

**DECLARATION AND AGREEMENT  
RELATING TO  
ENCROACHMENT INTO EASEMENT**

**STATE OF ALABAMA  
COUNTY OF SHELBY**

**COMES NOW**, the undersigned property owners of certain residential real property known as:

**LOT 32, RIVERCHASE COUNTRY CLUB, 30<sup>TH</sup> ADDITION  
MAP BOOK 13, PAGE 88**

And under this Declaration makes it known that there exists an encroachment into the easement which runs through the aforementioned property, said encroachment being:

**TWO RETAINING WALLS**

It is acknowledged and understood that said retaining wall encroachment may conflict with the rights and privileges of the easement and its uses and the undersigned property owners, so acknowledge, and hereby agree that it may become necessary to remove and/or modify said walls to permit the necessary uses as may be deemed necessary or to allow others in the course of use of the said easement to remove or modify said walls as may be deemed reasonably necessary in utilization of said easement for the uses and purposes for which it is dedicated, and intended. It is further acknowledged and accepted that the City of Hoover shall have no responsibility to remove or replace said walls if it becomes necessary to remove or replace them.

It is intended that the Declaration and Agreement be recorded in the Office of the Judge of Probate of Shelby County, Alabama and that all parties present and future owners be bound by the terms and conditions hereof as well as their successors and assigns and that this Agreement shall run with the land and become a part thereof.

Done this 29<sup>th</sup> day of September, 2004.

**DECLARANTS AND OWNERS**

*John F. Russell*  
*Jeana A. Russell*

**STATE OF ALABAMA  
SHELBY COUNTY**

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that John F. and Jeana N. Russell, whose names are signed to the foregoing instrument and who are known to me, acknowledged before me on this day, that being informed of the contents of the instrument, they executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 29<sup>th</sup> day of September, 2004.

Barbara A. Rickwalley  
Notary Public

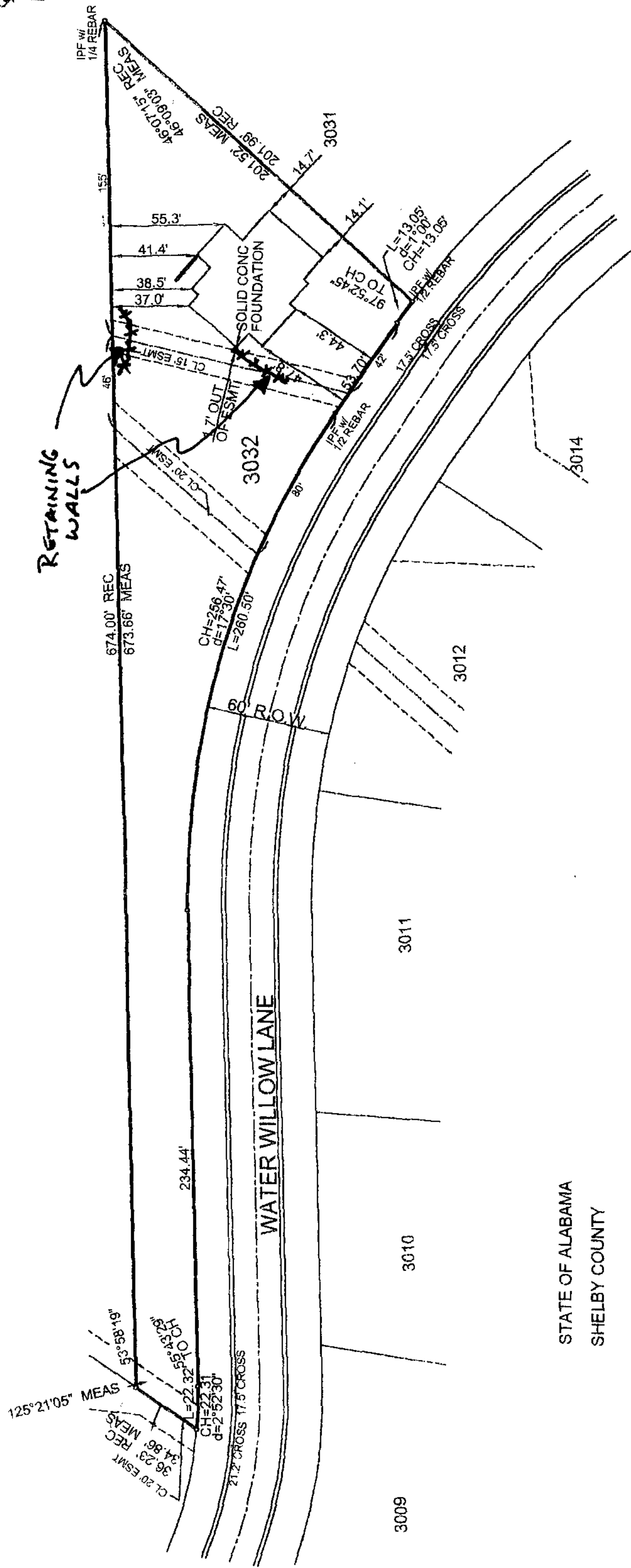
My Commission Expires:

NOTARY PUBLIC STATE OF ALABAMA AT LARGE  
MY COMMISSION EXPIRES: Nov 23, 2006  
BONDED THRU NOTARY PUBLIC UNDERWRITERS



# LEGEND:

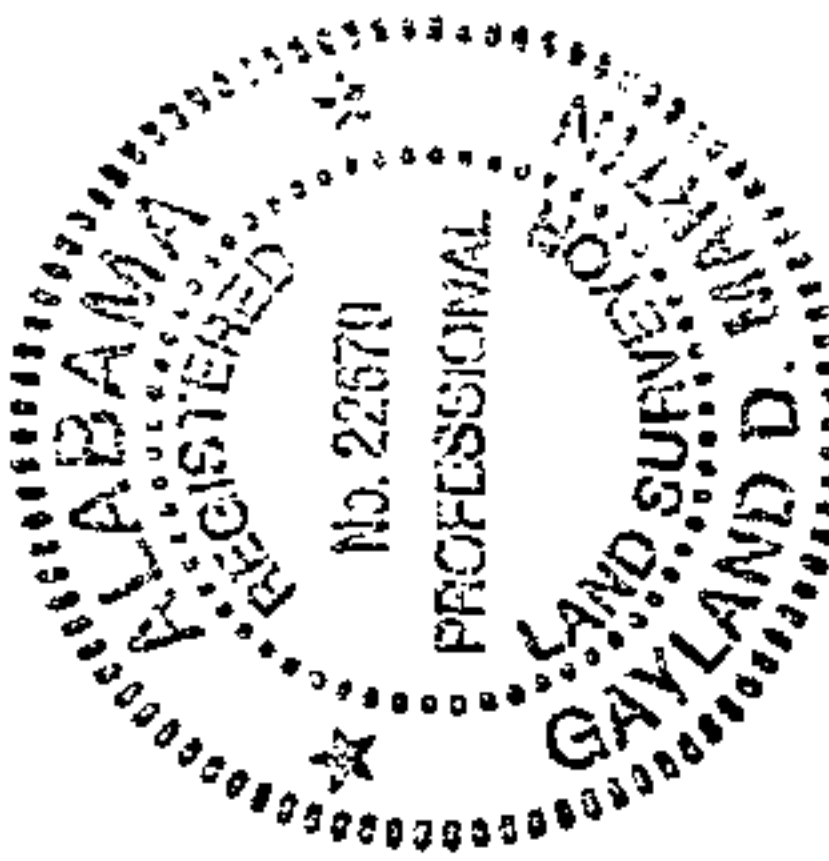
ASPH = asphalt  
 BLDG = building  
 CALC = calculated  
 CAP = capped iron  
 CL = centerline  
 CH = chord  
 CONC = concrete  
 C = covered  
 d = deflection  
 Δ = curve delta angle  
 E = east  
 ESMT = easement  
 FC = fence  
 FD = found  
 HW = headwall  
 IPF = iron pin found  
 IPS = iron pin set  
 L = length  
 MEAS = measured  
 MIN = minimum  
 MH = manhole  
 N = north  
 OH = overhang  
 P = porch  
 PC = point of curve  
 PT = point of tangent  
 PVMT = pavement  
 REC = recorded  
 RES = residence  
 ROW = right of way  
 S = south  
 SAN = sanitary  
 STM = storm  
 SWR = sewer  
 SYN = synthetic  
 UTIL = utility  
 U = uncovered  
 W = west  
 ° = degrees  
 ' = minutes, in  
 " = bearings or angles  
 ' = seconds, in  
 ' = bearings or angles  
 ' = feet, in distance  
 AC = acres  
 ± = more or less,  
 or plus or minus  
 BRG = bearing



STATE OF ALABAMA  
 SHELBY COUNTY

I, Gayland D. Martin, a registered Land Surveyor, certify that I have surveyed Lot 3032, RIVERCHASE COUNTRY CLUB 30TH ADDITION as recorded in Map Volume 13, Page 88 in the Office of the Judge of Probate, Shelby County, Alabama; 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; that I have consulted the Federal Insurance Administration "Flood Hazard Boundary Map" and found that this property is located in flood zone "C" according to F.I.R.M. community panel number 010191-0070 B, Shelby County, Alabama; dated: 9-16-82 that the correct address is as follows: 4024 Water Willow Lane, according to my survey of April 29, 2004. Survey is not valid unless it is sealed with embossed seal or stamped in red.

Order No. 83576  
 Purchaser: John Russell  
 Type of Survey: Foundation



SURVEYING SOLUTIONS, INC.  
 2233 CAHABA VALLEY DRIVE  
 BIRMINGHAM, AL 35242  
 PHONE: 991-8965

Gayland D. Martin, Reg. L.S. #22679

4.03.04  
 Date of Signature

AMH ACADIASSTAKEDLOT3032RIVERCHASECC30\_FND