

8890

STATE OF ALABAMA)
SHELBY COUNTY)

AGREEMENT

KNOW ALL MEN BY THESE PRESENTS, THAT:

WHEREAS, the undersigned, Bessie M. Mussey, individually, and Bessie M. Mussey, as Executrix of the Last Will and Testament of Howard Eugene Mussey, deceased (hereinafter called "Mussey"), did on the 14th day of September, 1967, establish certain restrictive covenants covering certain lots situated in Brookstone Subdivision, Shelby County, Alabama, together with that certain property described in Exhibit "A" attached hereto and made a part hereof, said restrictive covenants being recorded in the Probate Office of Shelby County, Alabama, in Deed Book 249, page 924; and

WHEREAS, that certain property described in Exhibit "A" attached hereto has been conveyed by Mussey to Albert D. Pacifico and wife, Maureen A. Pacifico (hereinafter called "Pacifico") by deed recorded in Deed Book 250, page 603, in Shelby County, Alabama, at which time said Pacifico did execute a purchase money mortgage to the said Mussey; and

WHEREAS, it is provided in Paragraph 8 of said restrictive covenants that Mussey can amend and modify such restrictions, and the said Pacifico as owners and Mussey as mortgagee and the person holding the right to amend said restrictions, desire to modify and amend said restrictions recorded in Deed Book 249, page 924, as hereinafter set forth.

NOW, THEREFORE, in consideration of the premises, it is hereby agreed that Paragraph 6 of said restrictions recorded in Deed Book 249, page 924, insofar as they apply to that certain property described in Exhibit "A" which is attached hereto and made a part hereof, is hereby deleted in full, and there is substituted in lieu thereof

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the following:

"No parcel may be subdivided or reduced in size by voluntary alienation, judicial sale or other proceedings of less than two and one-half (2 1/2) acres per lot without the written consent of the owner, her heirs, successors and assigns."

Except as otherwise herein modified, said restrictions are hereby expressly ratified and approved by the said Pacifico and Mussey.

This agreement shall inure to and be binding upon the respective heirs, successors and assigns of the parties hereto.

Bessie M. Mussey
Bessie M. Mussey, Individually

Bessie M. Mussey
Bessie M. Mussey, as Executrix of the
Last Will and Testament of Howard Eugene
Mussey, Deceased

Albert D. Pacifico
Albert D. Pacifico

Maureen A. Pacifico
Maureen A. Pacifico

STATE OF ALABAMA)
JEFFERSON COUNTY)

I, J. B. Lewis, a Notary Public in and for said County in said State, hereby certify that Bessie M. Mussey, individually, a widow, whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 29th day
of December, 1967.

J B Davis
Notary Public

STATE OF ALABAMA)
)
JEFFERSON COUNTY)

I, J B Davis, a Notary Public in and for said
County in said State, hereby certify that Bessie M. Mussey, whose
name as Executrix of the Last Will and Testament of Howard Eugene
Mussey, Deceased, is signed to the foregoing conveyance and who is
known to me, acknowledged before me on this day that, being informed
of the contents of the instrument, she, in her capacity as such
Executrix, executed the same voluntarily on the day the same bears
date.

Given under my hand and official seal this the 29th day
of December, 1967.

J B Davis
Notary Public

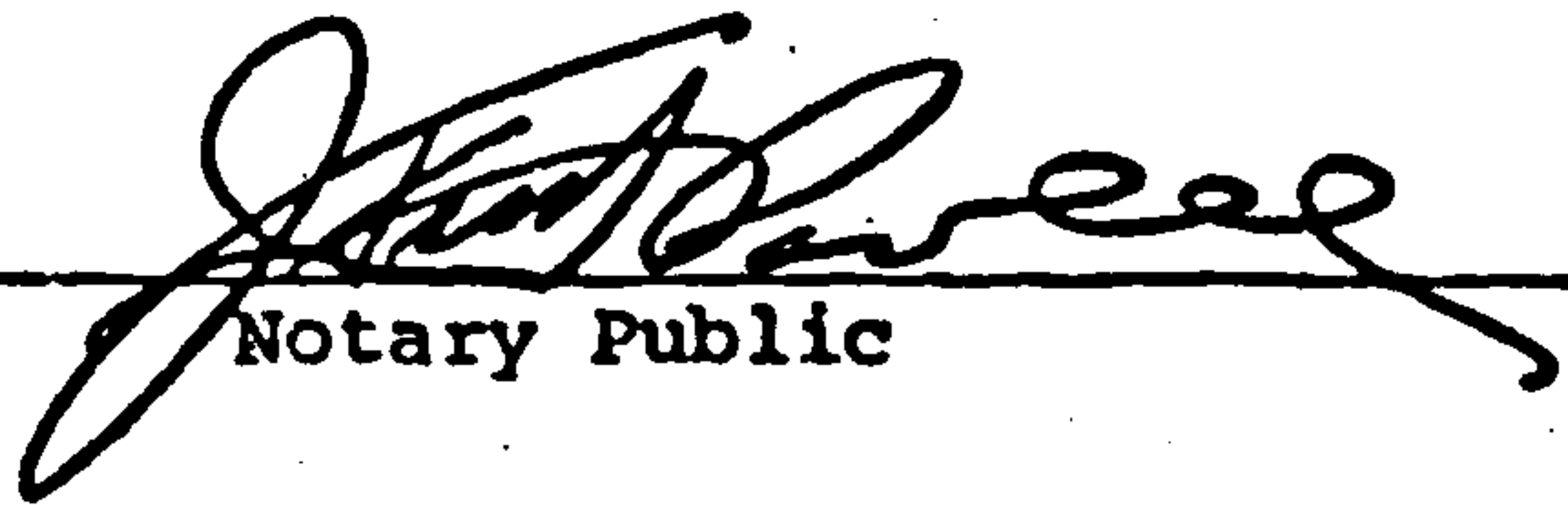


STATE OF ALABAMA)
)
JEFFERSON COUNTY)

I, J. Fred Powell, a Notary Public in and for said
County in Said State, hereby certify that Albert D. Pacifico and
wife Maureen A. Pacifico, 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.

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Given under my hand and official seal this the 5th day
of Jan, 1968.


Notary Public

STATE OF ALA. SHELBY CO.
NOTARY PUBLIC
INSTRUMENT WAS FILED
1968 JAN 26 PM 6:40
U.C.C. FILE NUMBER OF
REC. BK. & PAGE AS SHOWN ABOVE
Don't forget to file
JUDGE OF PROBATE

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EXHIBIT "A"

in Survey County, Alabama to-wit:

Begin at the Southeast corner of the Northeast quarter of the Southeast quarter of Section 21, Township 19 South, Range 2 West; thence in a Northerly direction along the Easterly line of said quarter-quarter for a distance of 544.47 feet; thence turn an angle to the left of 87 deg. 34 min. and 30 sec. and in a Westerly direction for a distance of 1285.35 feet; thence turn an angle to the left of 92 deg. 30 min. and in a Southerly direction parallel with the Westerly line of said quarter-quarter for a distance of 544.50 feet to a point on the Southerly line of the Northeast quarter of the Southeast quarter of Section 21, Township 19 South, Range 2 West; thence turn an angle to the left of 87 deg. 30 min. in an Easterly direction for a distance of 266.21 feet; thence turn an angle to the left of 92 deg. 30 min. and in a Northerly direction for a distance of 69.71 feet; thence turn an angle to the right of 80 deg. 56 min. and in a Northeasterly direction for a distance of 127.54 feet to the point of beginning of a curve to the right (said curve having a central angle of 26 deg. 21 min. 30 sec. and a radius of 338.20 feet); thence along the arc of said curve for a distance of 156.57 feet to the end of said curve; thence along the tangent if extended of said curve for a distance of 150.69 feet to the point of beginning of a curve to the left (said curve having a central angle of 11 deg. 46 min. and a radius of 463.15 feet); thence along the arc of said curve for a distance of 95.57 feet to the end of said curve; thence along the tangent if extended for a distance of 71.06 feet to the point of beginning of a curve to the right (said curve having a central angle of 18 deg. 45 min. 30 sec. and a radius of 463.13 feet); thence along the arc of said curve for a distance of 151.62 feet to its intersection with the South line of the Northeast Quarter of the Southeast quarter of Section 21, Township 19 South, Range 2 West; thence in an Easterly direction along the South line of said quarter-quarter section for a distance of 283.40 feet to the point of beginning. Said parcel containing 15.0 acres, according to survey of A. C. Coulter, Jr., Registered Land Surveyor, dated September 18, 1967.

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