

1541

STATE OF ALABAMA)
)
COUNTY OF SHELBY)



19781006000135500 1/3 \$.00
Shelby Cnty Judge of Probate, AL
10/06/1978 12:00:00AM FILED/CERT

CORRECTIVE EASEMENT

This instrument was prepared by:
✓ DANIEL M. SPITLER
ATTORNEY AT LAW
Spitler Building - Suite 100
1970 Chandelar South Office Pk.
PELHAM, ALABAMA 35124

THIS AGREEMENT made this 4th day of October, 1978, by and between Michael Henry Carter and wife, Bobbie Carter, hereinafter referred to as the grantors, and Jack Wallace Lutz, an unmarried man, hereinafter referred to as grantee:

W I T N E S S E T H:

WHEREAS, the grantee is the owner of certain real estate in Shelby County, Alabama, more particularly described as follows:

A part of the NE-1/4 of the NE-1/4, Section 34, Township 20 South, Range 4 West, Shelby County, Alabama, said part being more particularly described as follows: Beginning at a point on the East line of said NE-1/4 of NE-1/4 557.54 feet South of the Northeast corner thereof, run South along said East line for 208.71 feet; thence right 89 degrees 35' and West for 208.71 feet; thence right 90 degrees 25' and North for 208.71 feet; thence right 89 degrees 35' and East for 208.71 feet to the point of beginning, containing one acre, more or less.

WHEREAS, the grantee is desirous of obtaining an easement across the adjacent property owned by the grantors for use as a private road to gain access to the above described property.

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the grantors do hereby grant unto the grantee a permanent easement which shall run with the real estate for a right-of-way hereinabove described, over, on, upon and across certain lands of the grantors in Shelby County, Alabama, for the construction and the maintenance of a private access road to the grantee's heretofore described property, said right-of-way herein granted being more particularly described as follows, to-wit:

An easement 20 feet in width for ingress and egress, the centerline of said easement being described as follows: From the NE corner of said NE-1/4 of NE-1/4 run South along the East line thereof for 557.54 feet; thence right 89 degrees 35' and West for 26.5 feet to a point of beginning; thence right 43 degrees 22' for 74.0 feet; thence right 21 degrees 30' for 177 feet, more or less, to the right-of-way of the county road.

TO HAVE AND TO HOLD the same unto the said grantee and its assigns for the uses and purposes for which said land is granted, so long as said land is used by the grantee or its assigns as a private access road, subject to the following conditions:

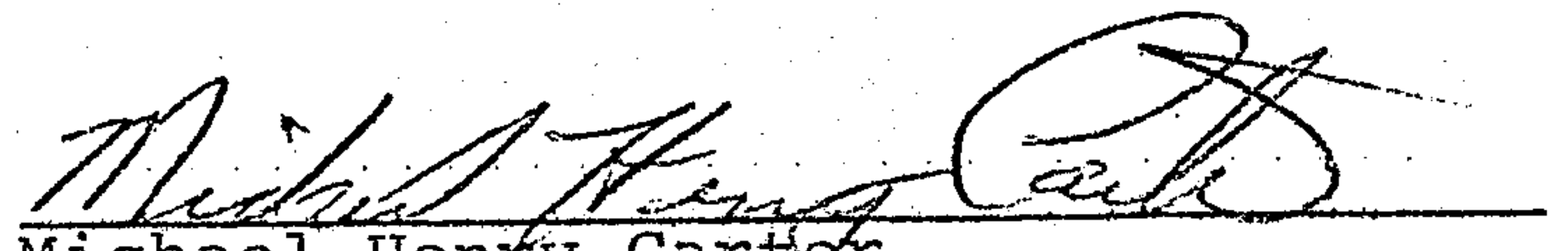
That the grantors shall have the option to vacate the easement heretofore described in this instrument and shall have an option to substitute an easement to the grantee or his successors in title to be used as a private access road. The Eastern boundary of the 20 foot alternate easement shall be described as follows: Commence at the NE corner of the NE-1/4 of NE-1/4 of Section 34, Township 20 South, Range 4 West; thence run South along the East line of said 1/4-1/4 section 240.36 feet to the point of beginning; thence continue along last described course 317.18 feet.

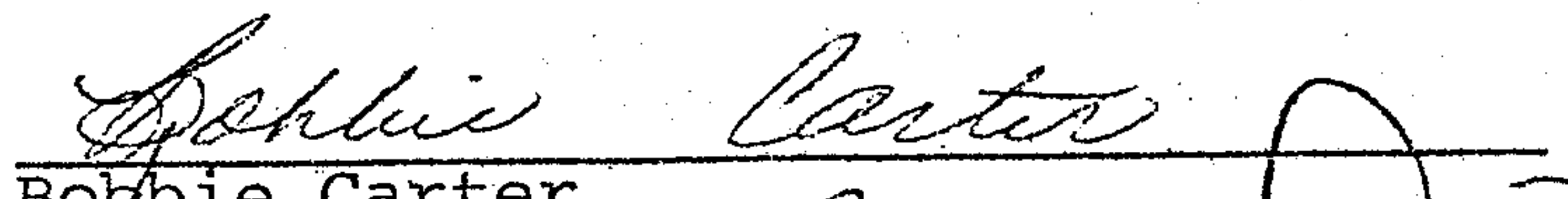
It is further agreed by the parties that the grantors' option to vacate the easement will be subject to the condition that the grantors grade and place gravel along the said alternate easement. The grantors must exercise their option within six hundred (600) days from the execution of this instrument.

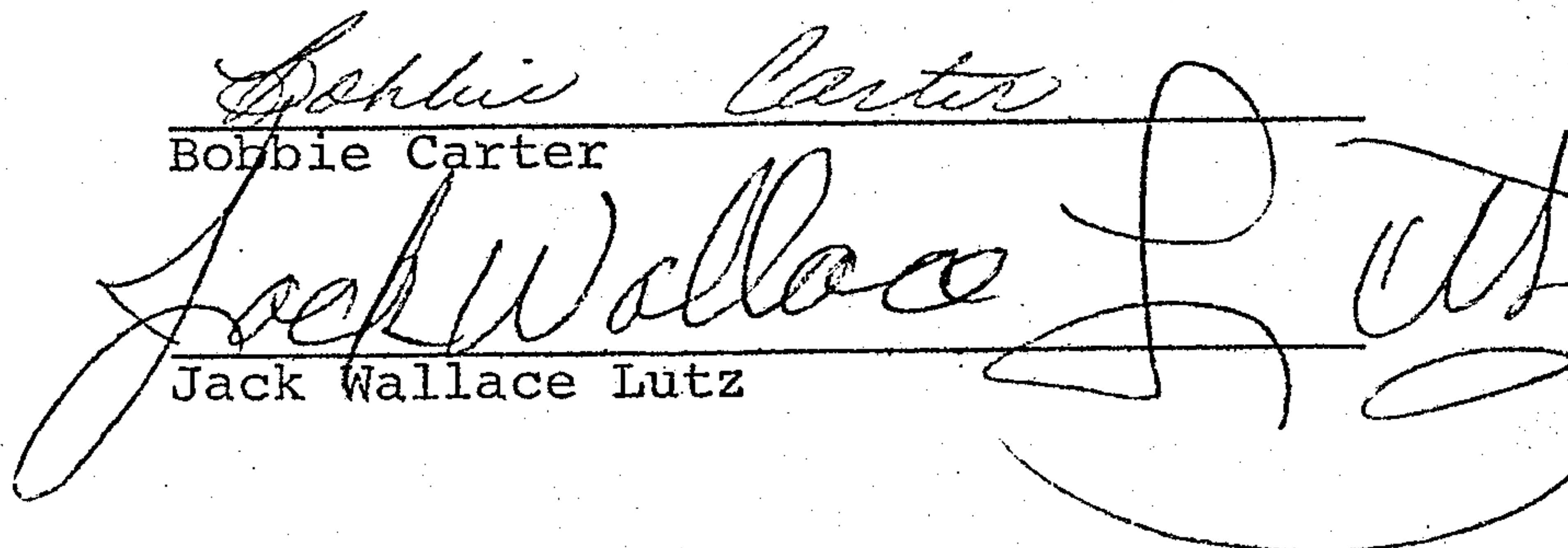
The purpose of this recording is to correct an error made in the original easement recorded in Book 314, Page 695, in the Office of the Judge of Probate of Shelby County, Alabama.

IN WITNESS WHEREOF, the said Michael Henry Carter and wife, Bobbie Carter, and Jack Wallace Lutz have hereunto set their hands and seals on this 4th day of October, 1978.

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Michael Henry Carter


Bobbie Carter


Jack Wallace Lutz

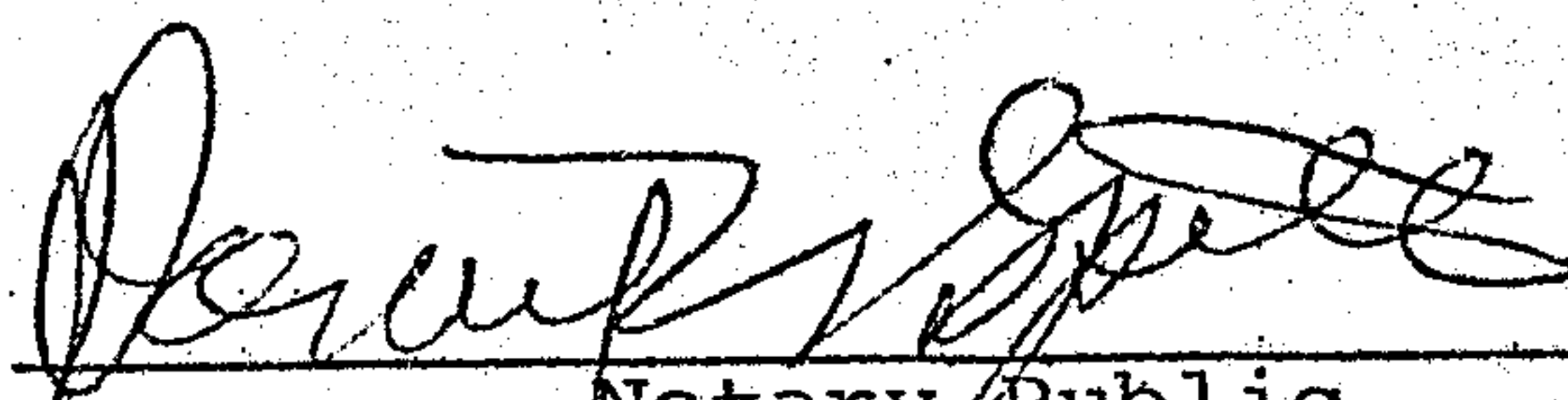
STATE OF ALABAMA)
COUNTY OF SHELBY)

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Michael Henry Carter and wife, Bobbie Carter,

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and Jack Wallace Lutz, an unmarried man, whose names are signed to the foregoing Corrective Easement, and who are known to me, acknowledged before me on this day that, being informed of the contents of the Corrective Easement, they executed the same voluntarily on the day the same bears date.


Given under my hand and seal this 4th day of October, 1978.



Notary Public

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STATE OF ALA. SHELBY CO.
I CERTIFY THIS
INSTRUMENT WAS FILED
1978 OCT -6 PM 2:45

Rec. 4.50
Ind. 1.00
5.50


JUDGE OF PROBATE


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This instrument was prepared by Daniel M. Spitler, Attorney, Suite 100, Spitler Building, 1970 Chandalar South Office Park, Pelham, Alabama 35124.