

THIS INSTRUMENT RELATES TO THAT CERTAIN REAL PROPERTY CONVEYED BY WILSHIRE STATE BANK TO JESSE CREEK MINING, LLC BY STATUTORY WARRANTY DEED RECORDED AS INSTRUMENT #20130618000250490 IN THE OFFICE OF THE JUDGE OF PROBATE OF SHELBY COUNTY, ALABAMA ON JUNE 18, 2013.

**STATE OF ALABAMA)
SHELBY COUNTY)**

CONFIRMATION OF VARIANCE

Before me, the undersigned authority in and for said County in said State, personally appeared this day **M. Beth O'Neill**, who, being by me first duly sworn deposed and says:

1. I am a bona fide resident citizen of the State of Alabama, over the age of 21 years, have personal knowledge of the facts set forth herein and am licensed to practice law in Alabama with the firm of Maynard, Cooper & Gale, P.C.

2. I am the attorney who represented **Jesse Creek Mining, LLC**, a Delaware limited liability company, as purchaser, in its purchase from **Wilshire State Bank**, a California banking corporation, as seller, of certain property located in Alabaster, Shelby County, Alabama, which is more particularly described as follows (the "Property"):

Beginning at the southwest corner of Lot 13 of Park Place as recorded in Map Book 15, Page 47, in the Office of the Judge of Probate of Shelby County, Alabama and run thence southerly along the East line of Warrior Drive a distance of 160.99 feet to a point on the North margin of Shelby County Highway No. 26 (AKA Kent Dairy Road); thence turn 89 degrees 28 minutes 58 seconds left and run easterly along said margin of said Highway No. 26 a distance of 159.47 feet to a point; thence turn 92 degrees 33 minutes 33 seconds left and run northerly a distance of 155.74 feet to a point; thence turn 90 degrees 24 minutes 25 seconds left and run westerly a distance of 46.07 feet to a point; thence turn 92 degrees 28 minutes 54 seconds right and run northerly a distance of 7.76 feet to a point marking the southeast corner of same said Lot 13 of same said Park Place subdivision; thence turn 89 degrees 30 minutes 02 seconds left and run westerly a distance of 108.00 feet to the Point of Beginning, being located in the SE ¼ of the SE ¼ of Section 10, Township 21 South, Range 3 West, Shelby County, Alabama.

3. I am the attorney who represented **Jesse Creek Mining, LLC** in Variance Case #VA05-13-11 heard by the Alabaster Board of Zoning Adjustment ("ZBA") on May 20, 2013. **Jesse Creek Mining, LLC's** obligation to purchase the Property from **Wilshire State Bank** was conditioned on the grant by the ZBA of variances from the side setback, rear setback, rear buffer and

parking requirements for the Property under the B-3 Zoning Regulations in the City of Alabaster Zoning Ordinance, Ordinance Number 99-0101, as amended by Ordinance Number 05-A-07, adopted by the Alabaster City Council on September 21, 1999 (the "Zoning Ordinance"). A copy of the pertinent portion of the Zoning Ordinance is attached hereto as **Exhibit A** and incorporated herein by reference.

4. The ZBA granted the requested variances as evidenced by the Minutes of the Alabaster Board of Zoning Adjustment dated May 20, 2013, a copy of which is attached hereto as **Exhibit B** and incorporated herein by reference.

5. The purpose of this Confirmation of Variance is to give public notice in the real estate records of the grant by the ZBA of the variances requested by **Wilshire State Bank and Jesse Creek Mining, LLC** in Variance Case #VA 05-13-11.

IN WITNESS WHEREOF, the Affiant has executed this Confirmation of Variance as of the 10th day of July, 2013.

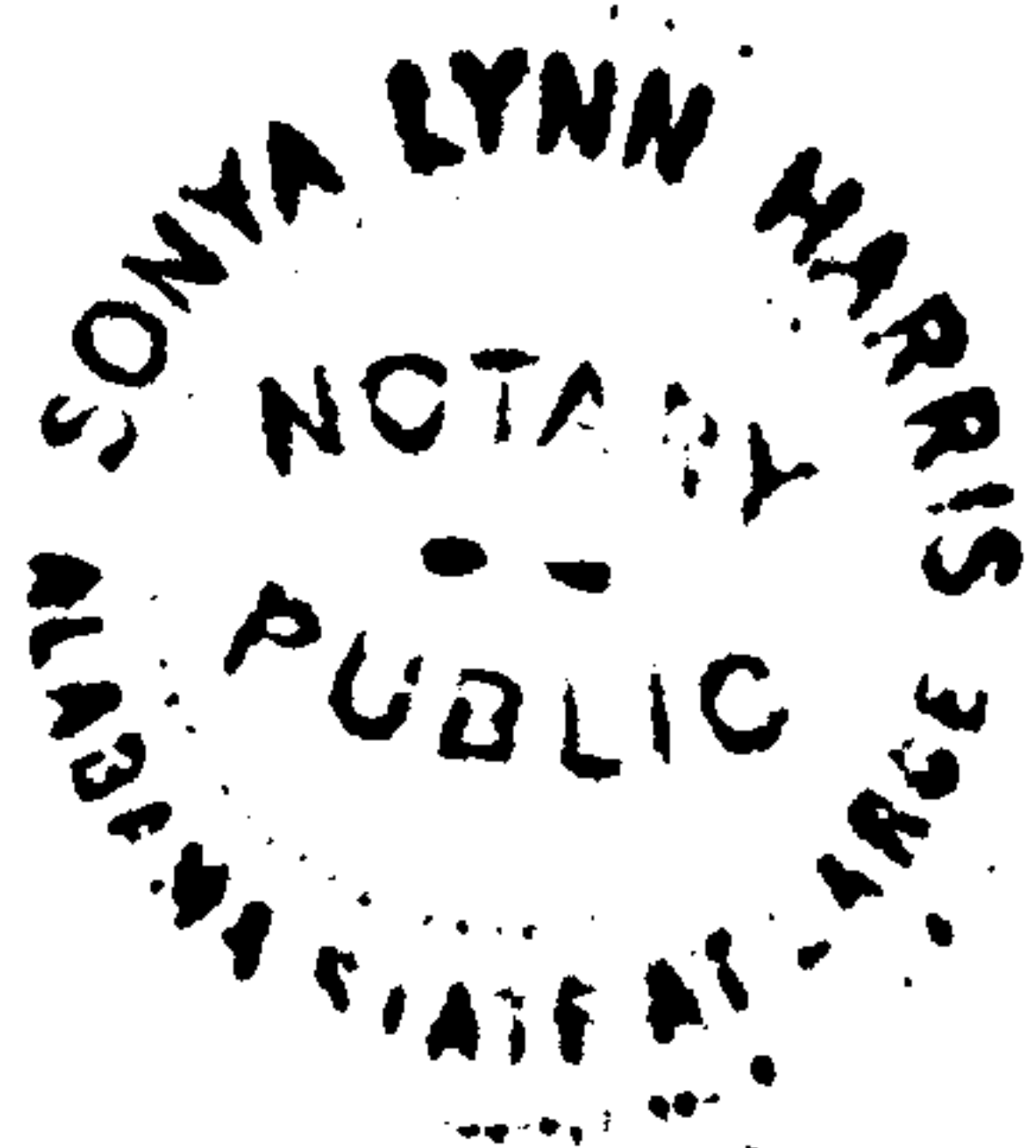
M. Beth O'Neill
M. Beth O'Neill
Attorney for Carmeuse Lime & Stone, Inc.

This instrument prepared by:
M. Beth O'Neill
Maynard, Cooper & Gale, P.C.
1901 Sixth Avenue North, Suite 2400
Birmingham, Alabama 35203
(205) 2549-1093

STATE OF ALABAMA)
JEFFERSON COUNTY)

On this 10th day of July, 2013, before me, the undersigned notary public, personally appeared M. Beth O'Neill, known to me to be the person whose name is subscribed to the within instrument and acknowledged that she executed the same voluntarily for the purposes therein contained.

In witness whereof, I hereunto set my hand and official seal



Sonya Lynn Harris
Notary Public
Print Name: Sonya Lynn Harris
My commission expires: 11/14/16

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Shelby Cnty Judge of Probate, AL
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EXHIBIT A
ZONING ORDINANCE

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ZONING LETTER

PERMIT #: 13-00066

MASTER PERMIT #: -

DATE ISSUED 06/07/13

PROJECT #: 13- T

REF #: _____

City of Alabaster

PROJECT ADDRESS: KENT DAIRY ROAD, 1615

SUBDIVISION:

LOT #:

BLK #:

OWNER NAME: GREENWOOD CLEANERS INC. C/O WILSHIRE

PHONE:

ADDRESS: 3200 WILSHIRE BLVD

CITY: LOS ANGELES

STATE: CA

ZIP: 90010

CONTRACTOR: MAYNARD, COOPER & GALE, P.C.

PHONE: (205)-254-1000

ADDRESS: 1901 SIXTH AVENUE NORTH SUITE 2400

CITY: BIRMINGHAM

STATE: AL

ZIP: 35203

ENGINEER:

DESIGNER:

PROP. USE: JESSE CREEK MINING NEW OFFICES

WORK: ZONING VERIFICATION AND VARIANCE - CASE#VA05-13-11 - CONFIRMATION

DESC: LETTER FOR 1615 KENT DAIRY ROAD BZA MEETING MAY 20, 2013

VALUATION: \$0.00

FEES DUE:

\$10.00

FEES PAID:

\$10.00

SPECIAL CONDITIONS:

WORK CLASS:

SQ. FTG: 0

FIRE ZONE:

OCCUP TYPE:

USE ZONE: B-3

CONST TYPE:

APPLICATION ACCEPTED BY

PLANS CHECKED BY

APPROVED FOR ISSUANCE BY

* * * * * N O T I C E * * * * *

~~THIS PERMIT BECOMES NULL AND VOID IF WORK OR CONSTRUCTION AUTHORIZED IS NOT COMMENCED WITHIN 6 MONTHS, OR IF CONSTRUCTION OR WORK IS SUSPENDED, OR ABANDONED FOR A PERIOD OF 6 MONTHS AT ANY TIME AFTER WORK IS STARTED.~~

I HEREBY CERTIFY THAT I HAVE READ AND EXAMINED THIS DOCUMENT AND KNOW THE SAME TO BE TRUE AND CORRECT. ALL PROVISIONS OF LAWS AND ORDINANCES GOVERNING THIS TYPE OF WORK WILL BE COMPLIED WITH WHETHER SPECIFIED HEREIN OR NOT. GRANTING OF A PERMIT DOES NOT PRESUME TO GIVE AUTHORITY TO VIOLATE OR CANCEL THE PROVISIONS OF ANY OTHER STATE OR LOCAL LAW REGULATING CONSTRUCTION OR THE PERFORMANCE OF CONSTRUCTION.

(SIGNATURE OF CONTRACTOR OR AUTHORIZED AGENT)

DATE

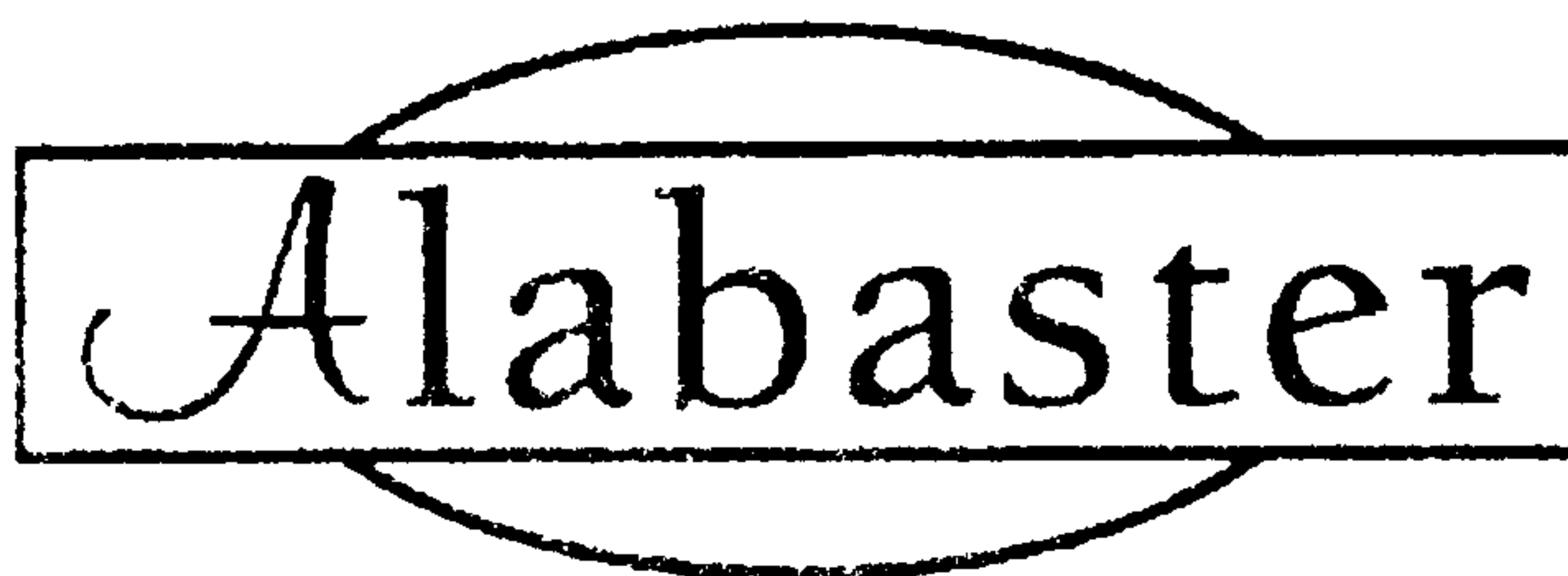
Adelle M. [Signature]
APPROVED BY)

06/07/13

DATE



20130717000289980 4/13 \$48.00
Shelby Cnty Judge of Probate, AL
07/17/2013 10:53:43 AM FILED/CERT



Adele Nelson
Zoning
Coordinator

**Department of Building Safety
Planning & Zoning**

06/06/13

Maynard, Cooper & Gale P.C.
Attn: M. Beth O'Neill, Esq.
1901 Sixth Avenue North
Suite 2400
Birmingham, Alabama 35203

Re: location of property-
23-2-16-4-006-014.000
1615 Kent Dairy Road
Alabaster, AL 35007

To Whom It May Concern:

This letter is in regards for a Zoning Verification / Variance Confirmation Letter for the above-mentioned location of property within the City of Alabaster. This property is zoned B-3 (Community Business District) consisting of 0.59 +/- acres.

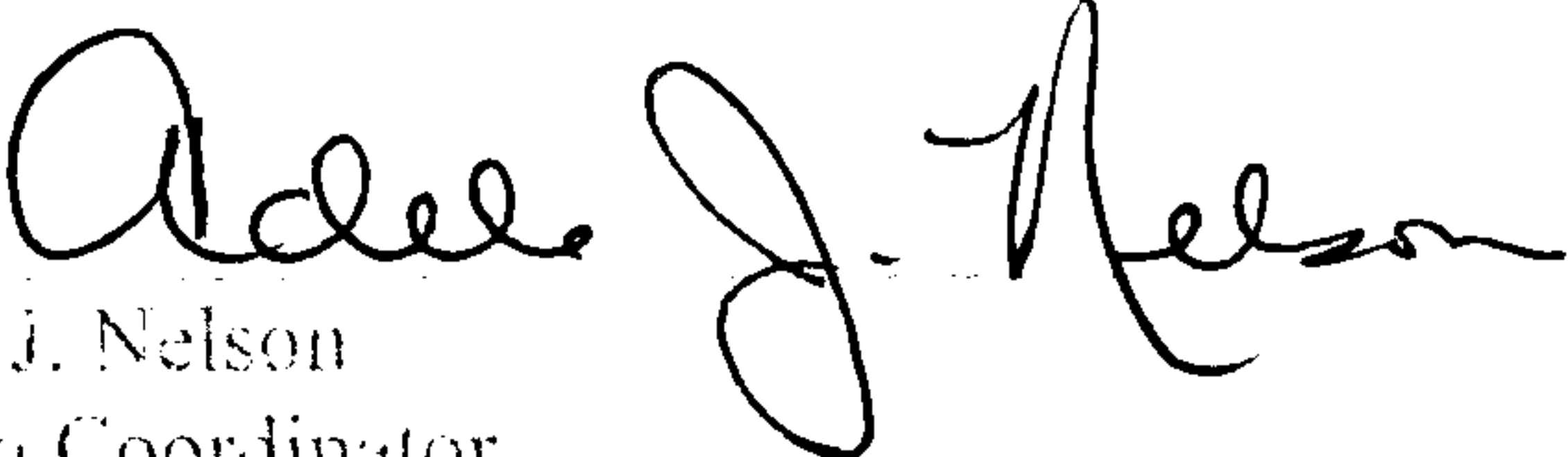
Current property information map attached

Attached is a copy of the current B-3 Zoning Regulations taken from the City of Alabaster Zoning Ordinance. Ordinance Number 99-010 Amended by Ordinance Number 05-Z-07 Adopted by the Alabaster City Council September 21, 1999.

Variance case # VA05-13-11, as recorded in the City of Alabaster official records, was granted at the May 20, 2013 Alabaster Board of Zoning Adjustment meeting.

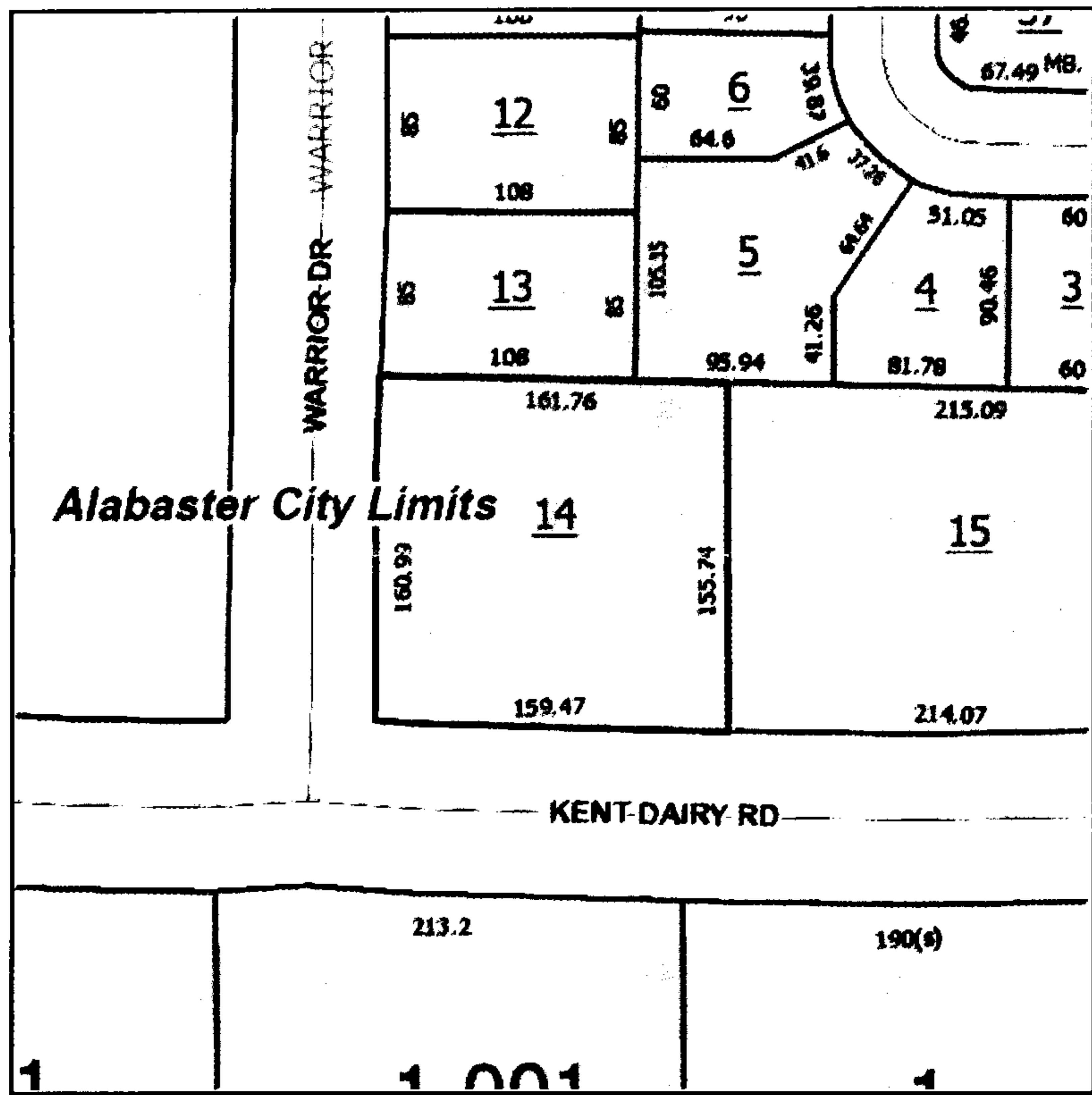
If the city can be of further assistance, please do not hesitate to call. 205-621-8735

Sincerely,


Adele J. Nelson
Zoning Coordinator

Property Information: 23 2 10 4 006 014.000

Year: 2013



owner information

name 1	name 2	address 1	address 2	city	state	zip
GREENWOOD	C/O WILSHIRE	3200 WILSHIRE BLVD		LOS	CA	90010
CLEANERS INC	STATE BANK			ANGELES		

subdivision name	primary lot	secondary lot	block	section	township	range
			000	10	21S	03W

map book	map page	lot dimension 1	lot dimension 2	acres	square feet
0	0	159.47	160.99	0.00	0.00

description

BEG NW COR SE1/4 SE1/4 E80 S1175 TO POB CONT S160.99 E159.47 N155.74 W46.07 N7.76 W108 TO POB

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Section 14.0. Community Business District. (B-3)

14.1. *Intent.* To provide areas for retail and service businesses which serve a community-wide market and are generally not compatible in proximity to nor within residential areas.

14.2. *Permitted uses.*

Any use permitted in the B-2 Business district, plus:

Automobile dealership, used car lot

Minor automobile repair, provided that all service work is done within an enclosed building, all vehicles are stored within an enclosed building or a yard which is paved with a concrete or asphalt surface and screened from view from off the premises, and no vehicle shall be stored on the premises for more than 30 days.

Bakeries

Bowing alley

Business services such as blueprinting, duplicating, and computer and copier sales and service

Car wash

Catering shop

Discount and department stores

Equipment and vehicle rental business, provided that all service work is done within an enclosed building and all outdoor storage is screened from view from all public rights-of-way and residential districts

Fraternal orders and lodges wherein alcoholic beverages are sold or consumed

Funeral home

Gasoline service station

Grocery Store

Home furnishing establishments including, carpet, furniture and appliances

Home improvement centers and retail lumber yards

Hotels and motels

Indoor flea market

Manufactured Home Sales and service

On and off-premise sale of alcoholic beverages

Outdoor, commercial recreation uses such as miniature golf, par 3 golf, golf driving range, batting cages, go-cart tracks, paint ball courses and similar uses

Paint, wallpaper and home decorating stores

Pawn shop

Plant nursery, greenhouse

Power equipment sales and service centers, provided that all service work is done within an enclosed building and all storage is screened from view from all public rights-of-way and residential districts

Radio or television broadcasting studio

Repair service for such items as appliances, electronics, shoes, watches or jewelry

Research and testing laboratories

Restaurant, drive-up

Shopping center

Skating rink

Taxidermy

Theater and drive-in theater

Vehicle towing service, with no vehicle storage on premises

Veterinarian, with no outdoor kennels

Video arcade

Vision center

Retail and service uses which are similar to the above stated uses and comply with the intent of this district

14.3. Special Exception Uses.

Live entertainment

Self service storage facilities

Utility uses such as: Electric substations, water storage tanks, above-ground pumping stations

14.4. Prohibited uses.

All permitted uses in the Institution District

Any wholesale establishment

Any residential dwelling

Any industrial, manufacturing, storage or other use not in accordance with the intent of this district, including any use, or any use which is similar to a use, which is a permitted use in the B-4, M-1 and M-2 districts.

14.5. *Area and dimensional regulations.*

AREA AND DIMENSIONAL REGULATIONS	
Minimum Lot Area	None
Minimum Lot Width	50 feet
Maximum Building Height	60 feet, (30 feet when any portion of the property adjoins a single family or two family residential district)
Minimum Building Setbacks	
Front	50 feet
Rear	60 feet, (15 feet if adjoining property is zoned business)
Side	40 feet, (5 feet if adjoining property is zoned business)

14.6. *Buffer Regulations.* All uses shall provide a buffer which is at least twenty (20) feet wide along all rear and side property lines which abut a single-family or two-family residential district or agriculture district.

14.7. *Additional regulations*

- A. High Traffic Corridors Regulations, Article VII, Sec. 11.0.
- B. Gasoline Service Station Regulations, Article VII, Sec. 12.0.
- C. Self Service Storage Regulations, Article VII, Sec.16.0.
- D. Off-street Parking and Loading Regulations, Article IX.
- E. Sign Regulations, Article X.
- F. Landscaping and Buffer Regulations, Article XI.
- G. Wireless Telecommunication Facilities, Article VIII
- H. No materials, supplies nor equipment shall be stored in any area on a site except within an enclosed building, or behind a visual barrier screening such areas so that they are not visible from neighboring properties and public streets. Said visual barrier shall be either a planting screen of evergreen shrubs or a wall or fence constructed of material similar to and compatible with that of the principal building.

EXHIBIT B
MINUTES OF ZBA MEETING

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COPY

MINUTES OF THE ALABASTER BOARD OF ZONING ADJUSTMENT
ALABASTER, ALABAMA
May 20th, 2013

A regular scheduled meeting of the Alabaster Board of Zoning Adjustment was held in the Alabaster Senior Center on Monday, May 20th, 2013 at 6:30 P.M.

Present: Alan Cannon, Jack E. Harris Jr., Ron Gambill, and Rayford L. Coleman.

Absent: Richard Olive and Ronald Brewis

Others Present: Emmit Stallworth, and Adele Nelson

A motion was made by, Ron Gambill and seconded by Rayford L. Coleman, to approve the minutes of the April 22nd, 2013 meeting, as written.

Voting: Ayes – All Nays- None Abstained – Motion carried

VARIANCE

(1.) CASE# VA05-13-11 1615 KENT DAIRY ROAD
WILSHIRE STATE BANK IS REQUESTING A SIDE SETBACK, REAR SETBACK,
REAR BUFFER, AND PARKING VARIANCE FOR THE GREENWOOD CLEANERS
BUILDING. W5- ZONED: B-3

Michael Johnson with Engel Realty Company, LLC, representing Wilshire State Bank, was present, requesting a side setback, rear setback, rear buffer, and parking variance update for the previous Greenwood Cleaners building located at 1615 Kent Dairy Road. John McNab, president of the Jesse Mining Company, was also present stating that the current owner Wilshire State Bank has entered into a contract to sell the property to the mining company for use as its corporate business office. Beth O'Neal with Maynard Cooper & Gale PC was also present, stating that Wilshire State Bank is requesting a rear setback, side setback, rear buffer, and parking variance so the property will meet conformance at the time of purchase by the Jesse Mining Company. (Copy of current survey will be made part of the minutes.)

Pastor Tony Roberts and wife Pam of Abundant Life Church/ 1625 Kent Dairy Road were also present as an adjoining property owner.

No Opposition from the audience.

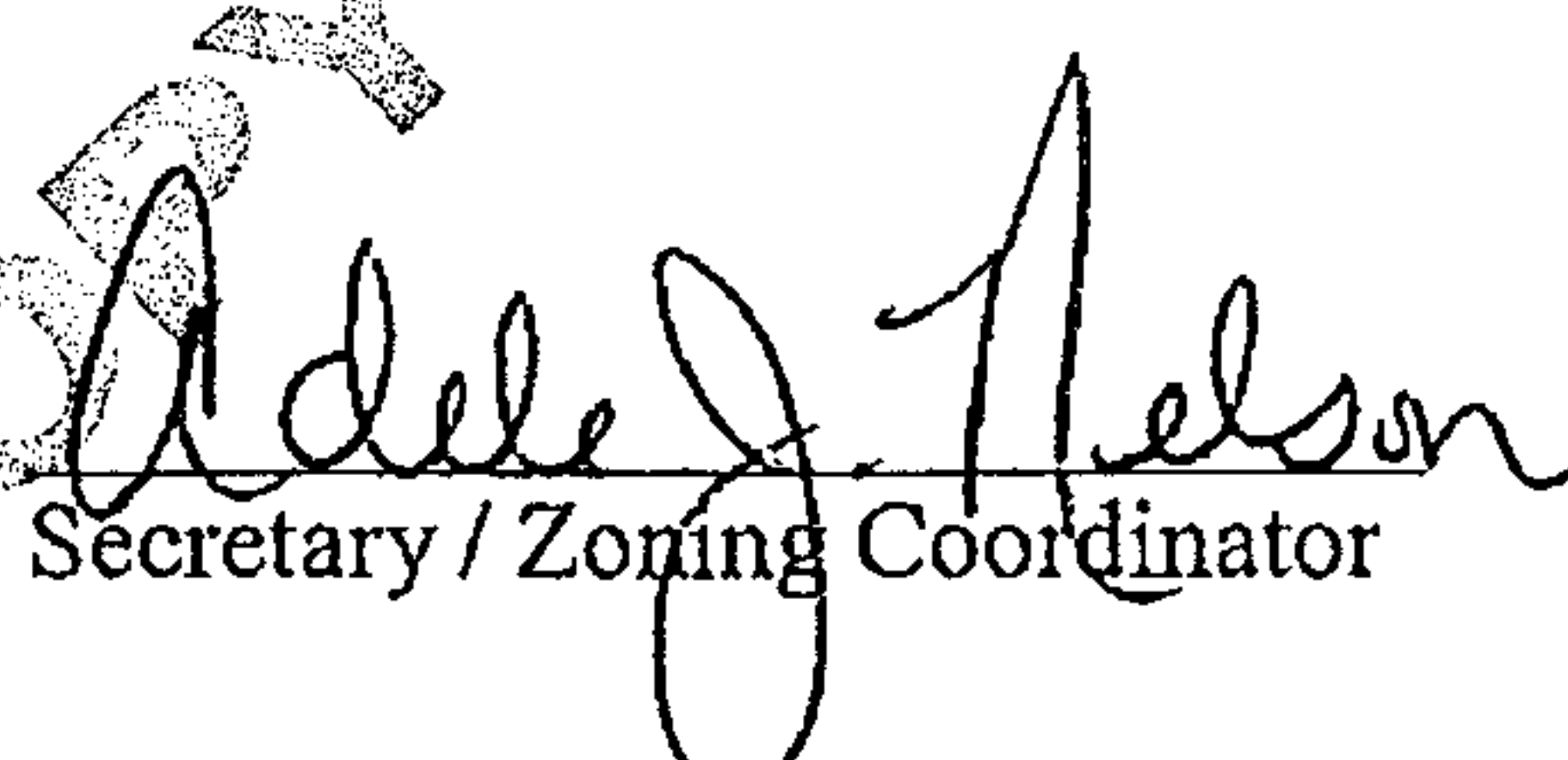
After a brief discussion, Ron Gambill made a motion to grant a forty-four (44) foot rear setback variance, taking the required sixty (60) foot rear to the granted sixteen (16) foot rear; grant a twenty-five (25) foot side setback variance, taking the required forty (40) foot side to the granted fifteen (15) foot side; grant a twenty (20) foot rear landscaping buffer variance, taking the required twenty (20) foot buffer to the granted zero (0) foot buffer; and grant a eight (8) parking space quantity variance, taking the required forty-six (46) spaces to the granted thirty-eight (38) spaces for 1615 Kent Dairy Road / 23-2-10-4-006-014.000 Jack E. Harris Jr., seconded the motion.

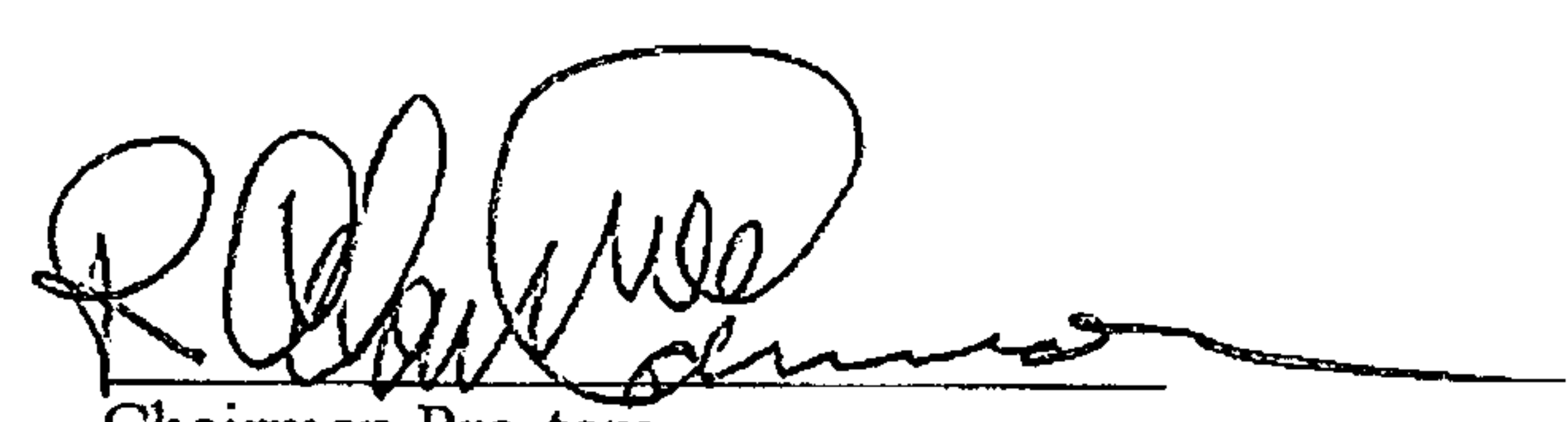


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Voting: Ayes- Jack E. Harris Jr., Ron Gambill, Rayford L. Coleman, and Alan Cannon.
Nays- None Motion Carried

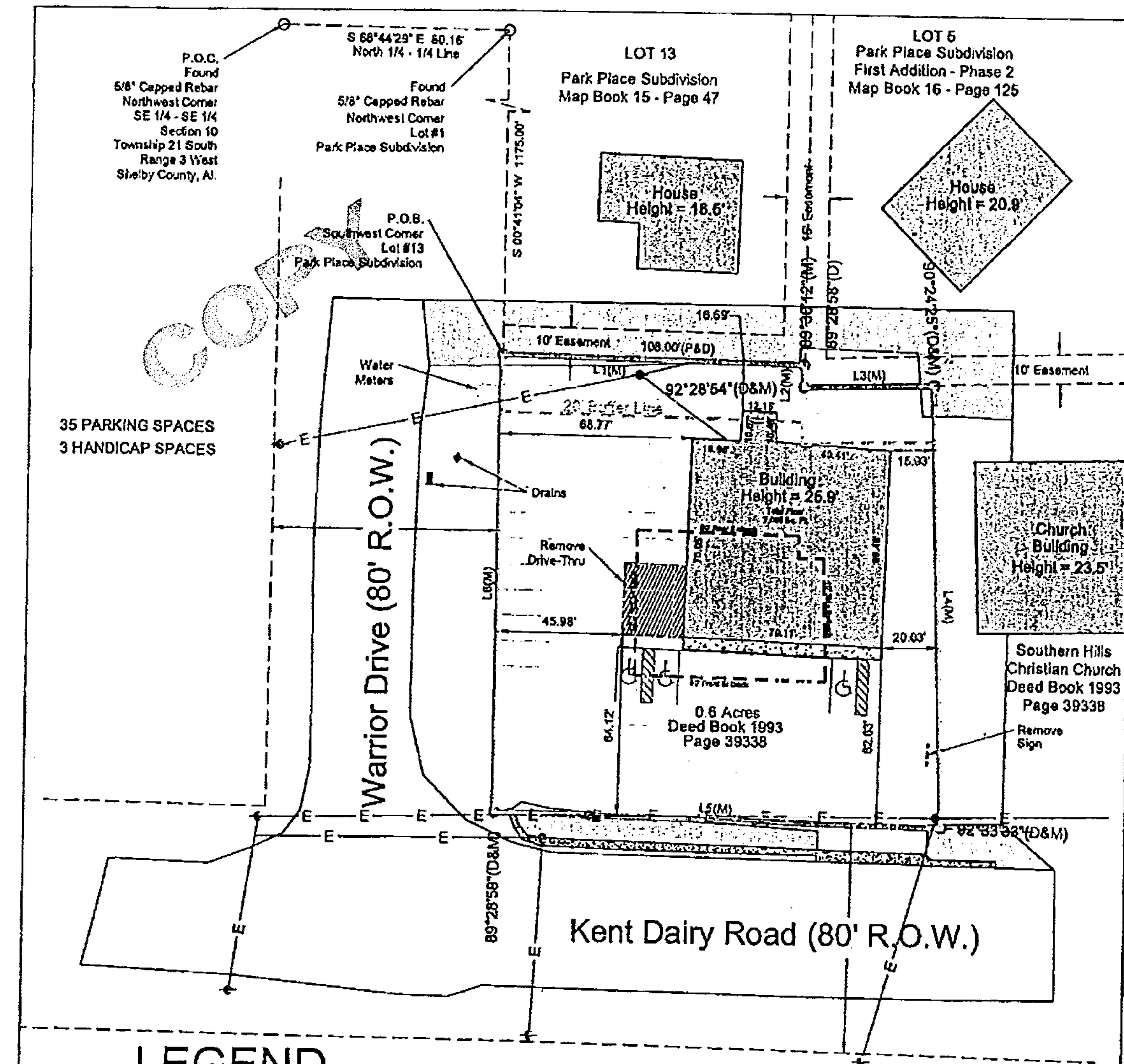
There being no further business, a motion was made by Rayford L. Coleman, and seconded by, Jack E. Harris Jr., to adjourn the Board of Zoning Adjustment meeting of May 20th, 2013 at 6:47 P.M.


Secretary / Zoning Coordinator


Chairman Pro-tem


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Shelby Cnty Judge of Probate, AL
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Exhibit B-3



LEGEND

These standard symbols will be found in the drawing.

- | | | | |
|--|-----------------------|--|------------------------------|
| | CONCRETE | | IRON PIN FOUND |
| | ASPHALT | | POWER POLE |
| | OVERHEAD UTILITY LINE | | WATER METER |
| | FENCE LINE | | IRON PIN SET (CA 0440-LS) |
| | TRAFFIC BOX | | SEWER MANHOLE |
| | | | P.O.B. POINT OF BEGINNING |
| | | | P.O.C. POINT OF COMMENCEMENT |
| | | | (D) DEED |
| | | | (M) MEASURED |
| | | | (P) PLAT |

LINE	BEARING	DISTANCE
L1	N 88°48'58" W	107.60'
L2	N 00°41'14" E	7.76'
L3	S 88°12'20" W	46.07'
L4	N 01°23'15" W	155.74'
L5	S 88°49'42" E	159.47'
L6	S 00°39'16" W	160.99'



NORTH BASED ON ALABAMA GRID NORTH NAD 27 (WEST ZONE)



MEC
mcgehee engineering corp
post office box 3431
jasper, alabama 35502-3431
telephone: (205) 221-0686 fax: 221-7721
web page: mcgehee.org



I hereby certify (or state) that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Surveying in the State of Alabama to the best of my knowledge, information, and belief.

Witness my hand this the _____ day of _____

Hancel L. Cox, P.L.S.

Jesse Creek Mining
A parcel of land located in a part of
the SE 1/4 - SE 1/4 of 10-21-03
Shelby County, Alabama

DRAWN BY: JWW	DATE: 05/02/13
CHKD. NO.: JWS/KACD/Jesse Creek DWS	APPROVED BY: HLC
DATE: 05/02/13	TYPE: Q
REVIEW	SCALE:

VA05-13-11 B-3
Front, rear setbacks, rear buffer & parking
1615 Kent Dairy Rd (Greenwood Cleaners)
Wilshire State Bank
MEETING: 05-20-13

HT. NO.

1

1



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