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IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

JAMES M. GRAYSON, JR. and
DEBORAH C. GRAYSON,

PLAINTIFFS,

VS.

FLOYD KELLEY, MYRTICE KELLEY,
STEVE KELLEY and DEBORAH
KELLEY, SCOTT HOLDEN AND VICKI
HOLDEN

DEFENDANTS.

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CIVIL ACTION NO. CV-86-530

CONSENT ORDER

The parties having resolved certain matters in
controversy by and between themselves, hereby consent to a Final
Order being entered in the above case, said Order being:

FINAL ORDER

1. The right of way which is affected by this order is
the 25 feet on either side of the center line of the present road
which provides access to the following described property:

Southeast 1/4 of the Southwest 1/4 of Section
7, Township 20 South, Range 3 West, of the
Huntsville Principal Meridian, Shelby County,
Alabama; and

Southwest 1/4 of the Southeast 1/4 of Section
7, Township 20 South, Range 3 West, Shelby
County, Alabama.

Two surveys depicting the right of way are attached as "Exhibits
A" and "Exhibit B" to this order.

2. The parties agree that the aforesaid right of way
which provides access to the property of all parties may be

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Clerk of Circuit Court

Billy Longshore
1900 City Fed Bldg
2030 2nd Ave N.



graded, crowned, paved and maintained in such a manner as to improve its appearance, drainage and durability.

This work will be performed by any party or their transferee in a workmanlike manner and as expeditiously as possible. The area and trees to be disturbed or removed will be kept to a minimum in accordance with the parties' understanding arrived at when the parties met together and viewed the right of way on March 4, 1989. Any party desiring to work on the road, or their transferees, will notify all parties within ten days prior to the start of any improvements which are to be made. The pond is not to be filled in.

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3. Plaintiffs will move Defendants Floyd and Myrtice Kelley's driveway off of Plaintiffs' land and place it on Defendants' land pursuant to the understanding arrived at when parties met on the property on March 4, 1989. This will occur within 60 days of the date of this order. Defendants Floyd and Myrtice Kelley will remove any impediments, i.e. trees or crossties, necessary to the relocation of the driveway prior to the start of the relocation work.

4. All parties shall have the right to run underground utilities in the aforesaid right of way.

5. If in the course of making repairs or improvements to the right of way, it becomes reasonably necessary to move Steve and Deborah Kelley's fence which is presently in the right of way, Plaintiffs or their transferees will relocate or replace the fence outside of the right of way. If Steve and Deborah Kelley remove or

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replace the fence for any reason, they will place it outside of the right of way.

6. If or when Defendants Steve and Deborah Kelley, or their heirs, assigns, devisees or purchasers, hook up to the waterline, they will pay Plaintiffs the sum of \$1,192.00.

7. Each party has the right to dedicate the right of way to the public in accordance with the terms of their deeds.

8. This consent order is binding on all transferees of the parties.

9. This order resolves all of the issues and controversies between the parties.

10. Each party is to bear their own costs.



W. L. LONGSHORE, III
Attorney for Plaintiffs


JOHN E. MEDARIS
Attorney for Defendants

DONE and ORDERED this 14th day of June, 1991.


HONORABLE OLIVER P. HEAD
Circuit Judge

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 7.11.91
Clerk of Circuit Court

STATE OF ALA. SHELBY CO.
I CERTIFY THIS
INSTRUMENT WAS FILED

91 JUL 11 PM 4:43

Thomas W. Hamilton, Jr.
JUDGE OF PROBATE

1. Road Tax	10.00
2. Misc. Tax	3.00
3.
4.
5. ...	1.00
6.
Total	14.00

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Hamilton

JAMES GRAYSON
PROPERTY

Exhibit "A"

	DRIVEWAY ACROSS PART OF THE SW 1/4 OF BEAR AND BEAR OF SW 1/4 SECTION 7, TOWNSHIP 20 SOUTH, RANGE 3 WEST — SHELBY COUNTY, ALABAMA		MILLER, TRIPLETT AND MILLER ENGINEERS, INC. CONSULTING ENGINEERS — LAND SURVEYORS 104 NORTH GATE STREET, BIRMINGHAM, ALABAMA 35202 TELEPHONE (205) 984-6204
	PREPARED FOR MR. JAMES GRAYSON		