

EASEMENT - DISTRIBUTION FACILITIES
(Metes and Bounds)

TO BE RECORDED: YES X NO

This instrument prepared by:

STATE OF ALABAMA }
COUNTY OF Shelby }
TAX ID #

W.E. No. 61700-00-0400-700
Parcel No. 70203467
Transformer No.

Larry D. Smith
Alabama Power Company
P. O. Box 2641
Birmingham, Alabama 35291

A. GRANT KNOW ALL MEN BY THESE PRESENTS, That Sherwood, Inc.

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, 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.
- 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"):

See EXHIBIT "A" attached hereto and made a part hereof for a
legal description of the property involved.

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/~~their~~ hand(s) and seal(s) this the 4th day of January, 2008.

Witness

(Grantor)

(SEAL)

Witness

Sherwood, Inc.

(SEAL)

(Grantor)

By: Larry Polunski - V.P.

(SEAL)

As:

Witness



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Shelby Cnty Judge of Probate, AL
04/01/2008 09:24:31AM FILED/CERT

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: _____

By: _____ (SEAL)

Its: _____

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: _____

TRUSTEE/CORPORATION/PARTNERSHIP/LLC NOTARY

STATE OF ALABAMA }

COUNTY OF Shelby }

I, the undersigned, a Notary Public, in and for said County in said State, hereby certify that Larry Robinson whose name as V.P. of Sherwood, Inc 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 V.P. 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 4th day of January, 2008.

[SEAL]

Larry D J Smith
Notary Public
My commission expires: 2-6-10


For Alabama Power Company Corporate Real Estate Department Use Only

All facilities on Grantor: _____

Station to Station: _____

Shelby County, AL 04/01/2008
State of Alabama

Deed Tax: \$.50


20080401000129940 2/4 \$20.50
Shelby Cnty Judge of Probate, AL
04/01/2008 09:24:31AM FILED/CERT

70203467

Exhibit "A"

20021003000470980 Pg 2/2 1,213.00
 Shelby Cnty Judge of Probate, AL
 10/03/2002 08:26:00 FILED/CERTIFIED

Parcel I

Lot No. 1 Stough Estates, as recorded in Map Book 23, page 130, in the office of the Judge of Probate of Shelby County, Alabama, being more particularly described as follows:

Commence at the S.E. $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 35, Township 21 South, Range 3 West, and run in a northerly direction along the easterly line of said $\frac{1}{4}$ $\frac{1}{4}$ section line for 248.54 feet to a point on the northerly line of Shelby County Highway No. 24, said point being the point of beginning; thence continue along the last stated course for 2082.11 feet to a point; thence turn 92 deg. 39 min. 20 sec. left and run in a southwesterly direction for 1163.18 feet to a point; thence turn 93 deg. 53 min. 06 sec. left and run in a southeasterly direction for 828.65 feet to a point; thence turn 0 deg. 28 min. 18 sec. left and continue southeasterly for 656.83 feet to a point; thence turn 95 deg. 22 min. 53 sec. right and run in a southwesterly direction for 110.90 feet to a point; thence turn 82 deg. 23 min. 09 sec. left and run in a southerly direction for 678.60 feet to a point on the northerly line of Shelby County Highway No. 24; thence turn 92 deg. 15 min. 34 sec. left and run in an easterly direction along said northerly line of Shelby County Highway No. 24 for 715.19 feet to the P.C. (point of curve) of a curve to the left; thence in the arc of said curve, having a radius of 563.11 feet and a central angle of 50 deg. 19 min. 08 sec. for a distance of 494.54 feet to the point of beginning.

Parcel II

Lots 2 through 13, Stough Estates as recorded in Map Book 23 page 130, in the office of the Judge of Probate of Shelby County, Alabama, and a part of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 35, Township 21 South, Range 3 West, Shelby County, Alabama, being more particularly described as follows:

Commence at the southeast corner of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 35, Township 21 South, Range 3 West, and run in a northerly direction for a distance of 2330.65 feet to a point; thence turn 92 deg. 39 min. 20 sec. left and run in a southwesterly direction for 1163.18 feet to the point of beginning; thence turn 93 deg. 53 min. 06 sec. left and run in a southeasterly direction for 828.65 feet to a point; thence turn 0 deg. 28 min. 18 sec. left and continue southeasterly for 656.83 feet to a point; thence turn 95 deg. 22 min. 53 sec. right and run in a easterly direction for 110.90 feet to a point; thence turn 82 deg. 23 min. 09 sec. left and run in a southerly direction 678.60 feet to a point on the north line of Shelby County Highway No. 24; thence turn 88 deg. 44 min. 26 sec. right and run in a westerly direction along said northerly line of Shelby County Highway No. 24 for 1171.69 feet to a point as marked by a concrete monument (broken off at the top); thence turn 53 deg. 43 min. 55 sec. right and run in a northwesterly direction for 94.87 feet to a point on the easterly line of Alabama Highway No. 119 as marked by a concrete monument, said point also lying on a curve to the left; thence in the arc of said curve, having a radius of 11,419.16 feet in a northeasterly direction for 29.93 feet to the P.T. (point of tangent) of said curve; thence in the tangent to said curve in a northeasterly direction and along said easterly line of Alabama Highway No. 119 for 838.10 feet to the P.C. of a curve to the left; thence in the arc of said curve, having a radius of 7676.60 feet and a central angle of 4 deg. 02 min. and along said easterly line of Alabama Highway No. 119 for 540.39 feet to the P.T. (point of tangent) of said curve; thence in the tangent to said curve in a northeasterly direction and along the easterly line of Alabama Highway No. 119 for 490.13 feet to the P.C. (point of curve) of a curve to the right; thence in the arc of said curve, having a radius of 7,599.80 feet and a central angle of 0 deg. 45 min. 54 sec. and along said easterly line of Alabama Highway No. 119 for 101.48 feet to a point; thence turn 77 deg. 20 min. 12 sec. right (angle measured to chord) and run in a northeasterly direction for 832.50 feet to the point of beginning; also all of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 35, Township 21 South, Range 3 West lying southeasterly of Shelby County Highway No. 24; being situated in Shelby County, Alabama.



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 Shelby Cnty Judge of Probate, AL
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