

1707

MODIFICATION OF EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, by the map of Portsouth, First Sector, recorded in Map Book 6, Page 22, in the Probate Office of Shelby County, Alabama created certain easements shown on said map for public utilities, sanitary sewers, storm sewers, or open storm drains, which may be used for such purposes to serve property both within and without said subdivision; and

WHEREAS, the following described lots are situated in said subdivision:

Lot 7, according to the survey of Portsouth, First Sector, as recorded in Map Book 6, Page 22, in the Probate Office of Shelby County, Alabama.

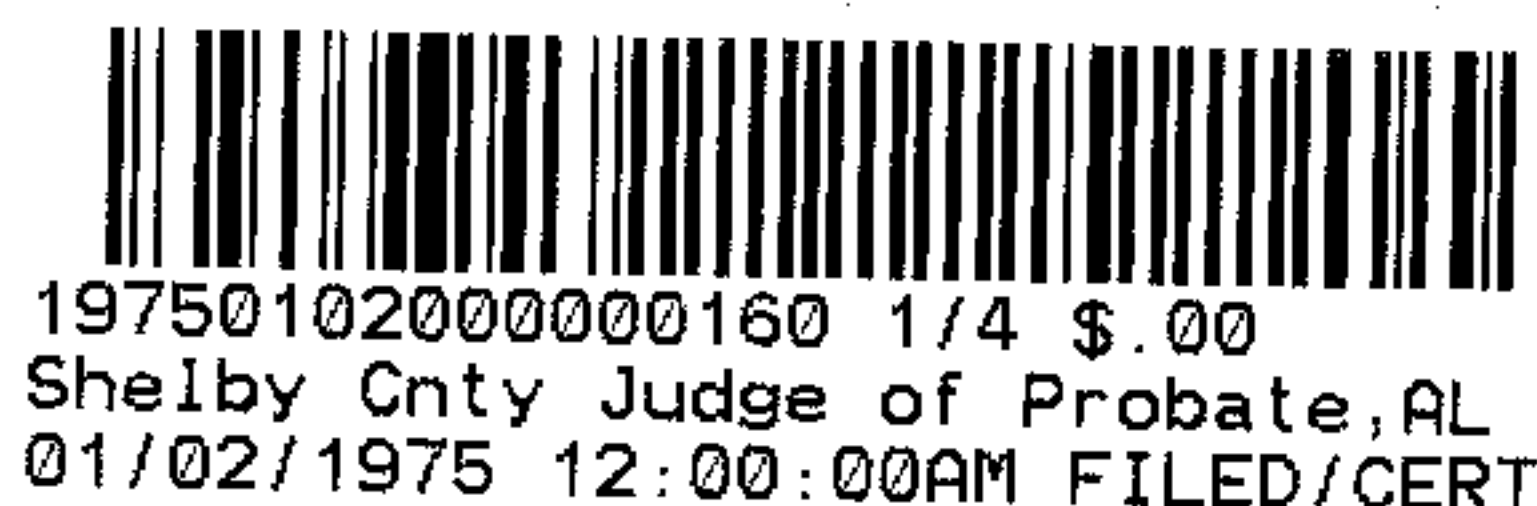
Lot 8, according to the survey of Portsouth, First Sector, as recorded in Map Book 6, Page 22, in the Probate Office of Shelby County, Alabama.

WHEREAS, the said Lots 7 and 8, hereinabove described, are owned by Sam Bennett Realty & Development Company, Inc.; and
is

WHEREAS, Sam W. Bennett, /President and sole owner of both Portsouth, Inc., developer of said subdivision, and Sam Bennett Realty & Development Company, Inc.; and

WHEREAS, a residence was constructed on said Lot 7, by Sam Bennett Realty & Development Company, Inc. which encroaches on the easement shown on the above described original map of said subdivision, which said easement is five feet on either side of the common boundary line between Lots 7 and 8 of said subdivision, as shown by Exhibit "A", attached hereto and by reference incorporated herein as an integral part hereof;

NOW, THEREFORE, the said Sam W. Bennett, as President of Sam Bennett Realty & Development Company, Inc. and Portsouth, Inc., having full authority to do so, does hereby modify said easement



running parallel with and five feet on either side of the common boundary line between Lots 7 and 8 hereinabove described, by relocating said easement in conformity with the survey by Shepard & Winters, Engineers, dated December 19, 1974 of said Lot 7 and part of Lot 8, being attached hereto as Exhibit "B" and made an integral part hereof.

IN WITNESS WHEREOF, the said Portsmouth, Inc., and Sam Bennett Realty & Development Company, Inc., by their President, Sam W. Bennett, who is authorized to execute this instrument, have hereto set their signatures and seals this 27th day of December, 1974.

PORTSMOUTH, INC.

By:

SAM W. BENNETT
SAM W. BENNETT, President

SAM BENNETT REALTY & DEVELOPMENT
COMPANY, INC.

By:

SAM W. BENNETT
SAM W. BENNETT, President

STATE OF ALABAMA)
JEFFERSON COUNTY)

I, the undersigned, a Notary Public for the State of Alabama at Large, hereby certify that Sam W. Bennett, whose name as President of Portsmouth, Inc., and as President of Sam Bennett Realty & Development Company, Inc., corporations, 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 said instrument, he, as such officer and with full authority, executed the same voluntarily for and as the act of said corporations.

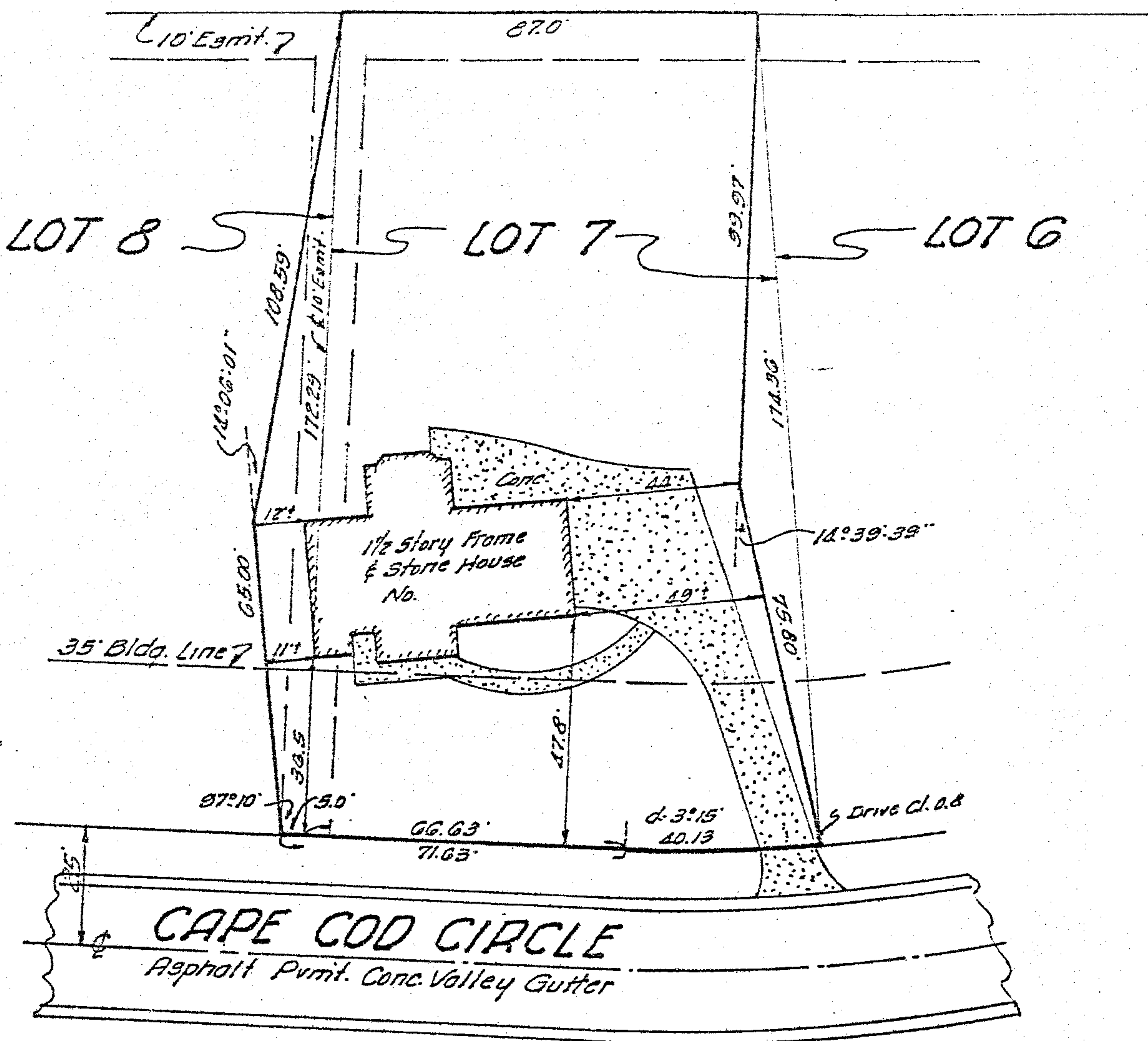
Given under my hand and official seal, this the 27th day of December, 1974.

19750102000000160 2/4 \$.00
Shelby Cnty Judge of Probate, AL
01/02/1975 12:00:00AM FILED/CERT

William M. Farnell
Notary Public

Notary Public, State of Alabama at Large
My commission expires Oct. 26, 1976
Bonded by Home Indemnity Co. of N. Y.

Scale 1" = 40'



* and part of Lot 8, of said subdivision, more particularly described as follows: Begin at the northeast corner of Lot 8 of said subdivision; thence southerly along east line of said Lot 8 a distance of 5.0 feet; thence turn 82° 50' to the right and run westerly a distance of 65.0 feet; thence turn 14° 06' 01" right and run northwesterly a distance of 108.59 feet to the northwest corner of said lot; thence easterly along the north line of said Lot 8, a distance of 172.29 feet to the point of beginning

also less part of Lot 7, of said subdivision, more particularly described as follows: Begin at the Northwest Corner of Lot 7 of said subdivision; thence easterly a distance of 99.97 feet; thence turn 14° 39' 39" left and run northeasterly a distance of 75.80 feet to the northeast corner of said Lot 7; thence southeasterly along the north line of said Lot 7, a distance of 174.36 feet to the point of beginning.

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Shelby Cnty Judge of Probate, AL
01/02/1975 12:00:00AM FILED/CERT

STATE OF ALABAMA }
JEFFERSON COUNTY }

I, August A. Winters, a Land Surveyor of Birmingham, Alabama, hereby certify that the above is a true and correct plat or map of Lot 7 Block - First Sector Portsmouth, as shown by the map of same recorded in Map Book 6 Page 22, in the office of the Judge of Probate of Shelby County, Alabama, that the building now on said lot is within the bounds of said lot, that there are no visible encroachments, except those shown, from adjoining properties and that there are no rights-of-way, easements, of joint driveways over or across said land visible on the surface except as shown; that there are no visible electric or telephone wires (excluding wires which serve the premises only) or structures or a supports therefor including poles, anchors and guy wires, on or over said premises except as shown.

The correct street address is No. Cape Cod Circle

According to my survey this 19th day of December 1974,

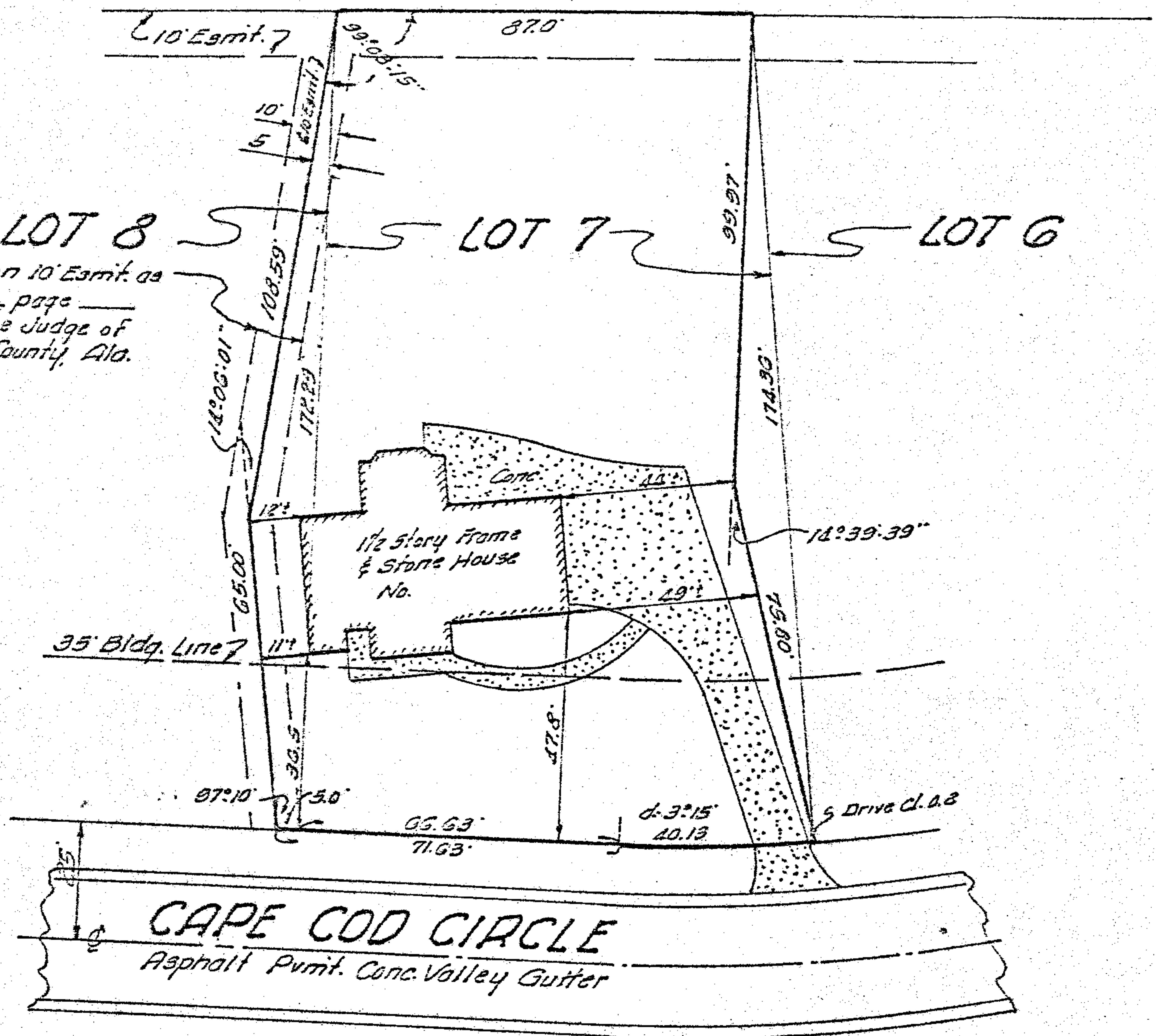
SHEPARD & WINTERS, ENGINEERS
721-722 MASSEY BUILDING
BIRMINGHAM, ALABAMA

August A. Winters W.E.T.
August A. Winters — Reg. No. 2586

EXHIBIT "A"

BOOK 290 PAGE 215

Scale 1"=40'



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19750102000000160 4/4 \$.00
Shelby Cnty Judge of Probate, AL
01/02/1975 12:00:00AM FILED/CERT

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JEFFERSON COUNTY }

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721-722 MASSEY BUILDING
BIRMINGHAM, ALABAMA

August A. Winters W.E.T.
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EXHIBIT "B"

BOOK 290 PAGE 216

STATE OF ALABAMA
COUNTY OF SHELBY
JUDGE OF PROBATE
OFFICE OF THE JUDGE OF PROBATE
100 NORTH AVENUE
BIRMINGHAM, ALABAMA 35203
-2- 11:10:12