

This instrument prepared by John C. Hensley
1935 C, Hoover Ct., B'ham, Ala.

19781229000171350 1/2 \$.00
Shelby Cnty Judge of Probate, AL
12/29/1978 12:00:00AM FILED/CERT

STATE OF ALABAMA)

SHELBY COUNTY)

1029

INDENTURE between Mr. Milford Lee and wife, Jonnie Ruth Lee, of the
first part, herein referred to as the "Grantor", and Clyde H. Earnest and wife,
Donna H. Earnest and Allen Foster III, of the second part,
herein referred to as the "Grantee":

In consideration of the sum of Fourteen Hundred Eighty-Five and NO/100
(\$1485.00) Dollars, in hand paid to the Grantor by the Grantee, the receipt of
which is hereby acknowledged, the Grantor does hereby grant to the Grantee,
but without warranty, express or implied or otherwise, the right, privilege and
easement of constructing and maintaining a road along, over and across a strip
of land hereinafter described, located in Shelby County, Alabama, as follows,
to-wit:

Commence at the NW corner of the SE 1/4 of the SW 1/4 of Section 35,
Township 21 South, Range 2 West; thence Eastwardly along the North
line of said 1/4-1/4 for a distance of 197.22 feet to the point of
beginning of a strip of land 60 feet in width, lying 30 feet on each
side of the following described line: thence turn left an angle of
98° 59' 26" for a distance of 307.81 feet; thence turn left an angle
20° 38' 36" for a distance of 126.11 feet; thence turn left an angle
of 32° 27' 30" for a distance of 232.32 feet; thence turn right an
angle of 13° 13' 48" for distance of 163.03 feet; thence turn left an
angle of 31° 13' 30" for a distance of 71.05 feet; thence turn right
an angle of 48° 14' 30" to the southern most line of Shelby County
Highway #70 a distance of 82.0 feet more or less. Extending and
shortening the ends of side line so as to terminate at the property
lines of the grantors.

TO HAVE AND TO HOLD the aforegranted right, privilege and easement unto
the Grantee, his heirs and assigns, subject, however, to the following conditions
which are assented to by the Grantee, as is evidenced by his acceptance hereof:

1. There is excepted from the foregoing grant and reserved unto
the Grantor the right to construct, operate and maintain over,
under and across the said strip of land such private and public
roads, highways, railroads, tramroads, pipe lines, sewers,
electric transmission lines, telephone lines and other facilities
and use as the Grantor may from time to time deem proper, and
such other rights and privileges as may be reasonably necessary
for the full and complete enjoyment of the above lands of which

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James M. Coe Jr.
3077 Whispering Pine Circle
B'ham 35226



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this easement is a part, provided, however, that the exercise of any right or privileges shall not materially interfere with the construction, maintenance and use on and over the said strip of land of the right, privilege and easement herein granted.

2. The rights herein granted shall not in any way be construed to be superior to, but are subject to rights-of-way for public roads, telephone, telegraph and electric transmission lines and other existing easements.

3. The Grantor, its successors and all assigns, shall have the free and unrestricted right to use any road constructed on, over and across said strip of land. If said strip of land is used for any other purpose than as a road, or in the event the Grantee shall cease to use said strip of land as a road for a continuous period of twelve (12) months, unless such non user is for the purpose of reconstructing or repairing the road on said strip of land, then and in either event the title thereto shall revert to and be vested in the Grantor, its successors or assigns.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be executed this 28th day of December 1978.

STATE OF ALABAMA, SHELBY CO.

I CERTIFY THIS

INSTRUMENT WAS FILED

28 DEC 29 PM 12:09 Re. 3.00
1.00

5.50

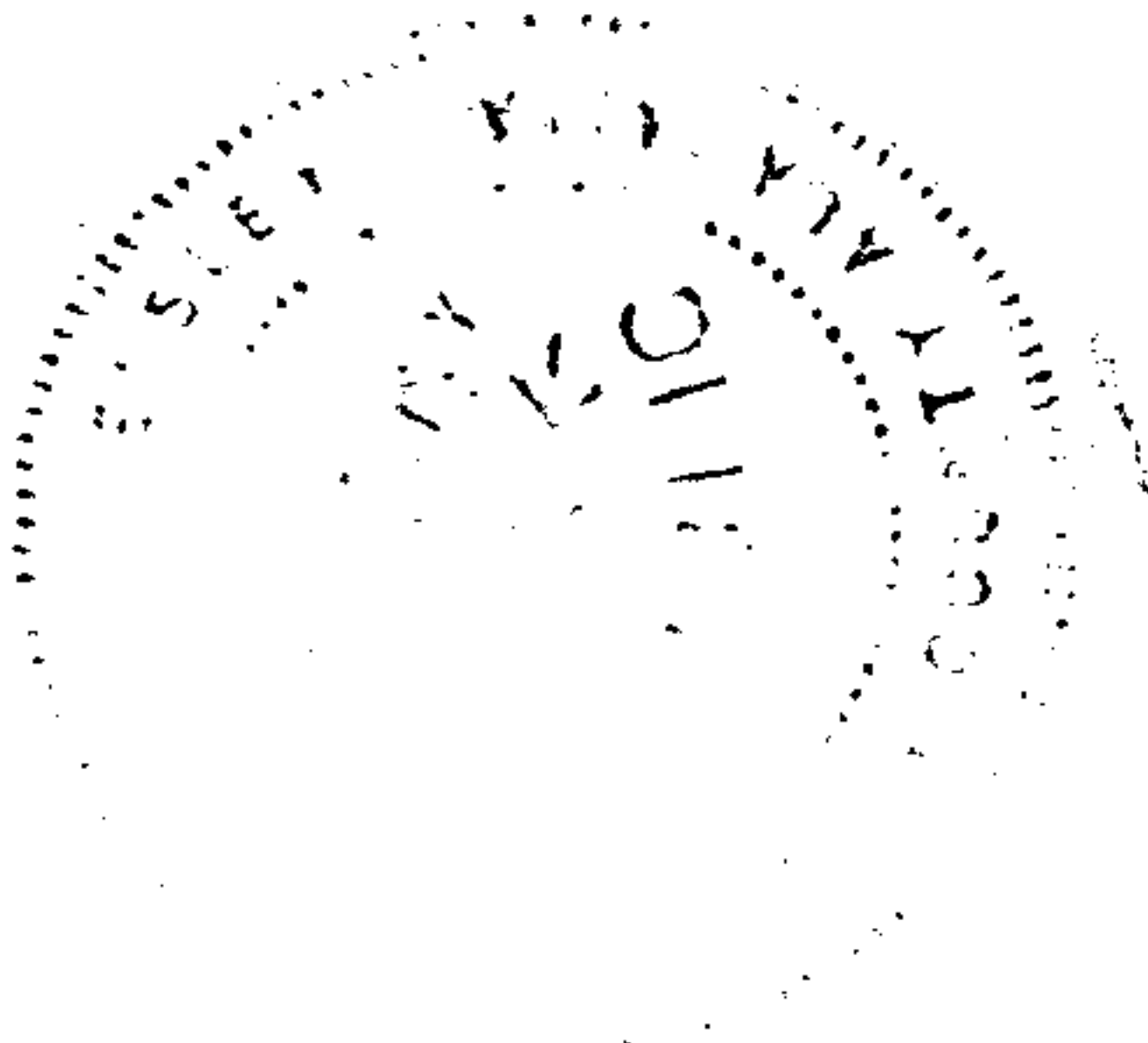
STATE OF ALABAMA)

JEFFERSON COUNTY)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Milford Lee and wife, Jonnie Ruth Lee, 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 28th day of December 1978.

Notary Public



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