

GRANT OF EASEMENT

This Grant of Easement (the "Easement") dated this 12 day of JANUARY 2005, by and between SMARTRESORT CO., L.L.C., its successors and assigns, hereinafter referred to as "Grantee" and CASWELL at Bayou St. John, OWNERS, INC., hereinafter referred to as "Grantor." Grantee is to provide certain broadband communications services to the Property described below.

In consideration of one dollar (\$1.00), Grantor, owner of the property described below, hereby grant to Grantee, its successors and assigns, an easement in gross and right-of-way to construct, use, maintain, operate, alter, add to, repair, replace, reconstruct, inspect and remove at any time and from time to time a broadband communications system (hereinafter referred to as the "System") consisting of wires, underground conduits, cables, pedestals, vaults, and including but not limited to above ground enclosures, markers and concrete pads or other appurtenant fixtures and equipment necessary or useful for distributing telephone, cable television and other like communications, in, on, over, under, across and along that certain real property (the "Property") located in County of BALDWIN, State of ALABAMA, described as follows:

LEGAL DESCRIPTION:
(See Attached Exhibit)

CASWELL @ Bayou St. John
A.P.U.D.; ORANGE BEACH, AL.

Grantor agrees for itself and its successors and assigns that the System on the Property shall be and remain the personal property of the Grantee and may not be altered, obstructed or removed without the express written consent of the Grantee. The Grantee, and its contractors, agents and employees, shall have the right to trim or cut trees and/or roots which may endanger or interfere with said System and shall have free access to said System and every part thereof, at all times for the purpose of exercising the rights herein granted: provided, however, that in making any excavation on said Property of the Grantor, the Grantee shall make the same in such manner as will cause the least injury to the surface of the ground around such excavation, and shall replace the earth so removed by it and restore the area to as near the same condition as it was prior to such excavation as is practical.

This easement shall run with the land for so long as Grantee, its successors or assigns provides cable television service to the Property.

Executed this 12th day of JANUARY, 2005

WITNESS/ATTEST:
[Signature]

SMARTRESORT CO., L.L.C.
By: [Signature]
Name: Jeff Hathaway
Title: CEO

WITNESS/ATTEST:
[Signature]

Developer: Caswell Development, LLC
By: [Signature]
Name: Leonard A. Kaiser
Title: member

1044108

State of Alabama, Baldwin County
I certify this instrument was filed
and taxes collected on:

2007 April -18 10:19AM

Instrument Number 1044108 Pages 2
Recording 6.00 Mortgage
Deed .50 Min Tax
Index DP 5.00
Archive 5.00
Adrian T. Johns, Judge of Probate

"A"

**STATE OF ALABAMA
COUNTY OF BALDWIN**

LEGAL DESCRIPTION

**A 10 FOOT WIDE TEMPORARY TELECOMMUNICATIONS EASEMENT
LOCATED IN LOTS 9 AND 10 AND THE WEST 24 FEET OF LOT 8, BLOCK 2,
UNIT 5 OF GULF SHORES, ALABAMA, ACCORDING TO THE PLAT THEREOF
RECORDED IN MAP BOOK 3, PAGE 121, IN THE OFFICE OF THE JUDGE OF
PROBATE OF BALDWIN COUNTY, ALABAMA AND BEING MORE
PARTICULARLY DESCRIBED AS FOLLOWS:**

**COMMENCING AT THE NORTHWEST CORNER OF LOT 10, BLOCK 2, UNIT 5,
GULF SHORES, ALABAMA, THENCE NORTH 77°-47'-00" EAST ALONG THE
SOUTH RIGHT-OF-WAY LINE OF ALABAMA STATE HIGHWAY 182 (A.K.A.
EAST BEACH BOULEVARD) A DISTANCE OF 7.42 FEET TO THE POINT OF
BEGINNING OF EASEMENT HEREIN DESCRIBED; THENCE CONTINUING
NORTH 77°-47'-00" EAST ALONG SOUTH RIGHT-OF-WAY LINE A DISTANCE
OF 10.16 FEET TO A POINT; THENCE SOUTH 22°-39'-00" EAST A DISTANCE OF
179.09 FEET TO A POINT; THENCE SOUTH 67°-21'-00" WEST A DISTANCE OF
10.00 FEET TO A POINT; THENCE NORTH 22°-39'-00 WEST A DISTANCE OF
180.91 FEET TO THE POINT OF BEGINNING.**

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SEP-8-2005 01:24P FROM:GULF STATES ENGINEER 2514604649
09/12/05 13:58 FAX 18138774444
09/08/05 11:18 FAX 8504891377
OPUS SOUTH
OPUS SOUTH CORP