

STATE OF ALABAMA)
SHELBY COUNTY)

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ESMTAROW 1/3

FENCE EASEMENT

This Indenture is given this 12th day of November, 2021, by Thomas Earl York and spouse, Helen Hamilton York (“Grantors”) to Walter Scaini and Shannon Scaini (“Grantees”).

WHEREAS, Grantors are seized in fee simple of certain real property located in Shelby County, Alabama; and

WHEREAS, the Grantees are seized in fee simple of certain real property located in Shelby County, Alabama; and

WHEREAS, the parties’ properties are contiguous; and

WHEREAS, the real property owned by the Grantors encumbers property owned by the Grantee; and

WHEREAS, it is desire of the parties to provide an easement for the use of said property.

NOW, THERFORE, in consideration of \$1.00 and other good and valuable consideration, in hand paid by Grantees to Grantors, the receipt and sufficiency of which is hereby acknowledged, the Grantors do hereby grant the following easements:

1. Attached is Exhibit “A” is a survey of property owned by the Grantors with property owned by the Grantees to the right of Grantors property. As depicted thereon in the bottom right corner circled is a line entitled fence in “1.7¹”.

2. The parties acknowledge the fence encroaches on the Grantors property. The parties agree the Grantors grant to the Grantees a continuing easement on their property for the use of Grantees fence.

3. At such time as the fence may be removed, the easement shall come to an end. In the meantime, the Grantees will have the continuing use of the part of the subject property within the fence.

4. The parties acknowledge that the Grantors are the fee simple owners of the property underlying the easement. By granting the easement, the Grantors specifically reserve all legal rights in said property to themselves and the granting of the easement does not establish any legal right or title to the underlying real property in the Grantees, except as provided in this easement and the Grantees accept the easement on the condition that they make no possessory or adverse possession claim to the underlying title and that the granted easement is only for the purposes herein stated.

5. The parties agree the magnitude of this easement does not affect *ad valorem* taxes and each party shall be responsible for their own contiguous property *ad valorem* taxes.

6. This easement shall run with the land and shall be binding upon the heirs, executors, administrators, transferees, successors and assigns of the Grantors and Grantees, including any future owner or owners of the respective underlying real properties owned by the parties hereto.

Witness are seals and hands on the date first above written.

GRANTORS:

Witness: *Kyle Estey*
Date: 11/12/21

Karen York Moore
Thomas Earl York
By Karen York Moore
Attorney-in-fact

Witness: *Kyle Estey*
Date: 11/12/21

Karen York Moore
Helen Hamilton York
By Karen York Moore
Attorney-in-Fact

GRANTEES:

Witness: *William Scaini*
Date: 11/12/21

William Scaini
Walter Scaini

Witness: *William Scaini*
Date: 11/12/21

Shannon Scaini
Shannon Scaini

4721 SANDPIPER LANE, HOOPER 35244

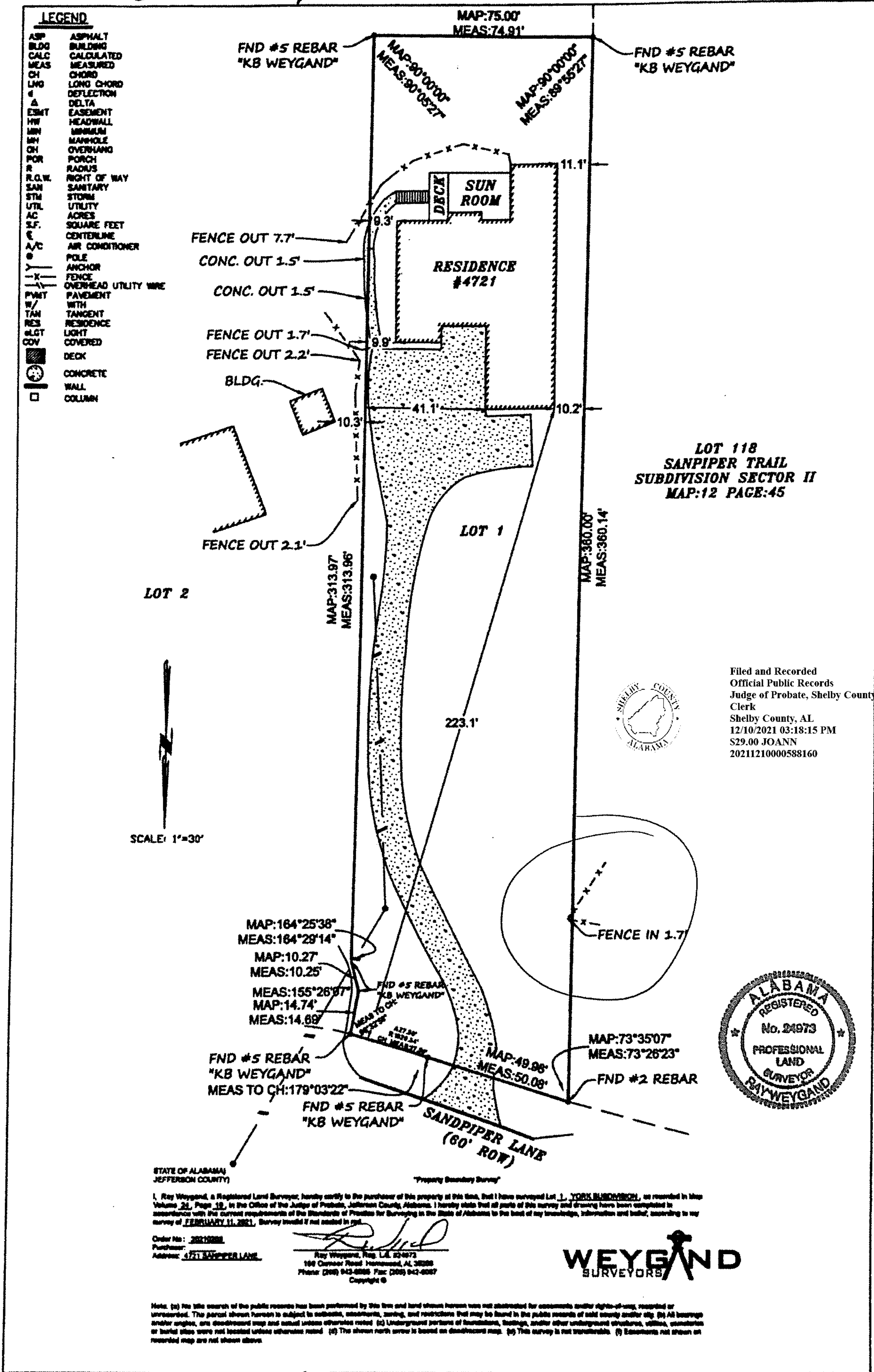


Exhibit "A"