

STATE OF ALABAMA)
SHELBY COUNTY)

2559

WHEREAS, Kimberly-Clark Corporation (hereinafter referred to as "Kimberly-Clark") is the owner of certain lands in Section 6, Township 19 South, Range 1 East, Shelby County, Alabama; and

WHEREAS, Kimberly-Clark's predecessor in title has heretofore granted an easement for truck trail purposes to the Division of Forestry, Department of Conservation, of the State of Alabama, the agreement conveying such easement being recorded in Book 157, page 337, in the Office of the Judge of Probate of Shelby County, Alabama; and

WHEREAS, Steven D. Mitchell and wife, Ann Mallinson Mitchell (hereinafter referred to as "the Mitchells"), are the owners of lands in said section adjacent to the lands of Kimberly-Clark; and

WHEREAS, the Mitchells desire to utilize the roadway constructed by the said Division of Forestry pursuant to said agreement as a means of access to their said lands; and

WHEREAS, Kimberly-Clark is willing for the Mitchells so to utilize said roadway;

NOW, THEREFORE, PREMISES CONSIDERED, Kimberly-Clark Corporation, does hereby grant to Steven D. Mitchell and wife, Ann Mallinson Mitchell, their heirs and assigns, the right to use said road as a means of access to their said lands or for any other roadway purposes, subject to the terms and conditions hereinafter set forth.

This agreement is subject to the following terms and conditions:

1. The Mitchells agree not to utilize the rights granted hereunder in any way so as to conflict with the rights granted the Division of Forestry, Department of Conservation of the State of Alabama under the terms of the agreement referred to above.

2. The parties recognize that Kimberly-Clark has heretofore granted to Coosa Valley Electric Cooperative, Inc., its successors and assigns, an easement along said roadway for the purpose of constructing, operating and maintaining an electric power line or system and the Mitchells agree that they will not utilize in any way the rights granted hereby so as to conflict with the rights granted to the said Coosa Valley Electric Cooperative, Inc.



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Shelby Cnty Judge of Probate, AL
10/07/1977 12:00:00 AM FILED/CERT

Steven D. Mitchell
1508 King George Dr.
Alabaster, Ala

35-007

3. Kimberly-Clark does not warrant that the said road is safe or suitable for the Mitchells purposes or that the rights granted hereunder are sufficient for such purposes.

4. The Mitchells shall indemnify and hold Kimberly-Clark harmless from any and all claims, loss, damage, expense and/or liability which may arise out of or in any way relate to the use of the rights granted hereunder to the Mitchells.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals, this the 5th day of October 1977.

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Shelby Cnty Judge of Probate, AL
10/07/1977 12:00:00 AM FILED/CERT

KIMBERLY-CLARK CORPORATION

By F. Gordon Comer, Jr.
F. Gordon Comer, Jr.
Its Division Vice President

Steven D. Mitchell
Steven D. Mitchell

Ann Mallison Mitchell
Ann Mallison Mitchell

STATE OF ALABAMA)
SHELBY COUNTY)

I, Mildred Morriss, a Notary Public in and for said County, in said State, hereby certify that F. Gordon Comer, whose name as Division Vice President of Kimberly-Clark Corporation, a corporation, 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 foregoing instrument, he, as such officer, and with full authority, executed the same voluntarily for and as the act of said corporation.

Given under my hand and official seal of office, this 5 day of October, 1977.



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Shelby Cnty Judge of Probate, AL
10/07/1977 12:00:00 AM FILED/CERT

Mildred Morriss
Notary Public
Alabama State at Large
Commission expires: 5-17-80

STATE OF ALABAMA)
SHELBY COUNTY)

I, *Virginia T. Swin*, a Notary Public in and for said County, in said State, hereby certify that Steven D. Mitchell and wife, Ann Mallison Mitchell, 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.

Given under my hand and official seal of office, this 7th day of October, 1977.

Virginia T. Swin
Notary Public

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

1977 OCT -7 AM 11:15

Thomas A. Snowdon, Jr.
JUDGE OF PROBATE

Rec. 450

Ind. 100

550

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