

PARTIAL VACATION OF EASEMENT

This partial vacation of easement is entered into as of the 26 day of March, 2009, by and between **CHARLES A. J. BEAVERS, JR., ROBERT M. GRILLS, LAURA HOLCOMB GRILLS, LENN WATERS MORRIS, TRACI LEIGH MORRIS, MARY F. ROENSCH, CUSTODIAN, UGMA FOR MARY ALLISON ROENSCH, and SHERWOOD STAMPS** (all of whom claim right to one or more easements benefiting lands owned by them or their spouse and therefore hereinafter sometimes referred to collectively as "EH", easement holders), and **SAUNDERS BRIDGE HOMEOWNERS ASSOCIATION, INC. ("SBHA") and TP DEVELOPMENT LLC ("TP")**.

WHEREAS, EH are the owners (or wife of an owner) of certain property in Shelby County, Alabama (the "Dominant Estates") described on **Exhibit A**; and

WHEREAS, Although Charles A. J. Beavers and Sherwood Stamps are married men, their property does not constitute the homestead of either of them; and

WHEREAS, EH are the holders of an easement across property owned or controlled by SBHA and TP (the "Servient Estate") described on **Exhibit B**; and

WHEREAS, the parties desire to change the location of various aspects of the easement to vacate part of the original easement, and to impose a separate easement across the Servient Estate (the "Reconfiguration of Easement"); and

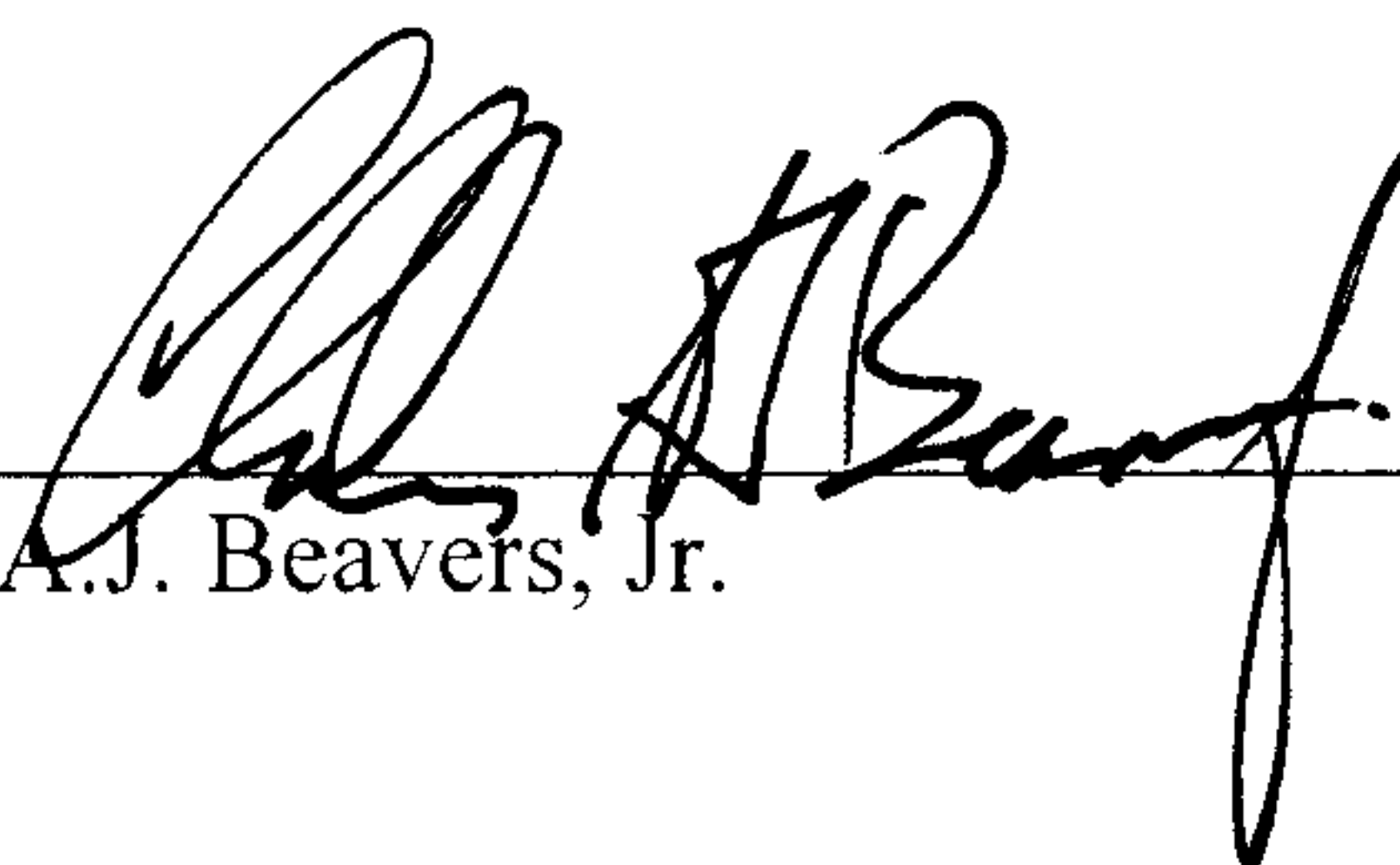
WHEREAS, in order accomplish the Reconfiguration of Easement, portions of the original easement must be vacated.

NOW THEREFORE, for One Dollar (\$1.00) and good and valuable consideration including the granting of additional easements over the Servient Estate and the agreement to construct a road located therein, the parties agree as follows:

1. that portion of the previous easement no longer needed for access to the Dominant Estate (described on **Exhibit 1** attached hereto) is hereby vacated and from this point forward shall be of no force and effect;
2. the new easement has been located over and across the Servient Estate;
3. that part of the old easement not vacated remains in full force and effect and continues to provide usable access to the Dominant Estates across the Servient Estate.
4. This Partial Vacation of Easement may be signed in multiple counterparts, but each such counterpart shall constitute but one original.

[All Signatures on following pages.]

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Shelby Cnty Judge of Probate, AL
03/26/2009 03:29:34PM FILED/CERT

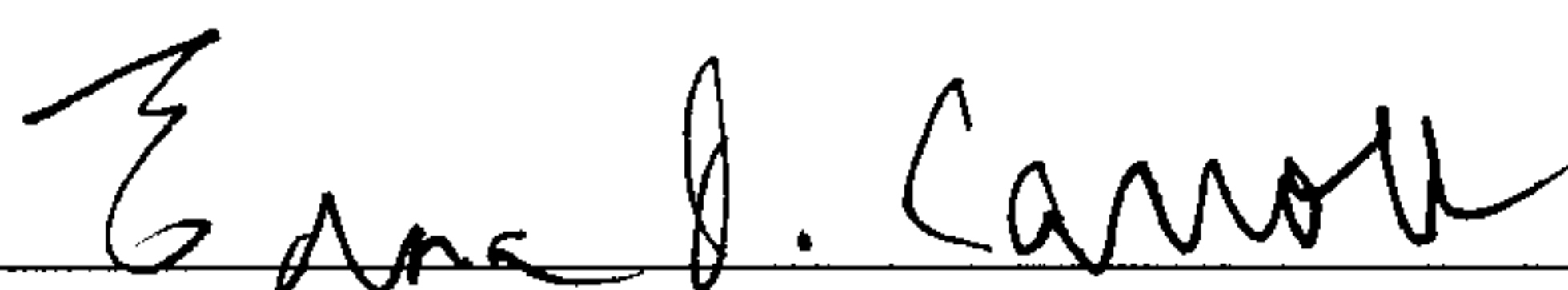


Charles A.J. Beavers, Jr.

STATE OF ALABAMA)
JEFFERSON COUNTY)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that **Charles A. J. Beavers, Jr.**, whose name is signed to the foregoing Partial Vacation of Easement, and who is known to me, acknowledged before me on this day that, being informed of the contents of such instrument, he executed the same voluntarily on the day the same bears date.

Given under my hand and seal this 11th day of March, 2009.



NOTARY PUBLIC
My Commission Expires

NOTARY PUBLIC STATE OF ALABAMA AT LARGE
~~MY COMMISSION EXPIRES: May 16, 2010~~
BONDED THRU NOTARY PUBLIC UNDERWRITERS

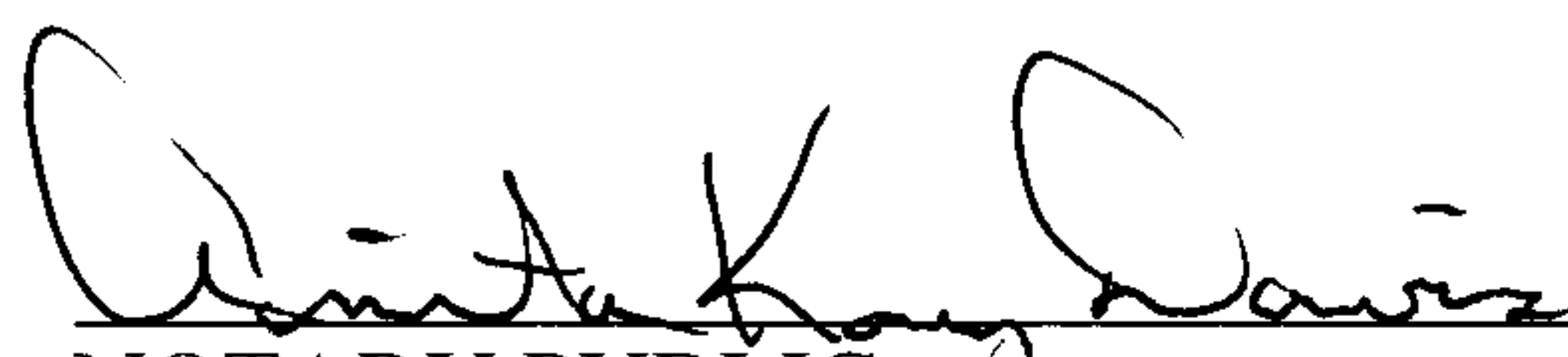
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Shelby Cnty Judge of Probate, AL
03/26/2009 03:29:34PM FILED/CERT


Robert M. Grills

STATE OF ALABAMA)
Jefferson COUNTY)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that **Robert M. Grills**, whose name is signed to the foregoing Partial Vacation of Easement, and who is known to me, acknowledged before me on this day that, being informed of the contents of such instrument, he executed the same voluntarily on the day the same bears date.

Given under my hand and seal this 26th day of March, 2009.

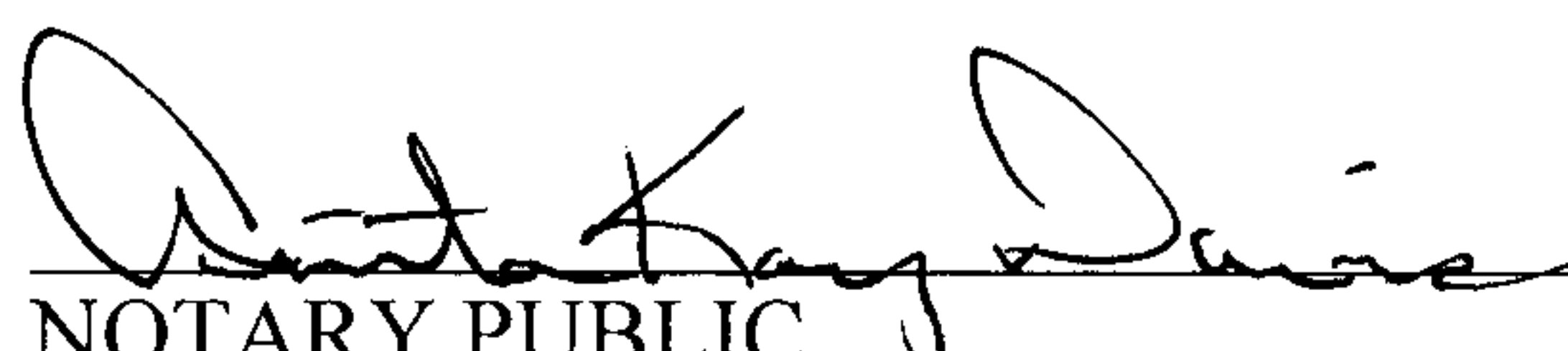

NOTARY PUBLIC
My Commission Expires: Sept. 28, 2010


Laura Holcomb Grills

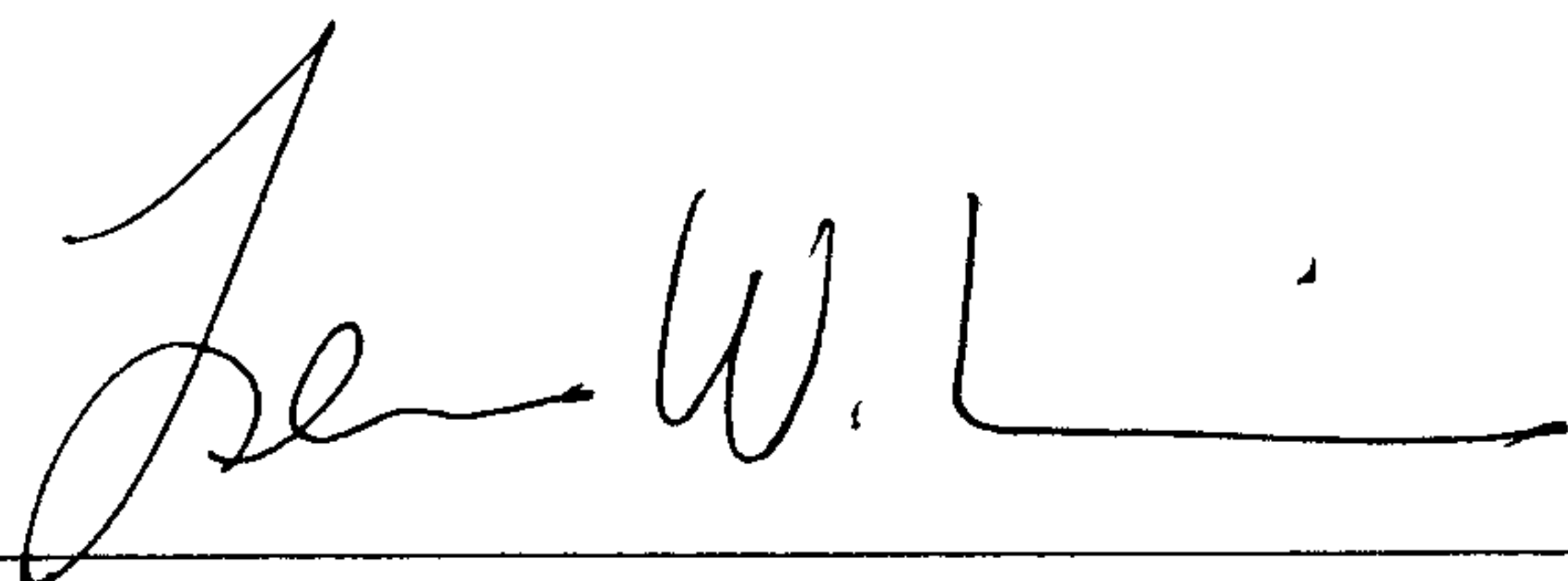
STATE OF ALABAMA)
Jefferson COUNTY)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that **Laura Holcomb Grills**, whose name is signed to the foregoing Partial Vacation of Easement, and who is known to me, acknowledged before me on this day that, being informed of the contents of such instrument, she executed the same voluntarily on the day the same bears date.

Given under my hand and seal this 26th day of March, 2009.


NOTARY PUBLIC
My Commission Expires: Sept. 28, 2010

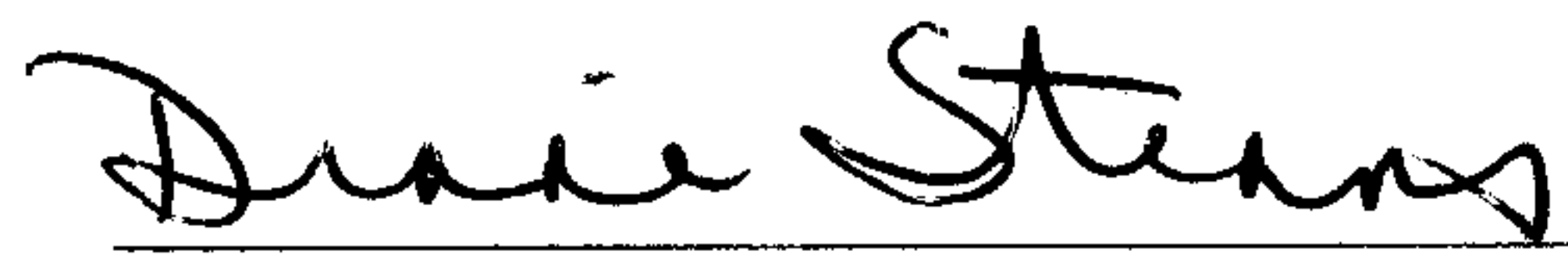
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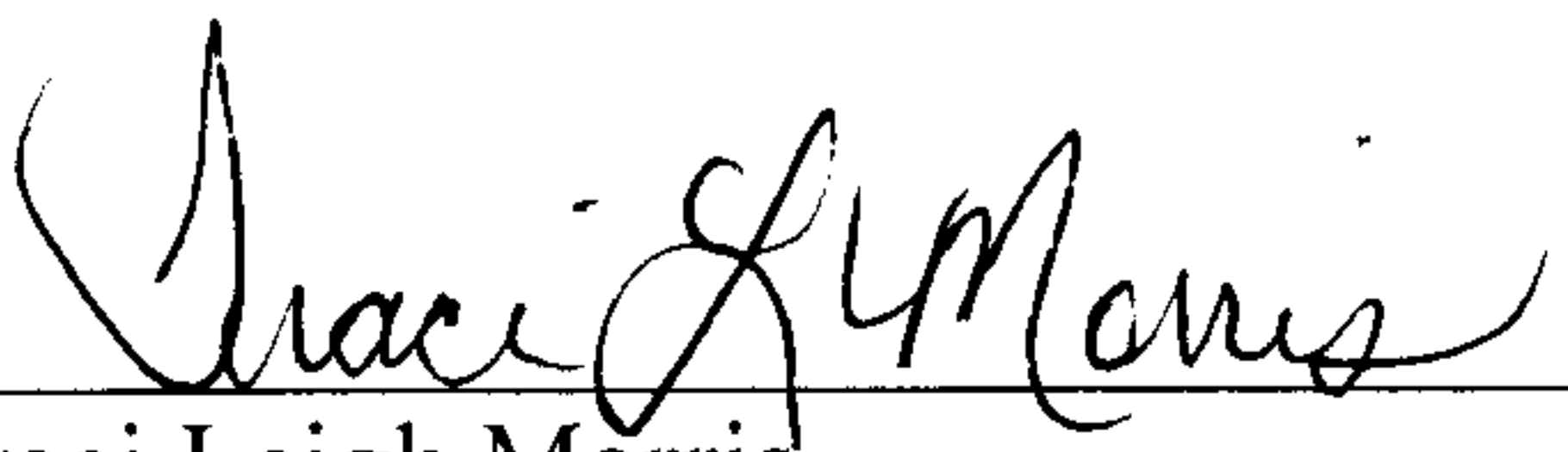

Lenn Waters Morris

STATE OF ALABAMA)
_____ COUNTY)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that **Lenn Waters Morris**, whose name is signed to the foregoing Partial Vacation of Easement, and who is known tome, acknowledged before me on this day that, being informed of the contents of such instrument, he executed the same voluntarily on the day the same bears date.

Given under my hand and seal this 17th day of March, 2009.



NOTARY PUBLIC
My Commission Expires: 10/21/2011


Traci Leigh Morris

STATE OF ALABAMA)
_____ COUNTY)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that **Traci Leigh Morris**, whose name is signed to the foregoing Partial Vacation of Easement, and who is known tome, acknowledged before me on this day that, being informed of the contents of such instrument, she executed the same voluntarily on the day the same bears date.

Given under my hand and seal this 17th day of March, 2009.


NOTARY PUBLIC
My Commission Expires: 10/21/2011

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Shelby Cnty Judge of Probate, AL
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Mary F. Roensch
Mary F. Roensch, Custodian, UGMA for
Mary Allison Roensch

STATE OF ALABAMA)
Jefferson COUNTY)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that **Mary F. Roensch, whose name as Custodian, UGMA for Mary Allison Roensch**, is signed to the foregoing Partial Vacation of Easement, and who is known to me, acknowledged before me on this day that, being informed of the contents of such instrument, she, in her capacity as such Custodian, executed the same voluntarily on the day the same bears date.

Given under my hand and seal this 11th day of March, 2009.

Edna O. Canale
NOTARY PUBLIC
My Commission Expires: NOTARY PUBLIC STATE OF ALABAMA AT LARGE
MY COMMISSION EXPIRES: May 16, 2010
BONDED THRU NOTARY PUBLIC UNDERWRITERS
Sherwood J. Stamps
Sherwood Stamps

STATE OF ALABAMA)
Jefferson COUNTY)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that **Sherwood Stamps**, whose name is signed to the foregoing Partial Vacation of Easement, and who is known to me, acknowledged before me on this day that, being informed of the contents of such instrument, he executed the same voluntarily on the day the same bears date.

Given under my hand and seal this 11th day of March, 2009.

Edna O. Canale
NOTARY PUBLIC
My Commission Expires: NOTARY PUBLIC STATE OF ALABAMA AT LARGE
MY COMMISSION EXPIRES: May 16, 2010
BONDED THRU NOTARY PUBLIC UNDERWRITERS

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Shelby Cnty Judge of Probate, AL
03/26/2009 03:29:34PM FILED/CERT

By: Kenneth Polk
Kenneth Polk
Its: Managing Member

STATE OF ALABAMA)
JEFFERSON COUNTY)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that **Kenneth Polk, the Managing Member of TP DEVELOPMENT COMPANY, LLC**, a limited liability company, whose name is signed to the foregoing Consent to Vacation, and who is known to me, acknowledged before me on this day that, being informed of the contents of said instrument, he executed the same voluntarily on the day the same bears date.

Given under my hand and seal this 9 day of March, 2009.

Bryan R. Taylor
NOTARY PUBLIC
My Commission Expires: 11-22-2012

**SAUNDERS BRIDGE HOMEOWNERS
ASSOCIATION, INC.**

By: Kenneth Polk
Kenneth Polk
Its: President

STATE OF ALABAMA)
JEFFERSON COUNTY)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that **Kenneth Polk, whose name as President of SAUNDERS BRIDGE HOMEOWNERS ASSOCIATION, INC.**, a corporation, is signed to the foregoing Consent to Vacation, and who is known to me, acknowledged before me on this day that, being informed of the contents of said instrument, he, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation.

Given under my hand and seal this 9 day of March, 2009.

Bryan R. Taylor
NOTARY PUBLIC
My Commission Expires: 11-22-2012

EXHIBIT A

Property Owners of the Dominant Estates

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**Charles A. J. Beavers, Jr. and Sherwood Stamps**

The west half of Section 33, Township 18 South, Range 1 East, and the northwest quarter of the northwest quarter of Section 4, Township 19 South, Range 1 East, Shelby County, Alabama.

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Robert M. Grills

Section 27, Township 18 South, Range 1 East of Shelby County, Alabama

Less and except a parcel of land situated in the East half of Section 27, Township 18 South, Range 1 East, Shelby County, Alabama, and being more particularly described as follows: Begin at a Channel iron marking the Northeast corner of said Section 27, Township 18 South, Range 1 East, said point being the point of beginning of said parcel; thence proceed South 0 degrees 06 minutes 27 seconds East along the East line of said Section 27 for 400.00 feet to an iron pin set; thence proceed South 44 degrees 53 minutes 33 seconds West for 441.24 feet to an iron pin set; thence proceed South 0 degrees 06 minutes 27 seconds East, parallel to the East line of said Section 27, for 785.36 feet to an iron pin set; thence proceed North 89 degrees 37 minutes 25 seconds West for 1045.71 feet to an iron pin set; thence proceed North 0 degrees 06 minutes 27 seconds West for 498.00 feet to an iron pin set; thence proceed North 44 degrees 55 minutes 12 seconds West for 283.77 feet to an iron pin set; thence proceed North 00 degrees 06 minutes 27 seconds West for 802.38 feet to an iron pin set on the North line of said Section 27; thence proceed South 89 degrees 37 minutes 25 seconds East for 1557.73 feet to the point of beginning of said parcel.

AND

Less and except: A parcel of land situated in the East half of Section 27, Township 18 South, Range 1 East, Shelby County, Alabama and being more particularly described as follows: Commence at the channel iron marking the Northeast corner of said Section 27, Township 18 South, Range 1 East: thence proceed South 0 degrees 06 minutes 27 seconds East (Astronomical Bearings) along the East line of said Section 27, 400.00 feet to an iron pin set at the point of beginning of said parcel; thence continue along previous course and said East line of Section 27, 1971.00 feet to an iron pin set; thence proceed North 0 degrees 06 minutes 27 seconds West parallel to the East line of said Section 27, 1659.00 feet to an iron pin set; thence proceed North 44 degrees 53 minutes 33 seconds East, 441.24 feet to the point of beginning of said parcel.

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Shelby Cnty Judge of Probate, AL
03/26/2009 03:29:34PM FILED/CERT

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**Lenn Waters Morris**

A parcel of land situated in the East half of Section 27, Township 18 South, Range 1 East, Shelby County, Alabama, and being more particularly described as follows: Begin at a Channel iron marking the Northeast corner of said Section 27, Township 18 South, Range 1 East, said point being the point of beginning of said parcel; thence proceed South 0 degrees 06 minutes 27 seconds East along the East line of said Section 27 for 400.00 feet to an iron pin set; thence proceed South 44 degrees 53 minutes 33 seconds West for 441.24 feet to an iron pin set; thence proceed South 0 degrees 06 minutes 27 seconds East, parallel to the East line of said Section 27, for 785.36 feet to an iron pin set; thence proceed North 89 degrees 37 minutes 25 seconds West for 1045.71 feet to an iron pin set; thence proceed North 0 degrees 06 minutes 27 seconds West for 498.00 feet to an iron pin set; thence proceed North 44 degrees 55 minutes 12 seconds West for 283.77 feet to an iron pin set; thence proceed North 00 degrees 06 minutes 27 seconds West for 802.38 feet to an iron pin set on the North line of said Section 27; thence proceed South 89 degrees 37 minutes 25 seconds East for 1557.73 feet to the point of beginning of said parcel.


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Mary F. Roensch, custodian, UGMA for Mary Allison Roensch

The East 1/2 of Section 33, Township 18 South, Range 1 East.

EXHIBIT B
to the Partial Vacation of Easement

The Servient Estate


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Shelby Cnty Judge of Probate, AL
03/26/2009 03:29:34PM FILED/CERT

Legal Description for Saunder's Bridge

PARCEL I:

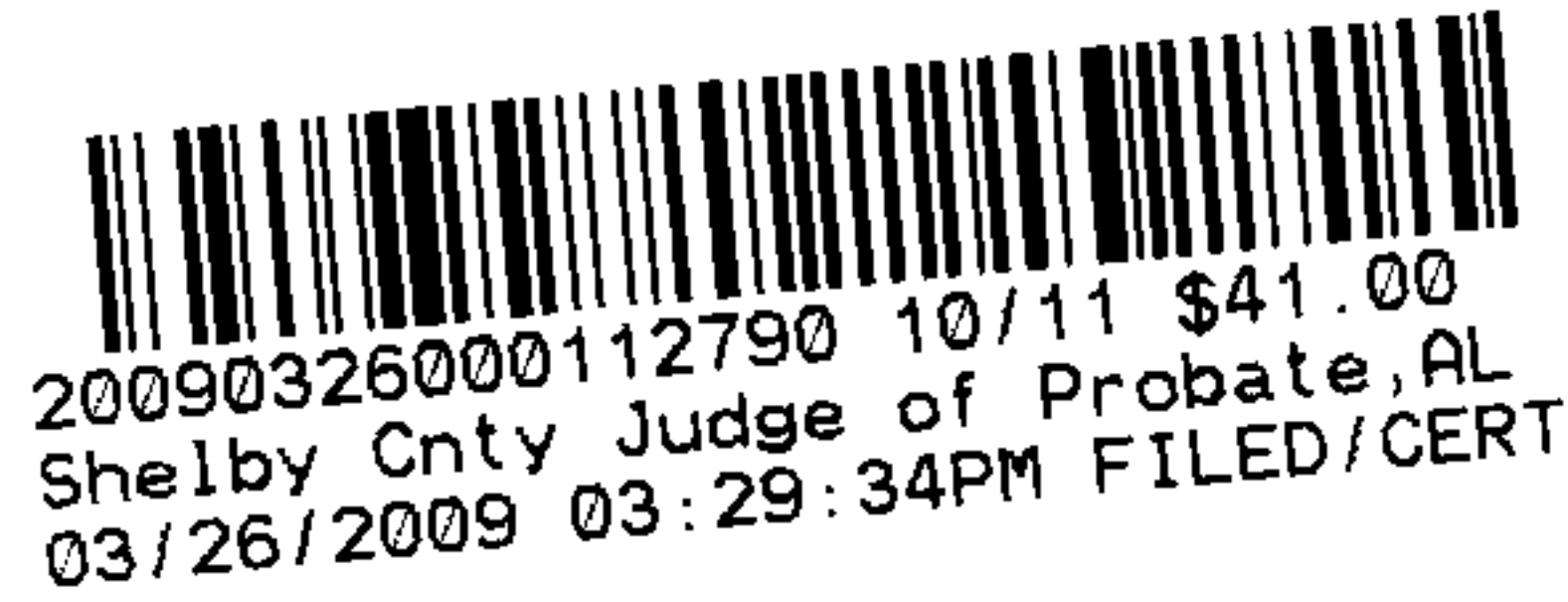
The Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ lying North of Twin Pine Road and also the Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ lying North and West of Twin Pines Road, all in Section 23, Township 18 South, Range 1 East, being situated in Shelby County, Alabama.

PARCEL II:

The Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 23, Township 18 South, Range 1 East and the Northwest $\frac{1}{4}$ of Section 26, Township 18 South, Range 1 East, Shelby County, Alabama as follows:

Begin at a 4" Channel iron found at the accepted Northwest corner of Section 26 and the Southwest corner of Section 23, Township 18 South, Range 1 East, Shelby County, Alabama, and run in a Northerly direction along the accepted West line of the Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of said Section 23, a distance of 1323.26 feet to the accepted Northwest corner of said $\frac{1}{4}$ - $\frac{1}{4}$ section, being an old rebar with a new plastic cap bearing R.L. S. Number 4092, Raymond Shackleford and the name "Southern Land Surveying Company", thence turn an interior angle of 90 degrees 55 minutes 56 seconds and run to the right in an Easterly direction along the accepted North Line of said $\frac{1}{4}$ - $\frac{1}{4}$ section a distance of 1347.84 feet to a 1" rebar found at the accepted Northeast corner of said $\frac{1}{4}$ - $\frac{1}{4}$ section, thence turn an interior angle of 90 degrees 58 minutes 42 seconds and run to the right in a Southerly direction along the accepted East line of said $\frac{1}{4}$ - $\frac{1}{4}$ section a distance of 1241.59 feet to a 1" steel bar found in a rock pile at the accepted Southeast corner of said $\frac{1}{4}$ - $\frac{1}{4}$ section, thence turn an interior angle of 267 degrees 41 minutes, 41 seconds and run to the left in an Easterly direction along the accepted North line of the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 26, Township 18 South, Range 1 East, Shelby County, Alabama a distance of 1327.21 feet to a pine knot found at the accepted Northeast corner of said $\frac{1}{4}$ - $\frac{1}{4}$ section; thence turn an interior angle of 90 degrees 55 minutes 34 seconds and run to the right in a Southerly direction along the accepted East line of the Northwest $\frac{1}{4}$ of Section 26 a distance of 2634.77 feet to a 1.25" open pipe found at the accepted Southeast corner of said $\frac{1}{4}$ section: thence turn an interior angle of 90 degrees 51 minutes 32 seconds and run to the right in a Westerly direction along the accepted South line of accepted Southwest corner of said $\frac{1}{4}$ section: thence turn an interior angle of 89 degrees 38 minutes 44 seconds and run to the right in a Northerly direction along the accepted West line of said $\frac{1}{4}$ section a distance of 2605.21 feet, more or less, to the Point of Beginning.

PARCEL III:



Tract A:

All that part of the Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 23, Township 18 South, Range 1 East, Shelby County, Alabama, lying South and East of dirt road.

Tract B:

Begin at the Southeast corner of the Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 23, Township 18 South, Range 1 East; thence run West along the South line thereof for a distance of 1347.97 feet to the Southwest corner; thence turn right 90 degrees 55 minutes 57 seconds and run North along the West line thereof for a distance of 259.20 feet; thence right 60 degrees 14 minutes 01 seconds for a distance of 158.04 feet; thence left 23 degrees 07 minutes 52 seconds for a distance of 11.05 feet; thence right 54 degrees 35 minutes 14 seconds for a distance of 1201.33 feet to the East line thereof; thence right 87 degrees 38 minutes for a distance of 288.13 to the Point of Beginning.

PARCEL IV:

The Southwest Quarter of the Southeast Quarter and the Southeast Quarter of the Southwest Quarter, Section 23, Township 18 South, Range 1 East.

PARCEL V:

A parcel of land situated in the East half of Section 27, Township 18 South, Range 1 East, Shelby County, Alabama and being more particularly described as follows:

Commence at the channel iron marking the Northeast corner of said Section 27, Township 18 South, Range 1 East; thence proceed South 0 degrees 06 minutes 27 seconds East (Astronomical Bearings) along the East line of said Section 27, 400.00 feet to an iron pin set at the point of beginning of said parcel; thence continue along previous course and said East line of Section 27, 1971.00 feet to an iron pin set; thence proceed North 0 degrees 06 minutes 27 seconds West parallel to the East line of said Section 27, 1659.00 feet to an iron pin set; thence proceed North 44 degrees 53 minutes 33 seconds East, 441.24 feet to the point of beginning of said parcel.

PARCEL VI:

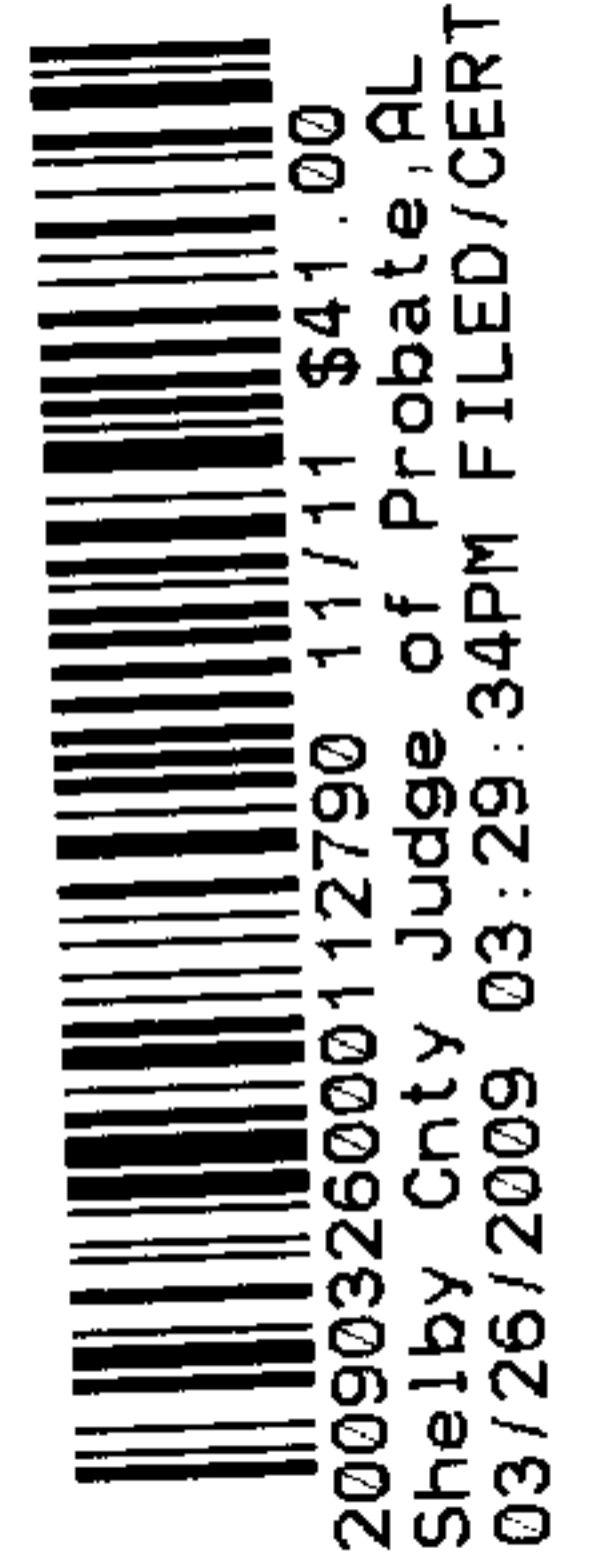
The Southeast Quarter of the Southeast Quarter of Section 22, Township 18 South, Range 1 East.

Road No. 1

LEGAL DESCRIPTION FOR A PORTION OF AN EXISTING
60 FOOT EASEMENT FOR INGRESS AND EGRESS TO BE VACATED

A centerline description for Sixty foot wide Ingress and Egress Easement to be Vacated in the Southwest Quarter of Section 23, Township 18 South, Range 1 East, Shelby County, Alabama.

Commencing at a found punched 4" channel iron marking the Southwest corner of Section 23, Township 18 South, Range 1 East and run in a Northerly direction along the West line of the Southwest Quarter of Section 23 for 402 feet to the POINT OF BEGINNING of the herein described Ingress and Egress Easement to be Vacated, side lines of said Easement lying 30.00 feet either side of and parallel to the following described centerline; thence leaving said Section line deflect $51^{\circ}44'47''$ and run to the right in a Northeasterly direction for 215.5 feet to a point; thence deflect $7^{\circ}30'00''$ and run to the left a Northeasterly direction for 200.00 feet to a point; thence deflect $29^{\circ}00'00''$ and run to the left in a Northeasterly direction for 160.0 feet to a point; thence deflect $45^{\circ}00'00''$ and run to the right in a Northeasterly direction a distance of 337.3 feet to a point; thence deflect $21^{\circ}00'00''$ and run to the left in a Northeasterly direction a distance of 303.22 feet to the end point of the centerline of said Easement to be Vacated, sidelines of said Easement to extend Northeasterly to intersect the Northerly line of the hereon described new 60 Foot Ingress and Egress Easement. Containing 1.67 acres more or less.



Road No. 2

LEGAL DESCRIPTION FOR AN EXISTING
60 FOOT EASEMENT FOR INGRESS AND EGRESS TO BE VACATED

A centerline description for Sixty foot wide Ingress and Egress Easement to be Vacated in the Southwest Quarter of Section 23, Township 18 South, Range 1 East, Shelby County, Alabama.

Commencing at a found punched 4" channel iron marking the Southwest corner of Section 23, Township 18 South, Range 1 East and run in a Northerly direction along the West line of the Southwest Quarter of Section 23 for 402 feet to a point; thence leaving said Section line deflect $51^{\circ}44'47''$ and run to the right in a Northeasterly direction for 215.5 feet to a point; thence deflect $7^{\circ}30'00''$ and run to the left a Northeasterly direction for 200.00 feet to a point; thence deflect $29^{\circ}00'00''$ and run to the left in a Northeasterly direction for 160.0 feet to a point; thence deflect $45^{\circ}00'00''$ and run to the right in a Northeasterly direction a distance of 313.5 feet to the POINT OF BEGINNING of the herein described Ingress and Egress Easement to be Vacated, side lines of said Easement lying 30.00 feet either side of and parallel to the following described centerline; thence deflect $62^{\circ}40'00''$ and run to the right in a Southeasterly direction a distance of 301.9 feet to a point; thence deflect $27^{\circ}09'00''$ and run to the left in a Southeasterly direction a distance of 235.0 feet to a point; thence deflect $2^{\circ}00'00''$ and run to the right in a Southeasterly direction a distance of 60.0 feet to the end point of the centerline of said Easement to be Vacated, sidelines of said Easement to extend Southeasterly to intersect the Westerly ROW line of Twin Pines Road, a Private Road. Containing 0.78 acres more or less.