceeds shall only be used to repair the Road from the gated entrance to the end of Sunset Meadows, a distance of some 2,100 linear feet. The Plaintiffs shall select a contractor to perform the repair and the contractor shall provide the specifications for the sub-base, paving, and seal coating that will be applied to the roadway. The trustee shall obtain approval from this Court for the roadway repair contract and upon completion of the contract work, and upon recommendation from the Plaintiffs to this cause of action, the trustee shall pay over said funds to the contractor.

3. The residents of Cahaba River Getaways are not bound or obligated to make contribution to the Depiano and Schafer plaintiffs for the roadway repair through Sunset Meadows for the current repairs, but his Order does not obviate any future contributions that might be required from the enforcement of the restrictive covenants as set forth in the Probate Records of Shelby County.

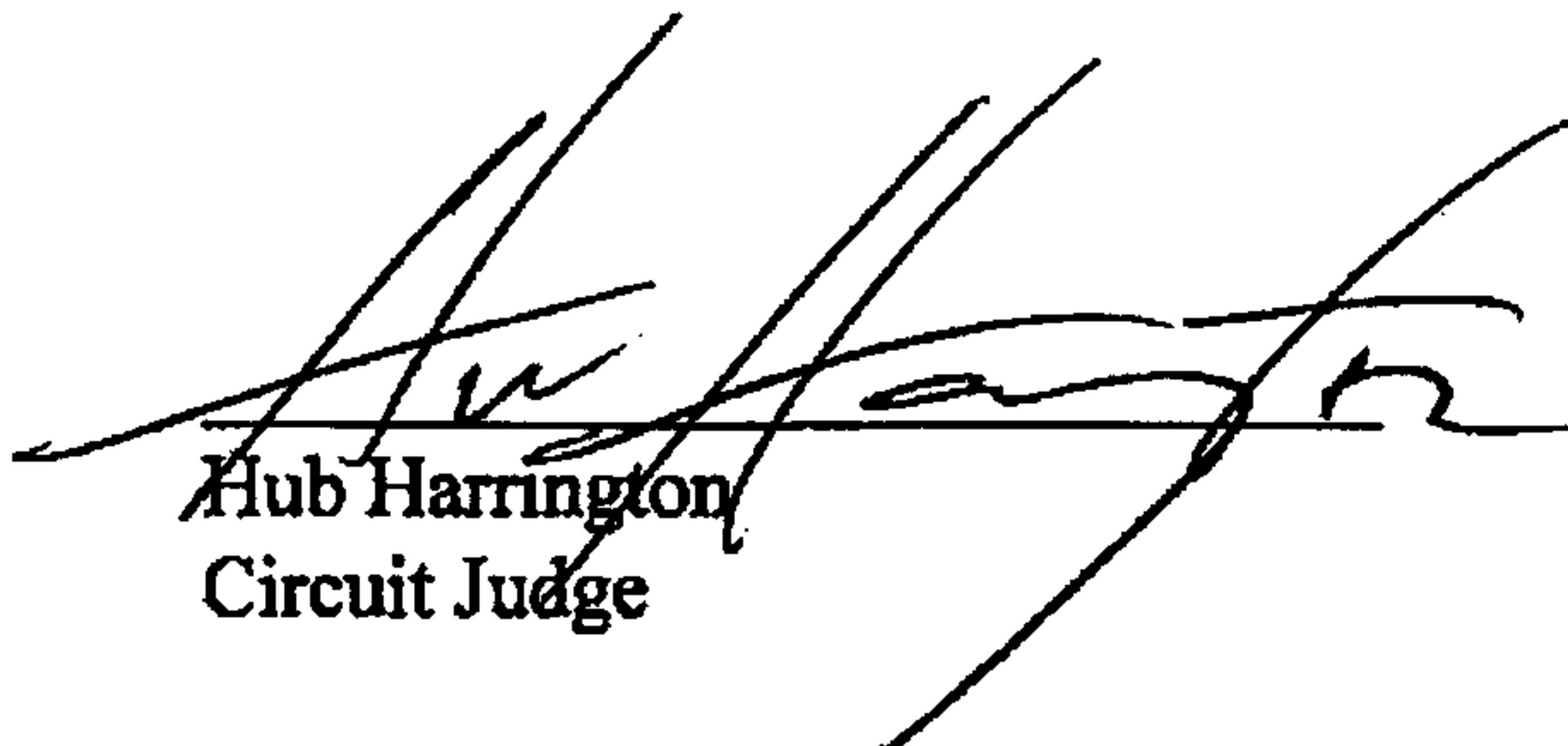
4. Farmer shall provide to counsel for the named plaintiffs a certified copy of the last recorded Plat Map for Sunset Meadows and Cahaba River Getaways, and this Court adopts and requires that the common areas as originally set forth is the true and correct common areas for both Sunset Meadows and Cahaba River Getaways.

5. Plaintiffs will dismiss CV-05-252. with prejudice, each party to bear his or her own costs.

It is further ORDERED, ADJUDGED AND DECREED by the Court that a certified copy


of this decree be recorded in the Office fo the Judge of Probate of Shelby County, Alabama, and that
it be indexed in the named of the parties in both the direct index and indirect index of the records
thereof.

Done this 13th day of July, 2007.


Hub Harrington
Circuit Judge

Certified a true and correct copy

Date: 10-25-07


Mary H. Harris, Circuit Clerk
Shelby County, Alabama