

97-3120

STATE OF ALABAMA  
COUNTY OF SHELBY

AA 106305

EASEMENT AND MAINTENANCE AGREEMENT

KNOW ALL MEN BY THESE PRESENCE, That Whereas undersigned, PHILLIP M & TINA L. CALMA AND GERALD CALMA AND WIFE, NANCY CALMA are owners of property located at:

COUNTY ROAD 103, WILSONVILLE, AL 35186

*Handwritten initials: P.M.C., T.L.C., and a circled signature.*

and described as: ~~XXXXXX~~

PROPERTY OWNED BY GERALD CALMA AND NANCY CALMA DESCRIBED IN EXHIBIT "A"

PROPERTY OWNED BY PHILLIP M. CALMA AND TINA L. CALMA DESCRIBED IN EXHIBIT "B"

and whereas said properties are served by a road more particularly described as follows:

SEE EXHIBIT "C"

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09:12 AM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
005 NCD 18.50

Whereas, the parties hereto desire to reach an agreement for maintenance of said road, which both serves and is contiguous to their respective properties;

NOW THEREFORE, the parties hereto agree as follows:

1. The easement described hereinabove shall be a perpetual non-exclusive easement for ingress, egress, and utilities, and shall inure to the benefit of the parties hereto, and to their heirs, assigns, transfers and grantee, forever.
2. Repairs shall be made to the road at such times as a majority of the parties whose property is served by the road deem repairs to be necessary.
3. Upon such determination that repairs are necessary, the costs of such repairs shall be prorated equally among the owners of the parcels served by the subject road.
4. This agreement may not be modified except upon the unanimous vote of all property owners served by the subject road. Said agreement must be in writing and recorded in the Probate Office of SHELBY County, State of ALABAMA
5. All rights, privileges and obligations of the undersigned shall inure to the benefit of these being successors and assigns of the parties join in this agreement.

IN WITNESS WHEREOF, we have hereunto set our hands and seals, this 3RD day of SEPTEMBER, 1997

Phillip M Calma  
PHILLIP M. CALMA  
Tina L Calma  
TINA L. CALMA  
Gerald Calma  
GERALD CALMA  
Nancy Calma  
NANCY CALMA

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State of ALABAMA

County of SHELBY

A# 106305

I, the undersigned, hereby certify that PHILLIP M. CALMA whose name is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the content of the conveyance, she/he executed the same voluntarily on the day the same bears date.

GIVEN UNDER MY HAND THIS 3RD DAY OF SEPTEMBER, 1997

Angela D. Phillips  
Notary Public

State of ALABAMA

County of SHELBY

I, the undersigned, hereby certify that TINA L. CALMA whose name is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the content of the conveyance, she/he executed the same voluntarily on the day the same bears date.

GIVEN UNDER MY HAND THIS 3RD DAY OF SEPTEMBER, 1997

Angela D. Phillips  
Notary Public

State of ALABAMA

County of SHELBY

I, the undersigned, hereby certify that GERALD CALMA whose name is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the content of the conveyance, she/he executed the same voluntarily on the day the same bears date.

GIVEN UNDER MY HAND THIS 3RD DAY OF SEPTEMBER, 1997

Angela D. Phillips  
Notary Public

State of ALABAMA

County of SHELBY

I, the undersigned, hereby certify that NANCY CALMA whose name is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the content of the conveyance, she/he executed the same voluntarily on the day the same bears date.

GIVEN UNDER MY HAND THIS 3RD DAY OF SEPTEMBER, 1997

Angela D. Phillips  
Notary Public

EXHIBIT "A"

A parcel of land in the North 1/2 of the Southeast 1/4 of Section 12, Township 21 South, Range 1 East, and the North 1/2 of the Southwest 1/4 of Section 7, Township 21 South, Range 2 East, Shelby County, Alabama, described as follows: Commence at the Southeast corner of said Section 12; thence run North along the East line of said Section 12, a distance of 1324.12 feet to the Southeast corner of the Northeast 1/4 of the Southeast 1/4 of said Section 12, and the point of beginning; thence continue last course a distance of 662.06 feet; thence turn right 90 degrees 20 minutes 48 seconds and run East into the NW 1/4 of the SW 1/4 of said Section 7 a distance of 432.32 feet to a point on the West side of Habb Road (Shelby County #103) right of way by Prescription; thence turn left 88 degrees 08 minutes 28 seconds and run North along said road a distance of 132.48 feet; thence turn left 91 degrees 51 minutes 32 seconds and run West, leaving said road, a distance of 437.42 feet to a point on the East line of the NE 1/4 of the SE 1/4 of said Section 12; thence turn left 00 degrees 20 minutes 12 seconds and run West a distance of 141.78 feet; thence turn left 90 degrees 00 minutes 00 seconds and run South a distance of 50.00 feet; thence turn right 90 degrees 00 minutes 00 seconds and run West a distance of 158.22 feet; thence turn thence turn left 90 degrees 16 minutes 46 seconds and run West a distance of 2346.13 feet to the Northwest corner of the Southeast 1/4 of said Section 12; thence turn left 89 degrees 37 minutes 23 seconds and run South along the West line of said 1/4 Section a distance of 1323.81 feet to the Southwest corner of the Northwest 1/4 of the Southeast 1/4 of said Section 12; thence turn left 90 degrees 02 minutes 13 seconds and run East a distance of 2640.68 feet to the point of beginning.

LESS AND EXCEPT THE PROPERTY DESCRIBED IN EXHIBIT "B" WHICH IS ATTACHED HERETO AND MADE A PART HEREOF AS IF SET FORTH IN FULL.

EXHIBIT "B"

A TRACT OF LAND SITUATED IN THE SE 1/4 OF SECTION 12, TOWNSHIP 21 SOUTH, RANGE 1 EAST, SHELBY COUNTY, ALABAMA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF THE NE 1/4 OF THE SE 1/4 OF SECTION 12, TOWNSHIP 21 SOUTH, RANGE 1 EAST, SHELBY COUNTY, ALABAMA; THENCE RUN WEST ALONG THE SOUTH LINE OF THE NE 1/4 OF THE SE 1/4 FOR A DISTANCE OF 1834.42 FEET TO AN IRON PIN, BEING THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED; THENCE FROM SAID POINT OF BEGINNING, CONTINUE WESTERLY ALONG SAID SOUTH LINE FOR 282.00 FEET TO AN IRON PIN; THENCE TURN AN ANGLE TO THE RIGHT OF 76 DEGREES 15 MINUTES 25 SECONDS AND RUN NORTHWESTERLY FOR 170.19 FEET TO AN IRON PIN; THENCE TURN AN ANGLE TO THE RIGHT OF 32 DEGREES 09 MINUTES 40 SECONDS AND RUN NORTHEASTERLY FOR 38.87 FEET TO AN IRON PIN; THENCE TURN AN ANGLE TO THE RIGHT OF 31 DEGREES 26 MINUTES 27 SECONDS AND RUN NORTHEASTERLY FOR 228.13 FEET TO AN IRON PIN; THENCE TURN AN ANGLE TO THE RIGHT OF 8 DEGREES 07 MINUTES 11 SECONDS AND RUN NORTHEASTERLY FOR 85.57 FEET TO AN IRON PIN; THENCE TURN AN ANGLE TO THE RIGHT OF 85 DEGREES 16 MINUTES 07 SECONDS AND RUN SOUTHEASTERLY FOR 105.63 FEET TO AN IRON PIN; THENCE TURN AN ANGLE TO THE RIGHT OF 36 DEGREES 45 MINUTES 10 SECONDS AND RUN SOUTHERLY FOR 310.00 FEET, MORE OR LESS, TO THE SOUTH LINE OF SAID SE 1/4 OF SAID SECTION 12.

EXHIBIT "C"

AN EASEMENT SITUATED IN THE SE 1/4 OF SECTION 12, TOWNSHIP 21 SOUTH, RANGE 1 EAST AND IN THE NW 1/4 OF THE SW 1/4 OF SECTION 7, TOWNSHIP 21 SOUTH, RANGE 2 EAST, SHELBY COUNTY, ALABAMA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF THE NE 1/4 OF THE SE 1/4 OF SECTION 12, TOWNSHIP 21 SOUTH, RANGE 1 EAST, SHELBY COUNTY, ALABAMA; THENCE RUN WEST ALONG THE SOUTH LINE OF SAID SE 1/4 FOR A DISTANCE OF 1834.42 FEET TO AN IRON PIN; THENCE TURN 90 DEGREES RIGHT AND RUN NORTHERLY FOR 5.00 FEET TO THE CENTERLINE POINT OF BEGINNING OF A 10 FOOT WIDE INGRESS AND EGRESS EASEMENT, FROM SAID POINT OF BEGINNING TURN AN ANGLE TO THE RIGHT OF 90 DEGREES AND RUN EASTERLY, PARALLEL TO THE SOUTH LINE OF SAID SE 1/4 FOR A DISTANCE OF 938.62 FEET TO A POINT; THENCE TURN AN ANGLE TO THE LEFT OF 51 DEGREES 22 MINUTES 07 SECONDS AND RUN NORTHWESTERLY FOR A DISTANCE OF 309.33 FEET TO A POINT; THENCE TURN AN ANGLE TO THE RIGHT OF 18 DEGREES 12 MINUTES 31 SECONDS AND CONTINUE NORTHEASTERLY FOR A DISTANCE OF 195.21 FEET TO A POINT, THENCE TURN AN ANGLE TO THE LEFT OF 11 DEGREES 34 MINUTES 00 SECONDS AND CONTINUE NORTHEASTERLY FOR A DISTANCE OF 236.74 FEET TO A POINT; THENCE TURN AN ANGLE TO THE RIGHT OF 31 DEGREES 56 MINUTES 56 SECONDS AND CONTINUE NORTHEASTERLY FOR A DISTANCE OF 99.04 FEET TO A POINT; THENCE TURN AN ANGLE TO THE RIGHT OF 23 DEGREES 39 MINUTES 37 SECONDS AND RUN SOUTHEASTERLY FOR A DISTANCE OF 286.82 FEET TO A POINT; THENCE TURN AN ANGLE TO THE LEFT OF 100 DEGREES 44 SECONDS 51 MINUTES AND RUN NORTHERLY, PARALLEL WITH A WIRE FENCE FOR A DISTANCE OF 257.58 FEET TO A POINT IN A 20 FOOT WIDE CHERT ROAD; THENCE TURN AN ANGLE TO THE RIGHT OF 88 DEGREES 07 MINUTES 42 SECONDS AND RUN EASTERLY ALONG SAID CHERT ROAD FOR 471.58 FEET, MORE OR LESS TO THE CENTERLINE OF SHELBY COUNTY ROAD NUMBER 103, ALSO KNOWN AS HEBB ROAD AND BEING THE CENTERLINE END OF THE 10 FOOT WIDE INGRESS AND EGRESS EASEMENT.

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