

STATE OF ALABAMA )

SHELBY COUNTY )



20171215000448300 1/4 \$24.00  
Shelby Cnty Judge of Probate, AL  
12/15/2017 01:47:09 PM FILED/CERT

**ACKNOWLEDGEMENT OF RESERVED RIGHTS**

This ACKNOWLEDGEMENT OF RESERVED RIGHTS (hereinafter "**Acknowledgement**") is entered into as of the 1st day of December 2017, by **RMCS2017, LLC**, an Alabama limited liability company ("**RMCS**") in favor of J. Steven Mobley, an individual resident of Shelby County, Alabama ("**Mobley**").

WHEREAS, as of October 27, 2017, Mobley and certain of his affiliates conveyed to RMCS the real property (the "**Property**") described in the conveyance recorded as Instrument # 20171122000422350 (the "**Deed**"); and

WHEREAS, the Deed reserved certain rights to Mobley and his affiliates (the "**Reserved Rights**"), described in the Deed as follows:

This conveyance is expressly subject to a reservation to the Grantors of a seventy foot (70.00') right-of-way (the "**Right-Of-Way**") over and through the land described on EXHIBIT "A" attached to this conveyance and incorporated by reference herein. The Grantors, or any one (1) or more of them, shall have the right to improve, utilize, maintain, repair, and dedicate private or public roads within the Right-Of-Way. If deemed necessary or convenient to the City of Pelham, Alabama or to any other party, the Grantee, and its successors and assigns, shall confirm Grantors' reservation of rights in and to the Right-Of-Way, and shall execute in recordable form, without charge or delay, any instrument deemed necessary or convenient by Grantors to document any dedication of the Right-Of-Way.

This conveyance is further expressly subject to a reservation to J. Steven Mobley, as Trustee of the Robin Reed Mobley Irrevocable Trust dated December 18, 2012, of the right and privilege to install, repair, and replace effluent irrigation facilities and related improvements within those portions of the Subject Property identified on EXHIBIT "B" attached to this conveyance and incorporated by reference herein (the "**Field Line Areas**"). Such improvements shall serve Waste Water Treatment Plant Site 2 ("**Plant #2**"), currently operated by Weatherly Utility Services under Permit AL0076520 issued by the Alabama Department of Environmental Management ("**ADEM**"). Components which may be installed, repaired, or replaced

within the Field Line Areas may include, without limitation, such fencing, underground or below ground piping, valves, connectors, and sprinklers as already are in place and other components as may be necessary or convenient to effect an expansion as permitted by the ADEM or similar board or agency. There is also reserved to J. Steven Mobley, as Trustee of the Robin Reed Mobley Irrevocable Trust dated December 18, 2012, an easement to connect the Field Line Areas to Plant #2 directly or through connections.

The rights reserved in connection with this conveyance shall be freely assignable by the Grantors, and by their successors and assigns.

WHEREAS, on this date Mobley has been replaced by Ballantrae Development Investors, LLC (the “**Successor Manager**”) as the manager of RMCS;

WHEREAS, Mobley has requested that RMCS and the Successor Manager, for themselves, and for their successor and assigns, acknowledge the Reserved Rights; and

WHEREAS, RMCS and the Successor Manager, for themselves, and for and their successors and assigns, further acknowledge that the Reserved Rights may only be altered or amended by written agreement between RMCS (and its successors and assigns) and Mobley (or his successors and assigns);

NOW THEREFORE, in consideration of the sum of Ten and No/100ths Dollars (\$10.00), and other good and valuable consideration, the receipt whereof is hereby acknowledged by the RMCS, RMCS and the Successor Manager hereby acknowledge the existence of the Reserved Rights, and further acknowledge and agree that RMCS may not unilaterally alter the Reserved Rights nor may RMCS amend, condition, suspend, terminate, or otherwise affect the Reserved Rights or the exercise or assignment thereof, without the express written consent of Mobley, or his successors and/or assigns.

*[SIGNATURES ON FOLLOWING PAGE]*



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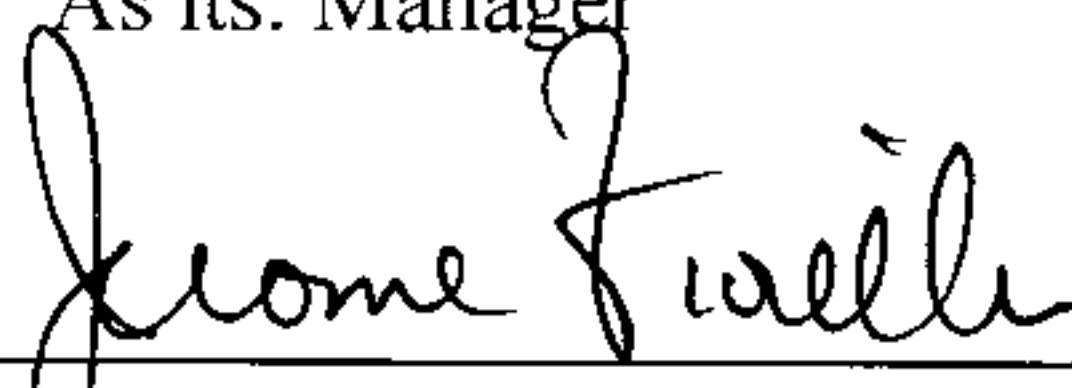
*[SIGNATURE PAGE TO ACKNOWLEDGEMENT OF RESERVED RIGHTS]*

IN WITNESS WHEREOF, Grantee executed, acknowledged, and delivered this Acknowledgement as of the date set forth above.

**RMCS2017, LLC**

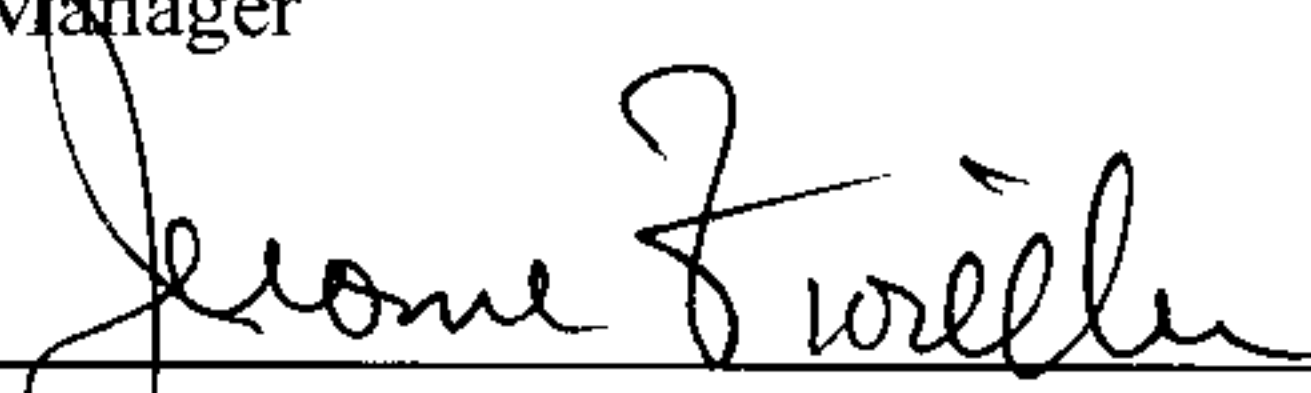
By: Ballantrae Development Investors, LLC  
As its: Manager

By: JF Management, LLC  
As its: Manager

  
By: \_\_\_\_\_ Jerome Fiorella  
As its: \_\_\_\_\_ Manager

**BALLANTRAE DEVELOPMENT  
INVESTORS, LLC**

By: JF Management, LLC  
As its: Manager

  
By: \_\_\_\_\_ Jerome Fiorella  
As its: \_\_\_\_\_ Manager



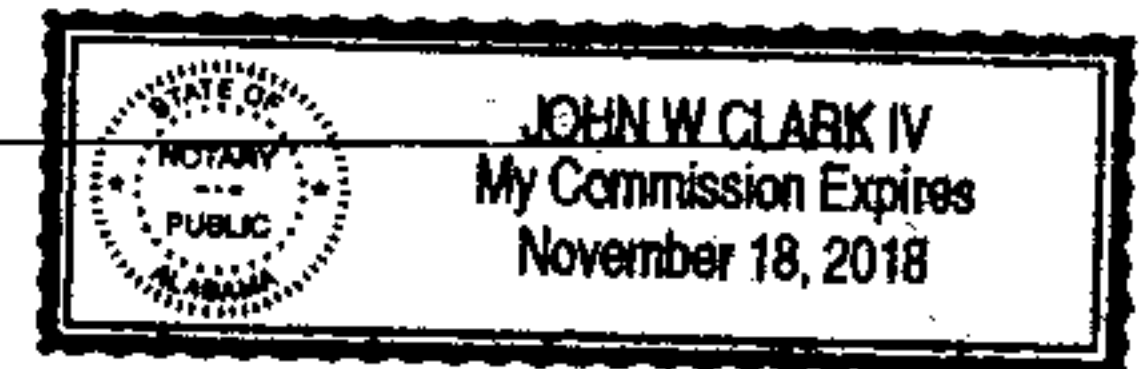
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STATE OF ALABAMA     )  
                                     :  
JEFFERSON COUNTY     )

I, the undersigned, a Notary Public in and for said County, in said State, here certify that **Jerome Fiorella**, whose name as the (1) **Manager of JF Management, LLC**, as the **Manager of Ballantrae Development Investors, LLC**, an Alabama limited liability company, acting as the **Manager of RMCS2017, LLC**, an Alabama limited liability company, and (2) **Manager of JF Management, LLC**, as the **Manager of Ballantrae Development Investors, LLC**, an Alabama limited liability company, is signed to the foregoing and who is known to me, acknowledged before me on this day that, being informed the contents of the above, he, in such capacities, and with full authority, executed the same voluntarily, individually, and also for and as the act of said company, on the date below.

Subscribed and sworn to before me on this 7<sup>th</sup> day of December, 2017.

John W. Clark IV  
Notary Public  
My Commission Expires: \_\_\_\_\_



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