

EASEMENT - DISTRIBUTION FACILITIES

\$500.00

STATE OF ALABAMA }

COUNTY OF Shelby }W.E. No. A6170-00-A2-09APCO Parcel No. 70222296Transformer No. S16495This instrument prepared by: Larry D. GravittAlabama Power Company
P. O. Box 2641
Birmingham, Alabama 35291

Shelby County, AL 05/15/2009

State of Alabama

Deed Tax : \$.50

20090515000183930 1/5 \$23.50
Shelby Cnty Judge of Probate, AL
05/15/2009 01:51:01 PM FILED/CERTA. GRANT KNOW ALL MEN BY THESE PRESENTS, That Brightwater Properties, 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 selected by the Company which is generally shown on the Company's drawing, attached hereto and made a part hereof, (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 each side of the center line of underground Facilities and fifteen feet (15') to each 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 said route as selected by the Company generally shown on said 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 said route selected by the Company generally shown on said 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/her hand(s) and seal(s) this the 27th day of April, 2009.

Witness

Witness

Witness

(Grantor)

Brightwater Properties, LLC

(Grantor)

By:

As:

Sole memberFor Alabama Power Company Corporate Real Estate Department Use Only

All facilities on Grantor: _____

Station to Station: _____

Sta # 1+10 to Sta # 20+90Guyson Sta # 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 19, 20

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:

By: _____
Its: _____

(Grantor - Name of Corporation/Partnership/LLC)
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: _____

TRUSTEE/CORPORATION/PARTNERSHIP/LLC NOTARY

STATE OF ALABAMA }
COUNTY OF _____ }

I, the undersigned, a Notary Public, in and for said County in said State, hereby certify that _____, whose name as _____ of _____ a _____, 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 _____ day of _____, _____.

[SEAL]

Notary Public
My commission expires: _____



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EXHIBIT "A"

70222296

Parcel I

East $\frac{1}{2}$ of Southeast $\frac{1}{4}$ of Section 13, Township 19, Range 1 East and the West $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of Section 18, Township 19, Range 2 East, in Shelby County, Alabama.

Less and except any portion of the land set out in the deed recorded as Inst. No. 1999-44903 in the Probate Office being further described as follows:

A part of the Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 18, Township 19 South, Range 2 East being more particularly described as follows:

Commence at the Northeast corner of said $\frac{1}{4}$ - $\frac{1}{4}$ section thence South along the East line 420 feet to the point of beginning, thence run westerly along the South boundary of a tract conveyed to William Cunningham 312 feet to a point on the Southwest corner of said Cunningham tract, thence North along West line of the Cunningham tract 420 feet more or less to a point on the North boundary of said $\frac{1}{4}$ - $\frac{1}{4}$ section line thence West along North line 88 feet thence left and run South parallel with the East line of said $\frac{1}{4}$ - $\frac{1}{4}$ section a distance of 577 feet thence left and run East 400 feet more or less to a point on the East line of said $\frac{1}{4}$ - $\frac{1}{4}$ section, thence left and run North along said East line 157 feet more or less to the point of beginning in the Probate Office of Shelby County, Alabama; being situated in Shelby County, Alabama.

Also Less and Except:

A part of the Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 18, Township 19 South, Range 2 East and being more particularly described as follows:

Begin at the Northeast corner of the said $\frac{1}{4}$ - $\frac{1}{4}$ section for the point of beginning; thence run Southerly 420 feet along the $\frac{1}{4}$ - $\frac{1}{4}$ section line to a point; thence run Westerly 312 feet to a point; thence Northerly 420 feet, more or less, to the North boundary line of $\frac{1}{4}$ - $\frac{1}{4}$ section; thence Easterly 312 feet, more or less, to the point of beginning, in the Probate Office of Shelby County, Alabama; being situated in Shelby County, Alabama.

Parcel II

The West $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of Section 13, Township 19 South, Range 1 East in the probate Office of Shelby County, Alabama; being situated in Shelby County, Alabama.

Parcel III

The West 50 feet of the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 24, Township 19 South, Range 1 East, situated in Shelby County, Alabama, and that part of the West 100 feet of the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of section 24, Township 19 South, Range 1 East, lying North of right of way of Florida Short Route Highway, situated in said County, in the Probate Office of Shelby County, Alabama; being situated in Shelby County, Alabama.



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