

STATE OF ALABAMA)
SHELBY COUNTY)

C. H. MOSES, III
704 Massey Building
Birmingham, Ala.

1372

AGREEMENT TO MAINTAIN PRIVATE RIGHT-OF-WAY

This agreement made this 27 day of July,
1977 between Betty Jean Pryor, an unmarried woman; Dolphus
Lester Martin and his wife, Mary Lee Martin; Thomas James Tucker
and his wife, Mary Ann Tucker and F. Richard Fogle and his wife,
Anna Carol Fogle, which expression shall include his, her or
their heirs, executors, administrators, agents or assigns,

WITNESSETH:

WHEREAS, the parties hereto have previously purchased
from Manley Walter Pearson a tract of land located in the
Southwest Corner of the Southwest Quarter of the Northwest
Quarter of Section 25, Township 20 South, Range 4 West, Shelby
County, Alabama; and

WHEREAS, the parties hereto have divided said tract
of land into individual parcels with only those parcels owned
and occupied by Betty Jean Pryor and F. Richard Fogle and Anna
Carol Fogle abutting on a public road; and

WHEREAS, in order that Betty Jean Pryor, Dolphus Lester
Martin and Mary Lee Martin, Thomas James Tucker and Mary Ann
Tucker shall have full use of the premises allocated to and
occupied by them, the parties have withheld from the conveyance
to Betty Jean Pryor, an unmarried woman, and to Dolphus Lester
Martin and wife, Mary Lee Martin a 42 foot wide easement for the
use of Dolphus Lester Martin and wife, Mary Lee Martin; Betty Jean
Pryor, an unmarried woman; F. Richard Fogle and wife, Anna Carol
Fogle; Thomas James Tucker and wife, Mary Ann Tucker, their heirs
and assigns described as:

A 42 foot right-of-way the centerline of which
is described as follows: Commence at the Southeast
corner of the S.W. 1/4 of the N.W. 1/4 of Section
25, Township 20 South, Range 4 West, Shelby County,
Alabama, thence run S 87°36' W along the south
quarter-quarter line a distance of 21 feet,
thence run N 00°10'30" E and parallel to the east
1/4-1/4 line a distance of 500.0 feet to the point
of beginning:
thence continue last course a distance of 1351.81
feet to the point of a curve to the left having a
radius of 121.0 feet and a central angle of 87°



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Shelby Cnty Judge of Probate, AL
09/07/1977 12:00:00 AM FILED/CERT

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BOOK

Land Title

39'30", thence follow the arc of said curve a distance of 185.12 feet to the point of tangency, thence run S 87°50' W and parallel to the North line of the South 1/2 of the N.W. 1/4 of the N.W. 1/4 of said Section 25 a distance of 337.8 feet to the southeasterly right-of-way of Shelby County Highway #13.

The above described right-of-way lies in and is a part of the N.W. 1/4 of Section 25, Township 20 South, Range 4 West, Shelby County, Alabama.

WHEREAS, the parties hereto in consideration of the promises one to another, have agreed to grant and do grant to each other, a private easement or right-of-way for the use of grantors in the property herein described and to maintain same for their respective uses, mutually covenanting, stipulating and agreeing by and between the parties as follows:

1. The parties hereto, separately and severally, do hereby grant to the parties hereto, separately and severally, his, her or their heirs and assigns, a private easement and right-of-way, together with a full and free right for him, her or them, and his, her or their tenants, servants, visitors and licensees, in common with all others having the like right at all times hereafter, with or without automobile or other vehicles, or on foot, or horse or other animal, for the purpose of ingress and egress to and from the Northeast Corner of the premises owned and occupied by Thomas James Tucker and wife, Mary Ann Tucker, the eastern boundary of the property owned and occupied by Dolphus Lester Martin and wife, Mary Lee Martin, and the eastern boundary and northern boundary of the property owned and occupied by Betty Jean Pryor and for all other purposes connected with the use of said real estate owned by these parties, to pass and repass along and over the strip of land hereinabove described.

2. It is further understood and agreed that the easements granted herein are to be held by the respective grantors, his, her or their heirs and assigns as appurtenant to the land owned by the respective grantors.

It is further understood and agreed that Betty Jean Pryor, Dolphus Lester Martin, Mary Lee Martin, Thomas James Tucker and Mary Ann Tucker, their heirs and assigns will and do hereby assume and agree to pay the cost of maintaining a

roadway over the easement herein granted, together with an approach and entry to Shelby County Highway #13. The parties hereto shall determine between themselves the extent of and the nature of the maintenance and of the condition of the roadway to be maintained. But if they cannot mutually agree, then there shall be allocated one vote to the tract of land now owned and occupied by Betty Jean Pryor; one vote to the tract of land now owned and occupied by Dolphus Lester Martin and wife, Mary Lee Martin; and one vote to the tract of land now owned and occupied by Thomas James Tucker and wife, Mary Ann Tucker and the parties then shall, by majority vote, make such determination, and such determination once made shall, be binding on all of the parties hereto.

3. This agreement has been executed in duplicate by the parties and each executed copy hereof shall be considered an original.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the day and year first above written.



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09/07/1977 12:00:00 AM FILED/CERT

Thomas James Tucker (SEAL)

Mary Ann Tucker (SEAL)

J. Rickard Fogle (SEAL)

Anna Coral Fogle (SEAL)

Betty Jean Pryor (SEAL)

Dolphus L. Martin (SEAL)

Mary Lee Martin (SEAL)

STATE OF ALABAMA)

JEFFERSON COUNTY)

I certify that Dolphus Lester Martin and wife, Mary Lee Martin, whose names are signed to the foregoing conveyance, and who are known to me, acknowledged before me on this day, that, being informed of the contents of the conveyance, they executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 27 day

of July, 1977.

Diane P. Mathieu
NOTARY PUBLIC

MY COMMISSION EXPIRES OCTOBER-13, 1979

STATE OF ALABAMA)

JEFFERSON COUNTY)

I certify that Betty Jean Pryor, an unmarried woman, whose name 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 conveyance, she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 27 day
of July, 1977.

Diane P. Mathieu
NOTARY PUBLIC

MY COMMISSION EXPIRES OCTOBER-13, 1979

STATE OF ALABAMA)

JEFFERSON COUNTY)

I certify that F. Richard Fogle and wife, Anna Carol Fogle, whose names are signed to the foregoing conveyance, and who are known to me, acknowledged before me on this day, that, being informed of the contents of the conveyance, they executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 27 day
of July, 1977.

Diane P. Mathieu
NOTARY PUBLIC

MY COMMISSION EXPIRES OCTOBER-13, 1979

STATE OF ALABAMA)

JEFFERSON COUNTY)

I certify that Thomas James Tucker whose name 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 conveyance, he executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 27
day of July, 1977.

Diane P. Mathieu
NOTARY PUBLIC

MY COMMISSION EXPIRES OCTOBER-13, 1979

STATE OF ALABAMA)

JEFFERSON COUNTY)

I certify that Mary Ann Tucker, wife of Thomas James Tucker, whose name 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 conveyance, she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 27 day
of July, 1977.

Diane P. Mathieu
NOTARY PUBLIC

MY COMMISSION EXPIRES OCTOBER-13, 1979

STATE OF ALA. SHELBY CO.
I CERTIFY THIS
INSTRUMENT WAS FILED

1977 SEP -7 AM 9:36

Rec. 850
Ind. 100

950

Thomas A. Snowling, Jr.
JUDGE OF PROBATE