

This Instrument Prepared By:
Wm. Randall May
ALLISON, MAY & KIMBROUGH, L.L.C.
P. O. Box 380275
Birmingham, AL 35238
(205) 991-6367

STATE OF ALABAMA)
COUNTY OF SHELBY)

DECLARATION OF VACATION OF STREET OR ALLEY

KNOW ALL MEN BY THESE PRESENTS, That

WHEREAS, **Ralph W. Bearden, Monta Faye Bearden, Ralph W. Bearden, Jr., Alfred W. Bearden, Cynthia B. Carroll, Ramona B. Martin, Lynda Sue Clinkscales Granger, Hawaii ERS Timberland L.L.C., Roy H. Holladay, II, Cathy W. Holladay and Bouvier Harmon Ervin** are the owners (hereinafter "the Owners") of all the property abutting or in any way served by the property herein described and the road, street or highway situated thereon, and owns all the lands abutting on or touching said property, and is desirous of vacating said public road, street, highway or right-of-way over and across the property herein described, as provided for by Ala. Code §35-2-54 and §23-4-20.

NOW THEREFORE, the undersigned, being the owners of all the lands abutting or served by the following described property and the road, street or highway situated thereon:

That portion of Shelby County Road #57 (hereinafter "Road") extending from the Shelby County/St. Clair County line westward across the Owners' properties abutting said Road to the south side of Kelly Creek and includes the bridge structure across Kelly Creek. It is the intent of this action to ensure the vacation of all of said Road across the properties of the Owners whether previously vacated or not.


do hereby declare the above property and the road, street or highway situated thereon vacated and annulled, and all public rights and easements therein divested of the property subject, however, to all existing rights-of-way or easements for public utilities and to all utility facilities presently situated in said area vacated hereby.

The undersigned owners, except Hawaii ERS Timberland L.L.C. ("Hawaii ERS"), do hereby further declare that after vacation of the said public street and alley located as described above, and all public rights and easements therein, convenient means of ingress and egress to and from the property will be afforded to all other property owners owning property in or near the tract of land embraced by the said map, plat or, survey, wherein the above described property was dedicated for public purposes.

As to the portion of the described road, street or highway which abuts the property owned by Hawaii ERS, the undersigned owners, other than Hawaii ERS, agree that such portion of the above described road, street or highway is not necessary for and will not be used by any of such owners for ingress and egress to and from the property owned by such owners. The undersigned owners, other than Hawaii ERS, do hereby grant to Hawaii ERS, the right to use the portion of the above described road, street or highway abutting their property for convenient means of ingress and egress to and from the property owned by Hawaii ERS.

IN WITNESS WHEREOF, the undersigned has hereunto set his hand and seal this 4th day of August, 2010.

[Signatures appear on next page]


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Shelby Cnty Judge of Probate, AL
10/08/2010 12:18:01 PM FILED/CERT

Ralph W. Bearden

Ralph W. Bearden

Ralph W. Bearden, Jr.

Ralph W. Bearden, Jr.

Cynthia B. Carroll

Cynthia B. Carroll

Lynda Sue Clinkscales Granger

Lynda Sue Clinkscales Granger

Cathy W. Holladay

Cathy W. Holladay

Monta Faye Bearden

Monta Faye Bearden

Alfred W. Bearden

Alfred W. Bearden

Ramona B. Martin

Ramona B. Martin

Roy H. Holladay, II

Roy H. Holladay, II

Bouvier Harmon Ervin

Bouvier Harmon Ervin

Hawaii ERS Timberland, L.L.C.

By: Hancock Natural Resource Group,
Inc., Its Manager

David Kimbrough

Its: Vice President



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STATE OF ALABAMA)
Shelby COUNTY)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that **RALPH W. BEARDEN**, whose name is signed to the foregoing declaration, and who is known to me, acknowledged before me on this day that, being informed of the contents of the declaration, he executed the same voluntarily.

Given under my hand and official seal, this the 25th day of August, 2010.


Pamela S. Moseley
NOTARY PUBLIC
My Commission Expires: 8-15-2011

STATE OF ALABAMA)
Shelby COUNTY)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that **MONTA FAYE BEARDEN**, whose name is signed to the foregoing declaration, and who is known to me, acknowledged before me on this day that, being informed of the contents of the declaration, she executed the same voluntarily.

Given under my hand and official seal, this the 25th day of August, 2010.


Pamela S. Moseley
NOTARY PUBLIC
My Commission Expires: 8-15-2011

STATE OF ALABAMA)
Shelby COUNTY)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that **RALPH W. BEARDEN, JR.**, whose name is signed to the foregoing declaration, and who is known to me, acknowledged before me on this day that, being informed of the contents of the declaration, he executed the same voluntarily.

Given under my hand and official seal, this the 25th day of August, 2010.


Pamela S. Moseley
NOTARY PUBLIC
My Commission Expires: 8-15-2011



STATE OF ALABAMA)
Shelby COUNTY)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that **ALFRED W. BEARDEN**, whose name is signed to the foregoing declaration, and who is known to me, acknowledged before me on this day that, being informed of the contents of the declaration, he executed the same voluntarily.

Given under my hand and official seal, this the 25th day of August, 2010.

Pamela S. Mosley
NOTARY PUBLIC
My Commission Expires: 8-15-2011

STATE OF ALABAMA)
Shelby COUNTY)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that **CYNTHIA B. CARROLL**, whose name is signed to the foregoing declaration, and who is known to me, acknowledged before me on this day that, being informed of the contents of the declaration, she executed the same voluntarily.

Given under my hand and official seal, this the 25th day of August, 2010.

Pamela S. Mosley
NOTARY PUBLIC
My Commission Expires: 8-15-2011

STATE OF ALABAMA)
Shelby COUNTY)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that **RAMONA B. MARTIN**, whose name is signed to the foregoing declaration, and who is known to me, acknowledged before me on this day that, being informed of the contents of the declaration, she executed the same voluntarily.

Given under my hand and official seal, this the 25th day of August, 2010.

Pamela S. Mosley
NOTARY PUBLIC
My Commission Expires: 8-15-2011



STATE OF ALABAMA)
Calhoun COUNTY)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that **LYNDA SUE CLINKSCALES GRANGER**, whose name is signed to the foregoing declaration, and who is known to me, acknowledged before me on this day that, being informed of the contents of the declaration, she executed the same voluntarily.

Given under my hand and official seal, this the 3rd day of September, 2010.

Candina Jones
NOTARY PUBLIC
My Commission Expires October 1, 2013

STATE OF ALABAMA)
St. Clair COUNTY)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that **ROY H. HOLLADAY, II**, whose name is signed to the foregoing declaration, and who is known to me, acknowledged before me on this day that, being informed of the contents of the declaration, she executed the same voluntarily.

Given under my hand and official seal, this the 13th day of September, 2010.

Sarah Anne Garner
NOTARY PUBLIC
My Commission Expires: 11/17/10



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STATE OF ALABAMA)
St. Clair COUNTY)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that **CATHY W. HOLLADAY**, whose name is signed to the foregoing declaration, and who is known to me, acknowledged before me on this day that, being informed of the contents of the declaration, she executed the same voluntarily.

Given under my hand and official seal, this the 13th day of Sept., 2010.

Sarah Ann Gernon
NOTARY PUBLIC
My Commission Expires: 11/17/10

STATE OF ALABAMA)
St. Clair COUNTY)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that **BOUVIER HARMON ERVIN**, whose name is signed to the foregoing declaration, and who is known to me, acknowledged before me on this day that, being informed of the contents of the declaration, she executed the same voluntarily.

Given under my hand and official seal, this the 20th day of Sept., 2010.

Sarah Ann Gernon
NOTARY PUBLIC
My Commission Expires: 11/17/10

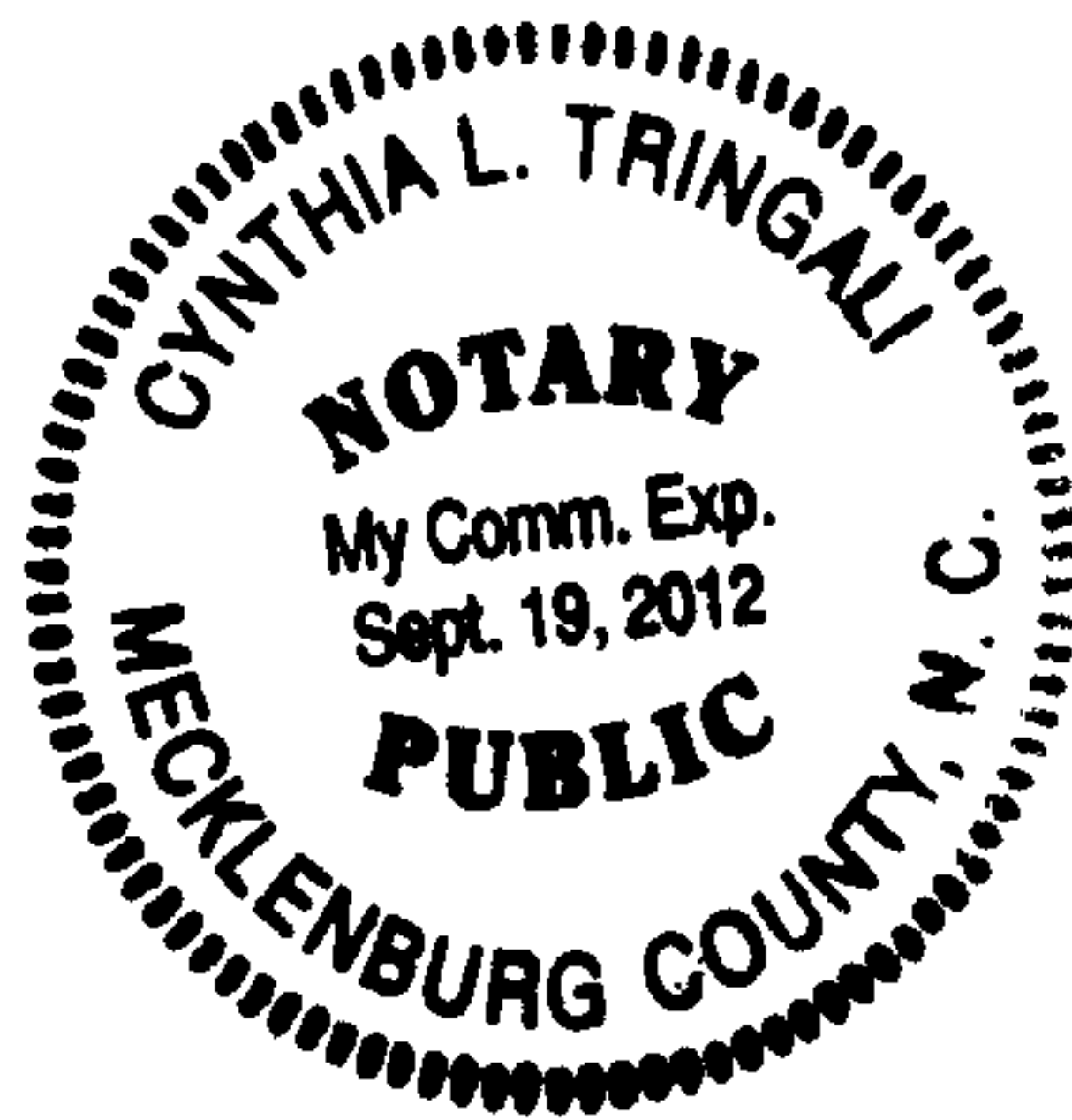


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STATE OF NORTH CAROLINA)
MECKLENBURG COUNTY)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that David Kimbrough, whose name as Vice President of Hancock Natural Resource Group, Inc., a Delaware corporation, the Manager of **HAWAII ERS TIMBERLAND L.L.C.**, a Hawaii limited liability company, is signed to the foregoing declaration, and who is known to me, acknowledged before me on this day that, being informed of the contents of the declaration, he, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation, acting in its capacity as Manager of said limited liability company as aforesaid.

Given under my hand and official seal, this the 4th day of August, 2010.



Cynthia L. Tringali
NOTARY PUBLIC
My Commission Expires: 9-19-2012

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