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Shelby Cnty Judge of Probate, AL
04/11/1978 12:00:00 AM FILED/CERT

EASEMENT

AND

326

RELEASE OF EASEMENT

STATE OF ALABAMA)
SHELBY COUNTY)

This indenture is made the 11th day of March, 1978 by and between Donnie Tucker, Edgar Thomas and Robert Owens, Grantors, and Jack McGuire Excavating Company, Inc., Owens Enterprises, Inc., and Martin & Sons, Inc., Grantees.

WHEREAS, the Grantors may have acquired a prescriptive easement to traverse the hereinafter described real property owned by Grantees, by way of a certain existing paved road as shown on the map attached hereto as Exhibit "A" and delineated "old road",

AND WHEREAS, the Grantees are owners in fee simple and in possession of real property situated in Shelby County, Alabama, across which runs the said paved "old road," said land being more particularly described as follows:

That certain paved road traversing the following described real property, to wit:
A part of the NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 36, Township 19, Range 3 West described as follows:
Begin at the Northwest corner of NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section and run thence along North line of said forty North, 88 degrees 30 minutes East 139.1 feet to beginning point of tract herein described, being on the East right of way line of Montgomery Highway; thence Southeast along the East right of way line of said highway South 36 degrees 30 minutes East, 360 feet to North margin of Little Cahaba Road; thence along North margin of said road as follows: North 64 degrees East, 244.1 feet; North 71 degrees East 131 feet; North 63 degrees 30 minutes East 85 feet; North 55 degrees 45 minutes East 214.7 feet to intersection of North line of said NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section; thence along North line of said forty South 88 degrees 30 minutes West 810.5 feet to point of beginning. LESS AND EXCEPT the following described parcel: A parcel of land located in the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 36, Township 19 South, Range 2 West, Shelby County, Alabama, more particularly described as follows:

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Commence at the Northeast corner of said Section; thence in a Westerly direction along the North line of said Section, a distance of 362.50 feet to the point of beginning; thence continue along last described course, a distance of 277.20 feet; thence 131 degrees 45 minutes left, in a Southeasterly direction a distance of 146.25 feet; thence 79 degrees 30 minutes left, in a Northeasterly direction a distance of 210.33 feet to the Point of Beginning. The southernmost point of said paved road being described opening onto Valley Dale Road at a point approximately one hundred sixty-five (165) feet east of the intersection of said Valley Dale Road and old U.S. Highway No. 31, and said paved road being described having its northernmost point along the northern boundary of the hereinbefore described real property approximately three hundred forty (340) feet from the northwest corner of said property,

AND WHEREAS, the Grantees are desirous of closing the "old road," and of substituting therefor a new road, to be granted to Grantors, herein as shown on said Exhibit "A" as "new road" and as is more particularly described as follows:

A parcel of land located in the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 36, Township 19 South, Range 3 West in Shelby County, Alabama, more particularly described as follows: Commence at the NW corner of said $\frac{1}{4}$ - $\frac{1}{4}$ section, thence in an easterly direction along the north line of said $\frac{1}{4}$ - $\frac{1}{4}$ section a distance of 127.08 feet to the Northeasterly right of way line of Shelby County Highway #275, said point being the point of beginning; thence continue along last described course a distance of 338.19 feet, thence $109^{\circ} 29' 40''$ right in a southwesterly direction a distance of 21.23 feet, thence $70^{\circ} 30' 20''$ right in a westerly direction a distance of 315.87 feet to said northeasterly highway right-of-way; thence $52^{\circ} 42'$ right in a northwesterly direction along said right-of-way a distance of 25.14 feet to the point of beginning.

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AND WHEREAS, the Grantors have agreed, in consideration of the hereinbefore mentioned grant of easement for a new road and for One Dollar and other good and valuable considerations, to release and grant to Grantees any and all claims to an easement, right-of-way, access, or license,

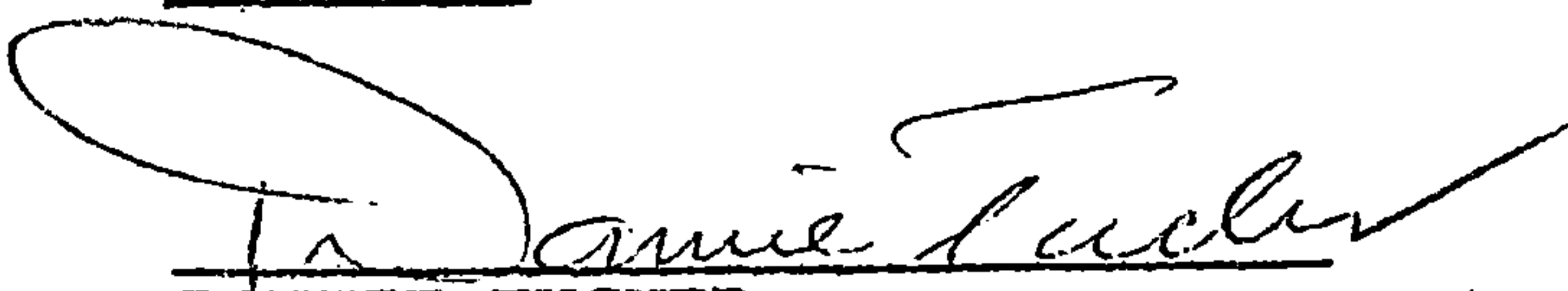
NOW, this indenture witnesseth as follows:

1. The Grantors hereby release, convey and grant to Grantees any and all the rights, easements, rights of way, access, or licenses which they may have in the hereinbefore described real property and the said "old road" whether such rights have accrued by prescription or otherwise, to hold the said rights, easements, rights of way, access or licenses to the Grantees and their assigns, to the intent that the same may be extinguished.

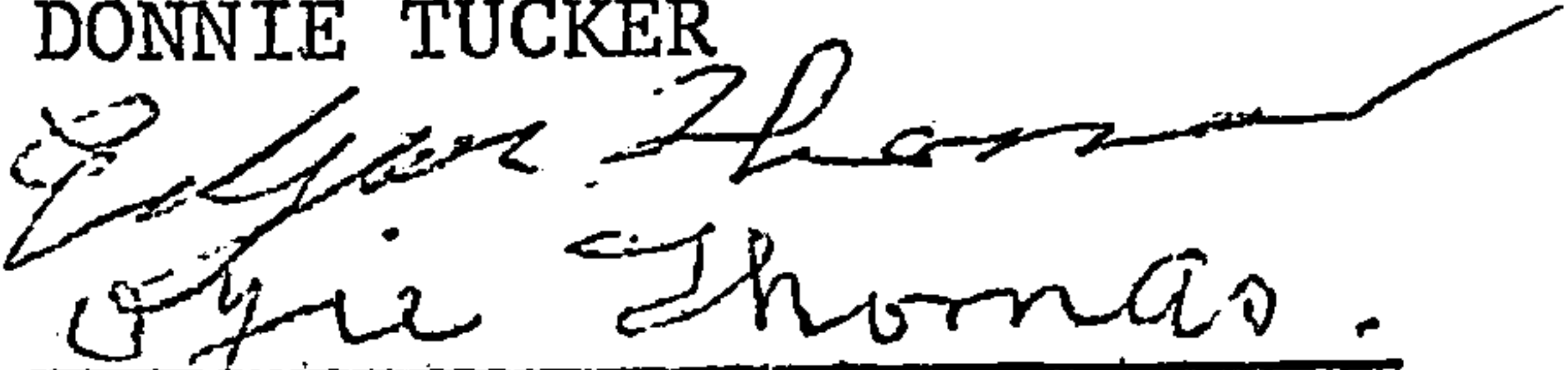
2. In and for consideration of the hereinbefore granted release, the Grantees hereby grant to the Grantors full and free liberty in common with all other persons entitled to the like liberty of passing and repassing on foot, by vehicle and otherwise, at all times along the said "new road" as shown in Exhibit "A" attached hereto and by reference made an integral part hereof, for any purpose connected with the use and enjoyment of any real property of the Grantors. To hold the said right-of-way hereby granted to the Grantors, their heirs and assigns, as an easement appurtenant to the said land.

IN WITNESS WHEREOF THE PARTIES HAVE SET THEIR HANDS AND SEAL THIS 11th DAY OF MARCH, 1978.

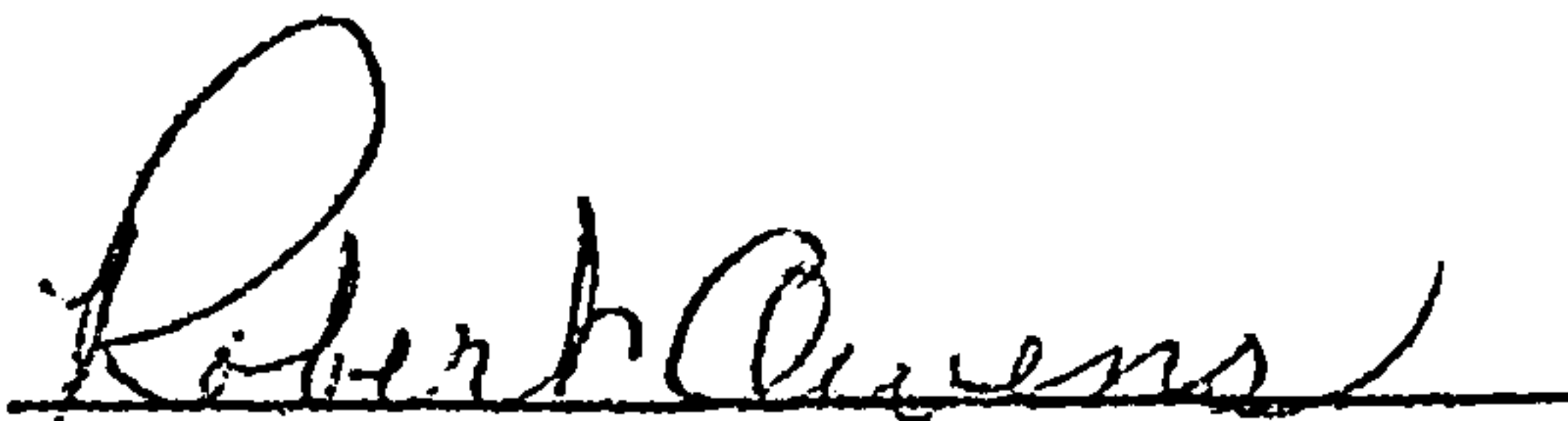
GRANTORS:



DONNIE TUCKER



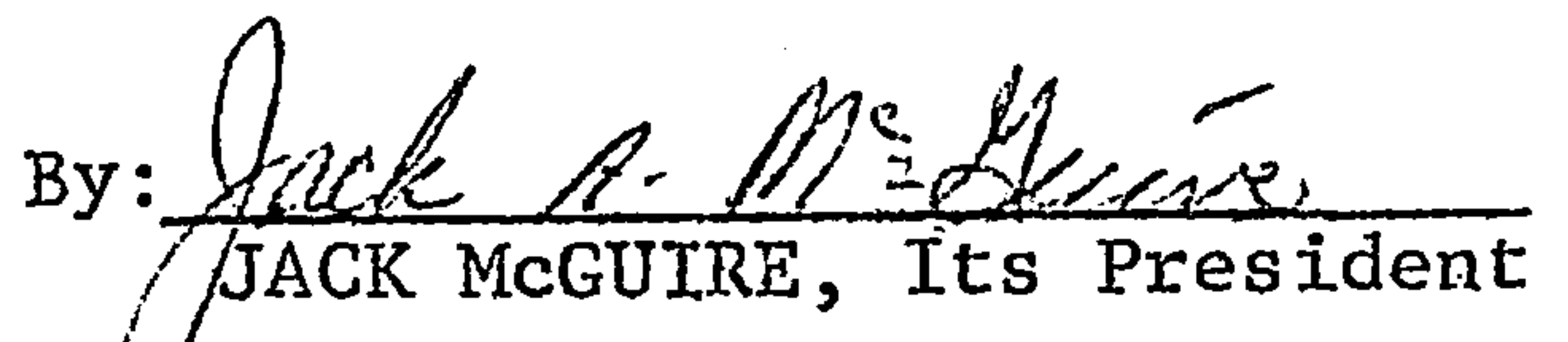
EDGAR THOMAS



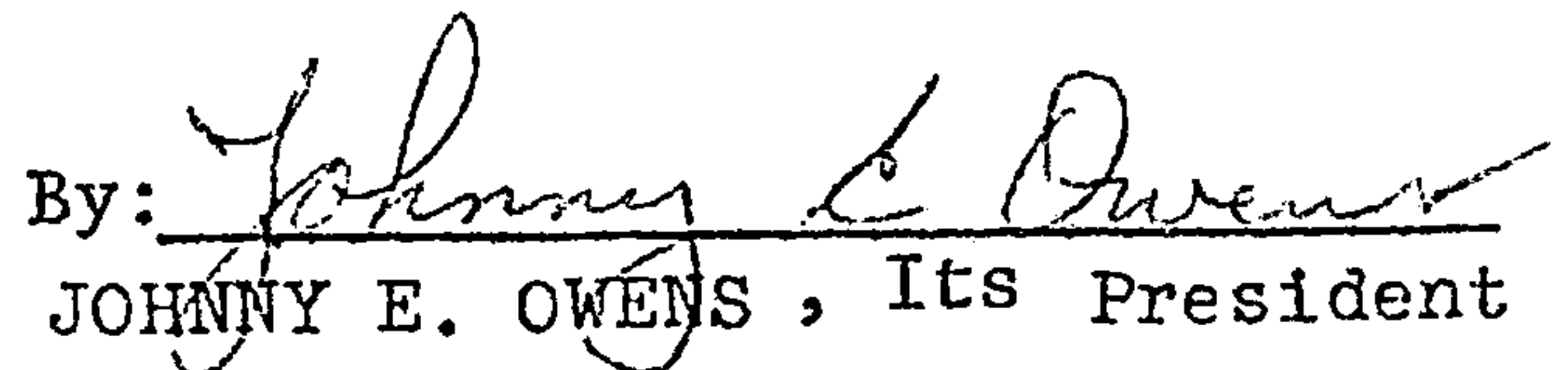
ROBERT OWENS

GRANTEES:

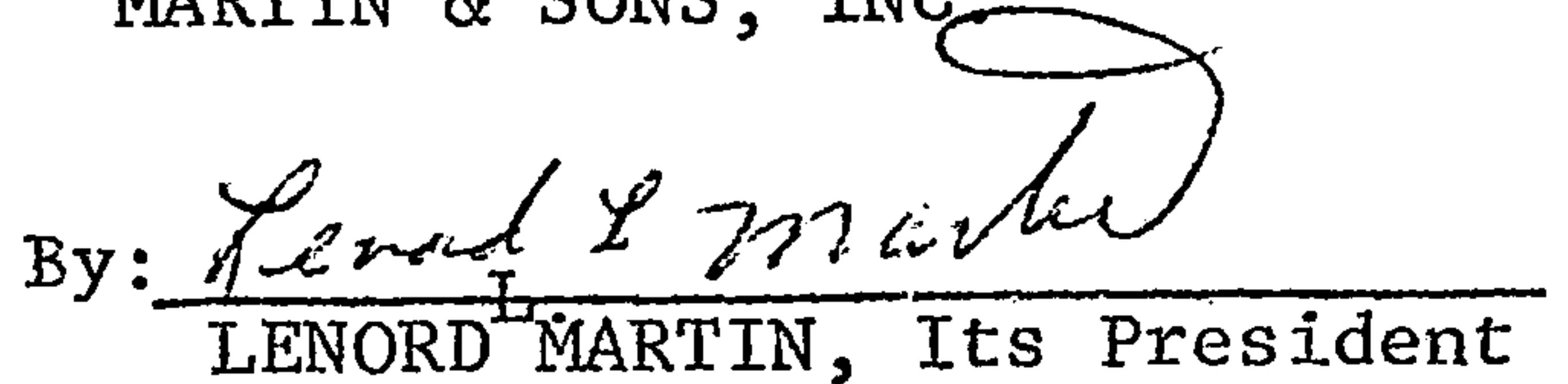
JACK MCGUIRE EXCAVATING
 COMPANY, INC.

By: 
 JACK MCGUIRE, Its President

OWENS ENTERPRISES, INC.

By: 
 JOHNNY E. OWENS, Its President

MARTIN & SONS, INC

By: 
 LENORD MARTIN, Its President

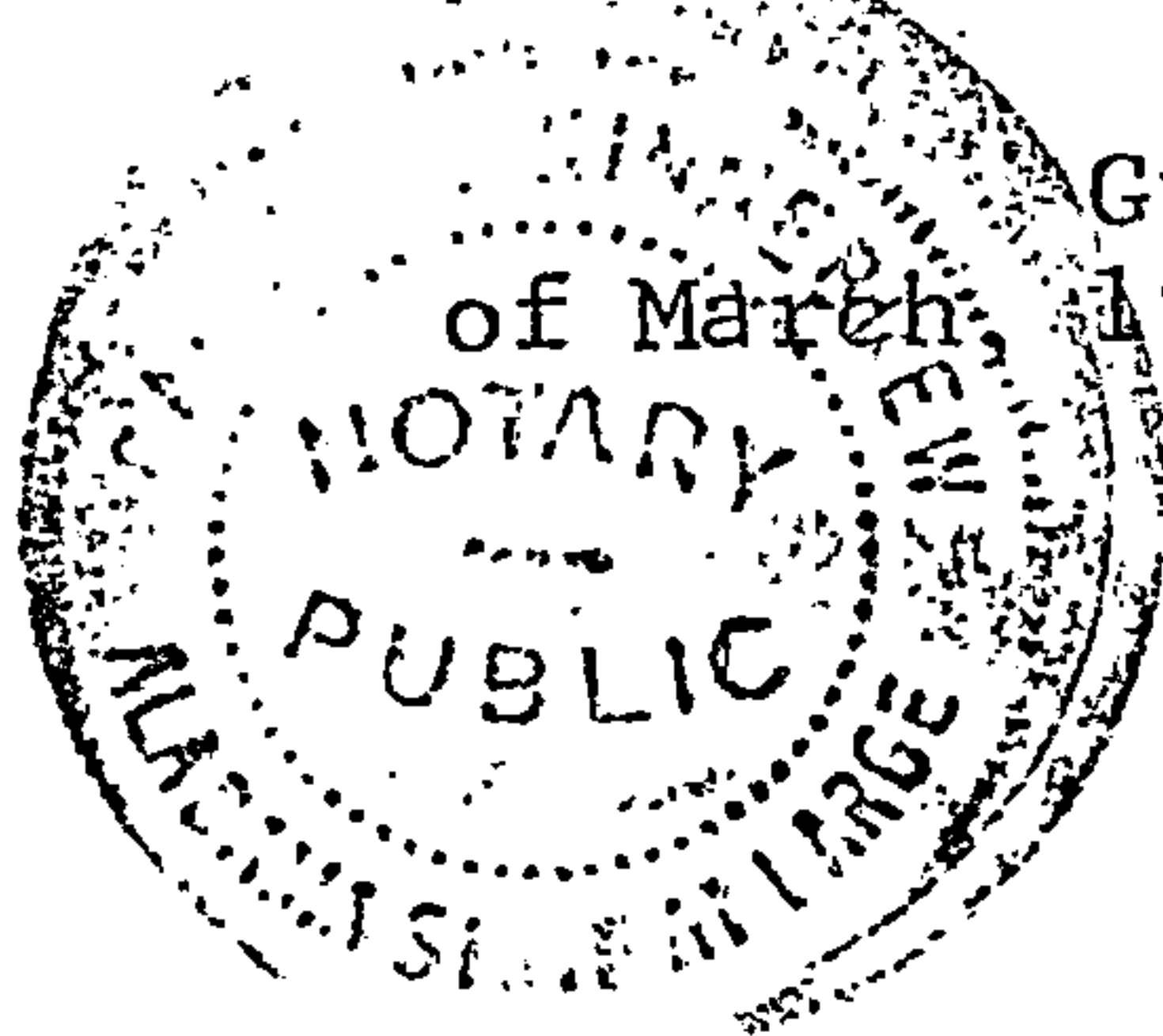
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STATE OF ALABAMA)
 SHELBY COUNTY)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Edgar Thomas 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.



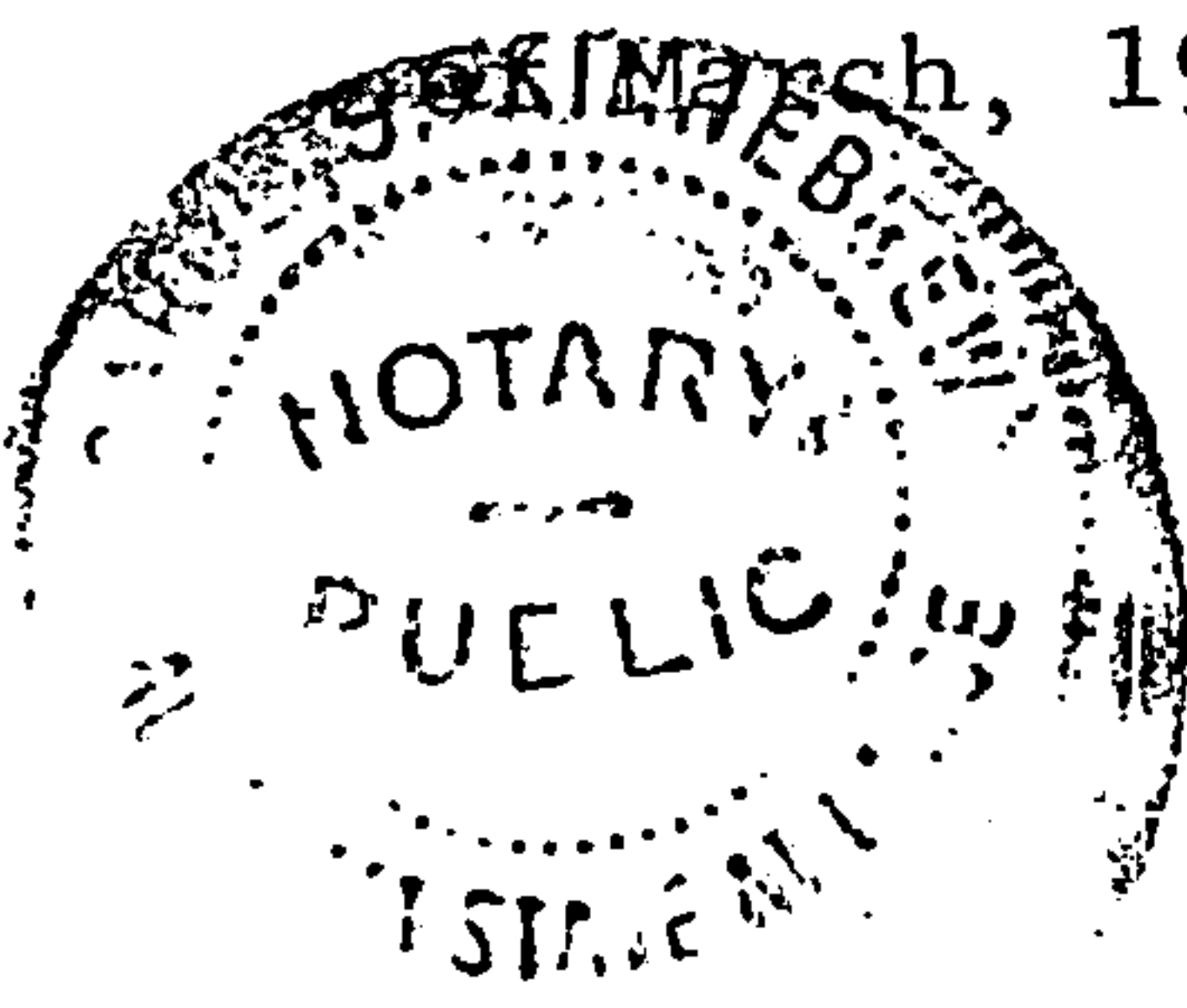
Given under my hand and official seal this 11th day of March, 1978.

Carl D. Kennelwood
 Notary Public

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STATE OF ALABAMA)
 SHELBY COUNTY)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Robert Owens 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 11th day of March, 1978.

Carl D. Kennelwood
 Notary Public



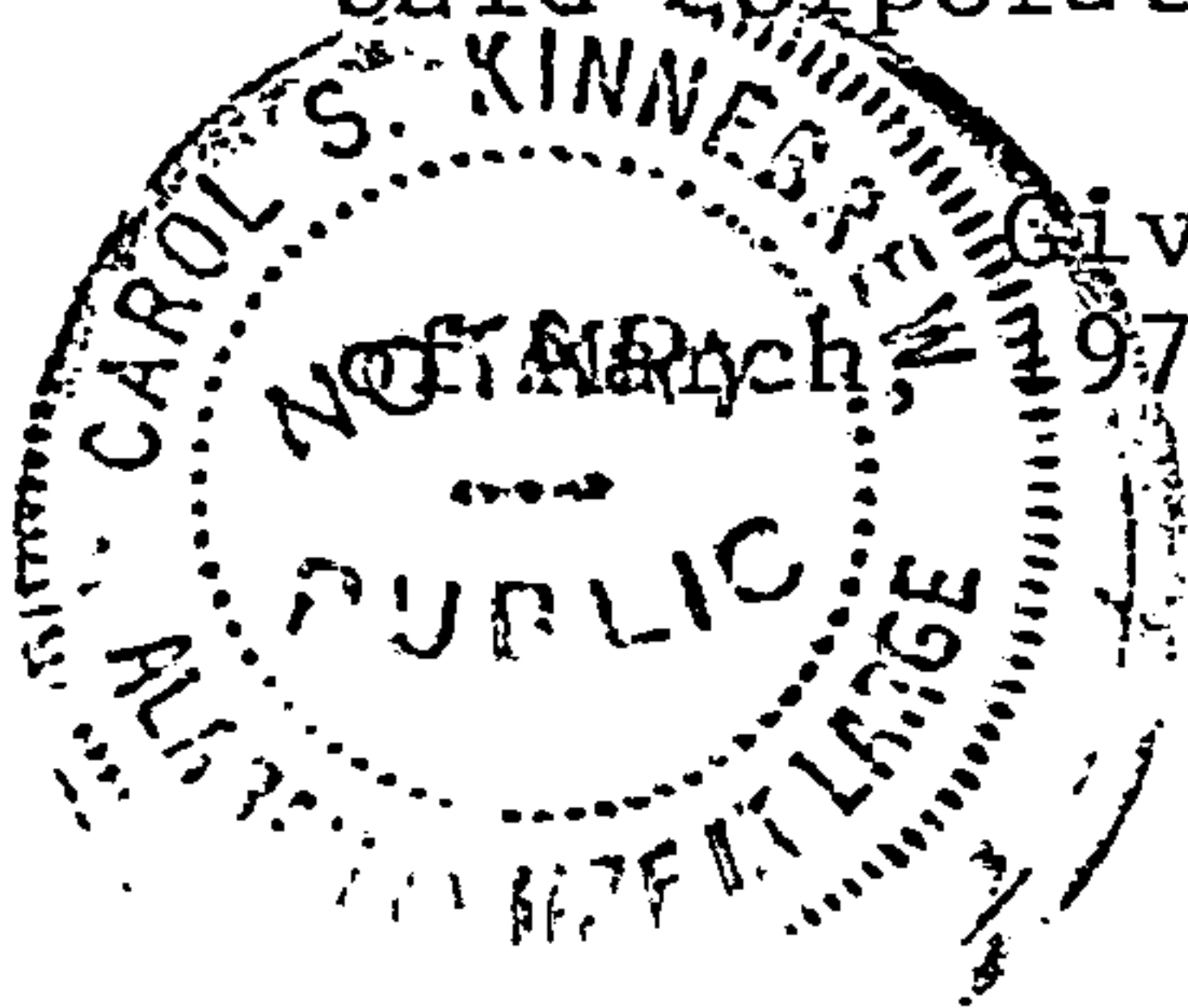
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STATE OF ALABAMA)
 SHELBY COUNTY)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that

Jack McGuire
 whose name as President of Jack McGuire Excavating Company, Inc., a corporation, 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, 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, this the 11th day of March, 1978.

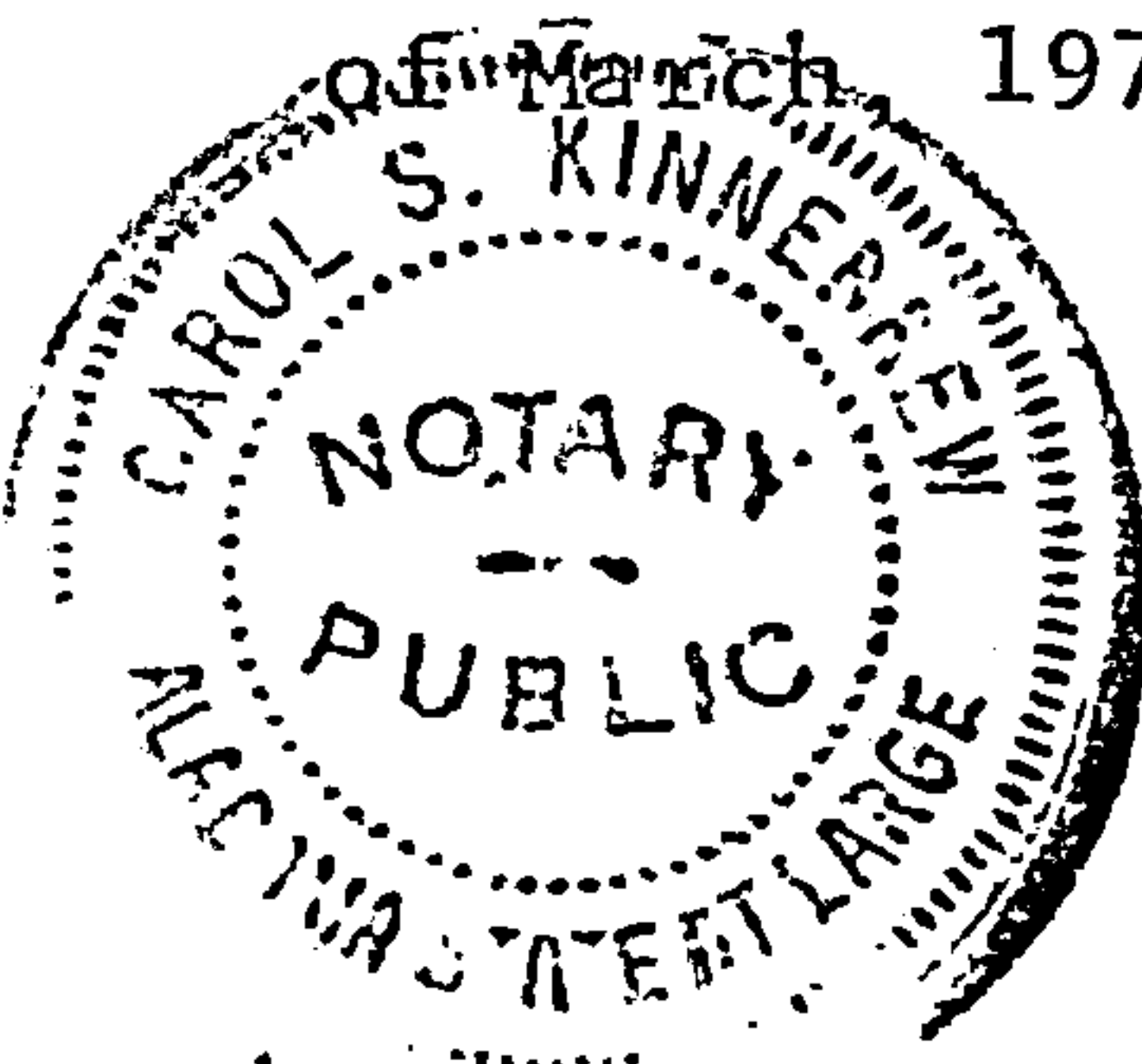


Carol S. Kinner
 Notary Public

STATE OF ALABAMA)
 SHELBY COUNTY)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Donnie 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 11th day of March, 1978.



Carol S. Kinner
 Notary Public

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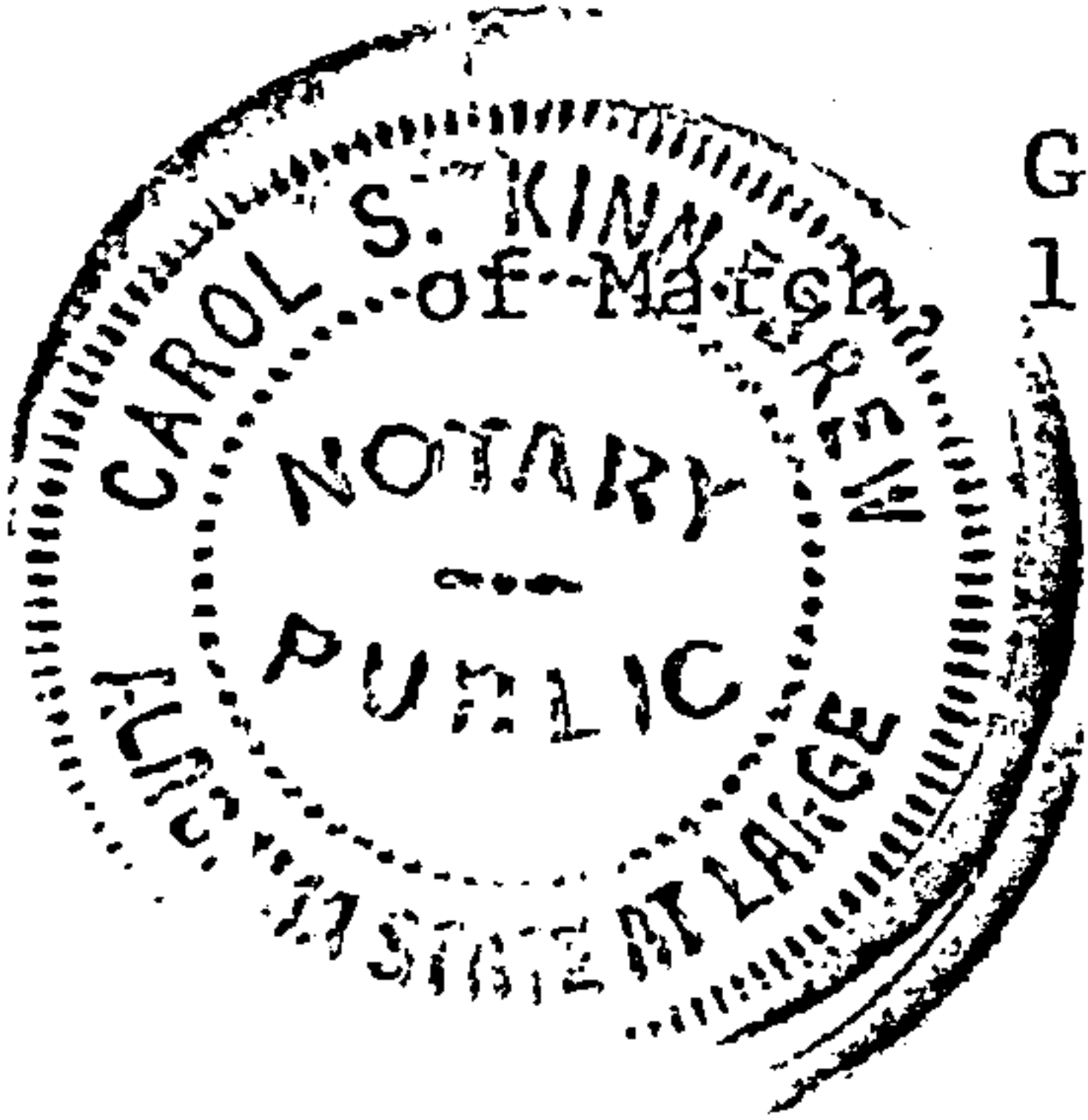
STATE OF ALABAMA)
 SHELBY COUNTY)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that

LENORD L. MARTIN
 whose name as President of Martin & Sons, Inc.,

a corporation, 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 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, this the 11th day of March 1978.



Carol S. Kinnear
 Notary Public

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

1978 APR 11 PM 2:11
 Rec. 9.00
 Exp. 1.00
 Insp. 1.00
 11.00
 Thomas G. Snowden, Jr.
 JUDGE OF PROBATE

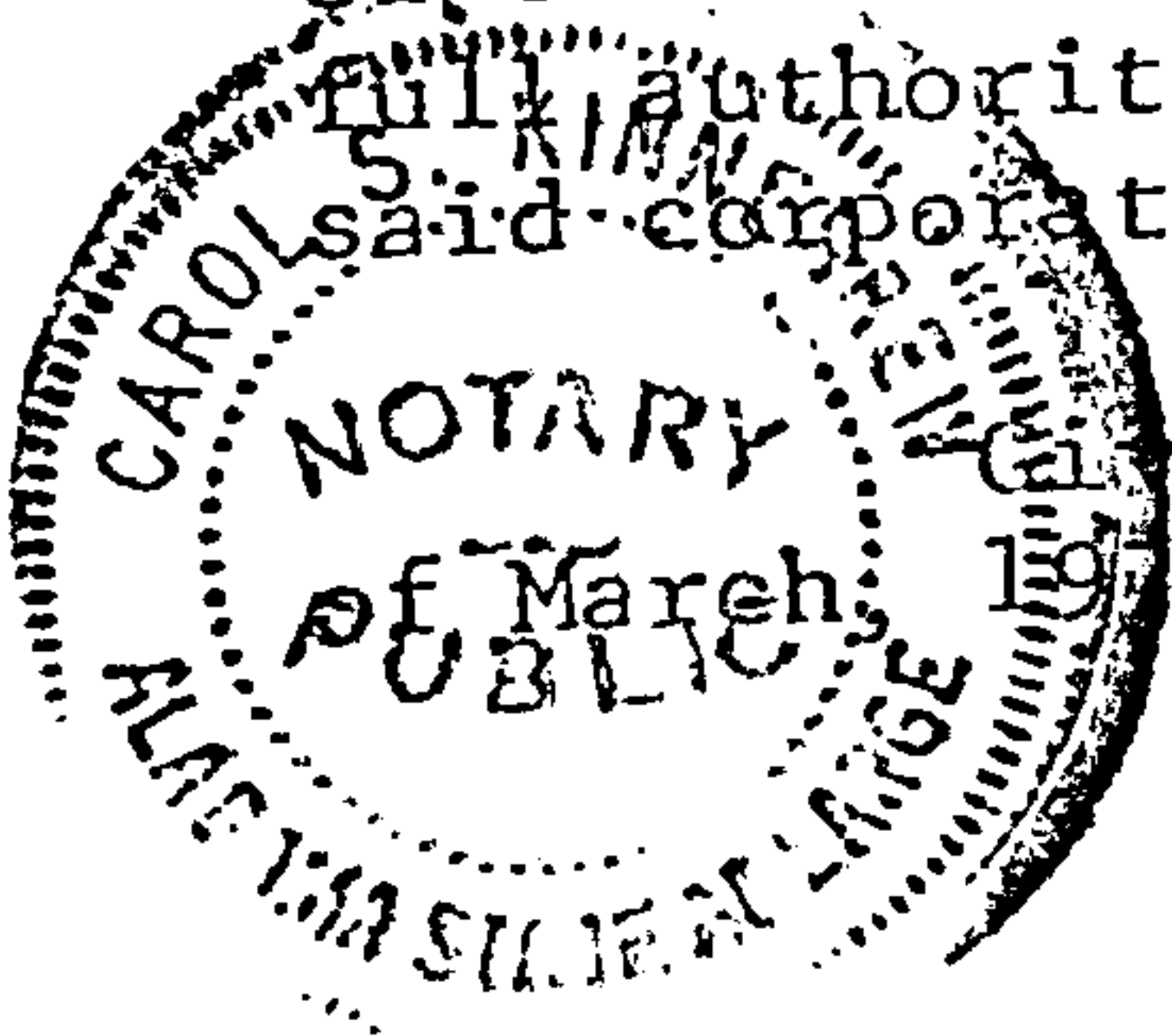
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STATE OF ALABAMA)
 SHELBY COUNTY)

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that

JOHNNY E. OWENS
 whose name as President of Owens Enterprises, Inc.

a corporation, 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, 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, this the 11th day of March 1978.

Carol S. Kinnear
 Notary Public