

**EASEMENT – SECONDARY FACILITIES**

STATE OF ALABAMA

COUNTY OF SHELBY

This instrument prepared by: Dean Fritz

Alabama Power Company  
Corporate Real Estate  
2 Industrial Park Drive  
Pelham, AL 35124Filed and Recorded  
Official Public Records  
Judge of Probate, Shelby County Alabama, County  
Clerk  
Shelby County, AL  
03/15/2024 02:51:14 PM  
\$23.00 JOANN  
20240315000072610*Allie S. Beyl*

**KNOW ALL MEN BY THESE PRESENTS**, That the undersigned, **Michael James Fotheringham and wife, Kristallyn Fotheringham**, (hereinafter known as "Grantors", whether one or more) for and in consideration of One and No/100 Dollar (\$1.00) and other good and valuable consideration paid to Grantors in hand by Alabama Power Company, a corporation, the receipt and sufficiency of which are hereby acknowledged, do hereby grant to said Alabama Power Company, its successors and assigns (hereinafter the "Company"), the following easements, rights, and privileges:

The right from time to time to construct, install, operate and maintain, upon, over, under and across a route to be selected by the Company, as determined by the actual location(s) in which the Company's facilities are to be installed, all poles, wires, conduits, anchors, guy wires, and other appliances and facilities useful or necessary in connection therewith (collectively "Facilities"), for the distribution of communications and secondary voltages. The width of the Company's right of way will extend five (5) feet on all sides of said Facilities as and where installed, whether the Facilities are located underground or overhead.

The easements, rights and privileges granted hereby shall apply to, and the word "Property" as used in this instrument shall mean a portion of the real property more particularly described in that certain instrument recorded in Instrument #20180504000153090, in the Office of the Judge of Probate of the above named County.

The Company is further granted all rights and privileges necessary or convenient for the full enjoyment or use thereof, including the right of ingress and egress to and from said Facilities, the right to install, maintain, and use anchors and guy wires on land adjacent to said right of way, the right to cut, remove and otherwise keep clear any and all trees, undergrowth, structures, obstructions, or obstacles of whatever character, on, under and above said right of way; and the right to trim and cut, and keep trimmed and cut, all dead, weak, leaning or dangerous trees or limbs outside of the aforementioned right of way that, in the opinion of Company, may now or hereafter endanger, interfere with, or fall upon any of said overhead facilities.

If, in connection with the construction or improvement of any public road or highway, it becomes necessary or desirable for the Company to move any of the Facilities, Grantor hereby grant to the Company the right to relocate the Facilities and, as to such relocated Facilities, to exercise the rights granted above; provided, however, the Company shall not relocate said Facilities on the Property at a distance greater than ten feet (10') outside the boundary of the right of way of any such public road or highway as established or re-established from time to time.

This grant and agreement shall be binding upon and shall inure to the benefit of Grantor, the Company and each of their respective heirs, personal representatives, successors and assigns and the words "Company" and "Grantor" as used in this instrument shall be deemed to include the heirs, personal representatives, successors and assigns of such parties.

**TO HAVE AND TO HOLD** the same to the Company, its successors and assigns, forever.

IN WITNESS WHEREOF, the undersigned Grantors have executed this instrument on this the 1st day of March, 2024.

A handwritten signature of Nicole Berg in black ink.  
\_\_\_\_\_  
Witness Signature (non-relative)Nicole Berg  
\_\_\_\_\_  
Print NameA handwritten signature of Nicole Berg in black ink.  
\_\_\_\_\_  
Witness Signature (non-relative)Nicole Berg  
\_\_\_\_\_  
Print NameA handwritten signature of Michael James Fotheringham in black ink.  
\_\_\_\_\_  
Grantor SignatureMichael James Fotheringham  
\_\_\_\_\_  
Print NameA handwritten signature of Kristallyn Fotheringham in black ink.  
\_\_\_\_\_  
Grantor SignatureKristallyn Fotheringham  
\_\_\_\_\_  
Print Name

-----For Alabama Power Company Corporate Real Estate Department Use Only-----

W.E # A6173-00-AD24

Tax ID # 12 8 28 0 000 013.008

¼, ¼ STR & LOC to LOC: NW ¼ of the SE ¼ of Section 28, Township 20 South, Range 4 WestFacilities on Grantor: ☒ Yes      Electronically Filed: ☐