20060403000153870 1/2 $17.50
Shelby Cnty Judge of Probate, AL
04/03/2006 04:12:59PM FILED/CERT

This instrument was prepared by:
James E. Roberts
P.O. Box 370004
Birmingham, AL 35237

Send Tax Notice to:
James E. Roberts
P.O. Box 430224
BIRMINGHAM, AL 35243

NON EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS

STATE OF ALABAMA)
SHELBY COUNTY)

KNOW ALL MEN BY THESE PRESENTS:

That in consideration of Ten and no/100 Dollars ($10.00) to the undersigned grantors, in hand paid by the grantees herein, the receipt whereof is acknowledged, I, Preston Elgin Gardner (herein referred to as grantor) grant, bargain, sell and convey unto my nephew, Preston Gardner, James E. Roberts, Mary Ann Clayton, Clint Whitaker, and wife, Janice Whitaker, their heirs and assigns (herein referred to as grantees) the following described thirty-foot easement, situated in Shelby County, Alabama, to-wit:

Grantor conveys unto grantees a thirty-foot non-exclusive easement for ingress and egress and utilities for the use of grantees herein their successors and assigns forever. The property which is the subject of this easement is more fully described as follows:

Commence at the Northwest Corner of the NE ¼ of the NE ¼ of Section 33, Township 17 South Range 1 East, thence run south along the West line thereof a distance of 686.82 feet to the point of beginning of the property described herein: thence continue along the last described course a distance of 310.46 feet; thence turn left 90°00' and run east a distance of 281.34 feet; thence turn left 90°00'03" and run north a distance of 310.46 feet ; thence turn left 89°40'43" and run west a distance of 281.34 feet to the point of beginning. Said property containing 2.0 acres, more or less. See Exhibit A for plat and further description.

Grantor has never occupied the property which is the subject of this easement as his residence.

TO HAVE AND TO HOLD to the said grantees, their heirs and assigns forever.

And I do for myself and for my heirs, executors and administrators covenant with the said grantees, their heirs and assigns, that I am lawfully seized in fee simple of said premises; that they are free from all encumbrances, unless otherwise noted above; that I have a good right to convey the same as aforesaid; that I will and my heirs, executors and administrators shall warrant and defend the same to the said grantees, their heirs and assigns forever against the lawful claims of all persons.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this the 6 day of March, 2000.

Preston Elgin Gardner

Preston Elgin Gardner

STATE OF ALABAMA)
JEFFERSON COUNTY)

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Preston Elgin Gardner, whose name is signed to the foregoing conveyance, and who is known to me, acknowledged before me, on this date that being informed of the contents of this conveyance, he executed the same voluntarily on the day the same bears date.

Given under my hand and seal this 6 day of March, 2000.

James E. Evans

Notary Public [SEAL]

My commission expires:
2-10-2002

EXHIBIT A
PRESTON ELGIN GARDNER GRANT OF NONEXCLUSIVE EASEMENT

The Grantor of this easement owns the tract shown as 3.006, according to the tax map of Shelby County, Alabama. Grantor is granting this nonexclusive easement to the Grantees herein so that his nephew, Preston Gardner, and the other Grantees may access their respective properties from what is known as Hilltop Road. The easement is to be constructed, but because of rock outcroppings the Grantor and Grantees have not attempted to specifically designate and describe the location of the thirty-foot easement. It being the intent of th Grantor and Grantees that such easement shall be located at the most feasible location so as to allow the Grantees to construct the driveway in a manner that will be the most economical and will encroach the least on Grantor's property. Upon the construction of the road, which encompasses the easement, the exact location will be surveyed at Grantees expense and a subsequent plat will be filed to be known as Exhibit B to this easement.

SHELBY COUNTY

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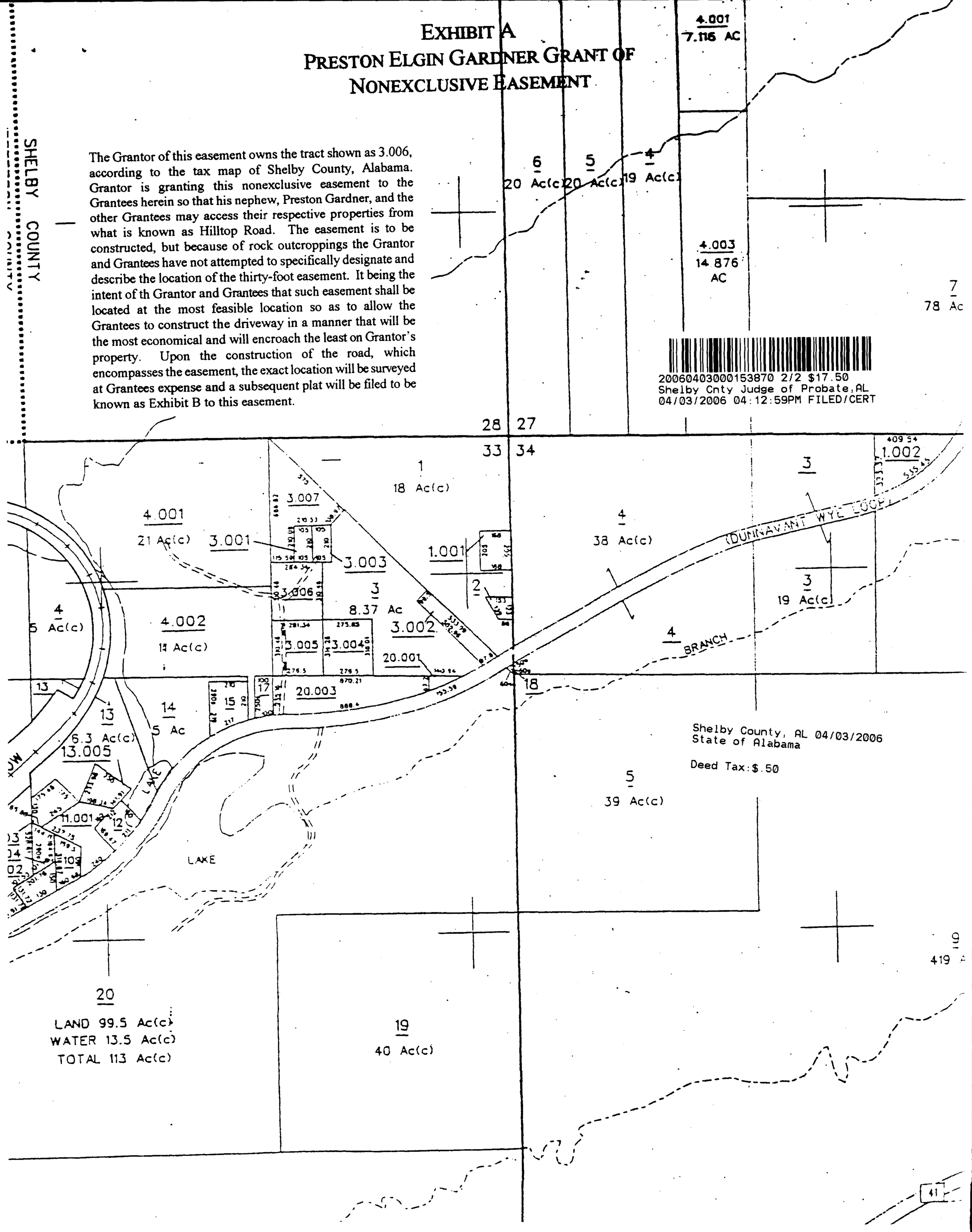

Shelby County, AL 04/03/2006
State of Alabama

Deed Tax:$.50