This instrument prepared by:
Emmett D. Bates, III
714 29th South
Birmingham, Alabama

148

19790504000054710 1/2 $.00
Shelby Cnty Judge of Probate,AL
05/04/1979 12:00:00AM FILED/CERT

STATE OF ALABAMA)
)
SHELBY COUNTY)

KNOW ALL MEN BY THESE PRESNETS: THAT, WHEREAS, the undersigned Stanley W. Graham and wife, Mrs. Stanley W. Graham, are the owners of a portion of the following described property, to-wit:

> East 1/2 of the Northeast 1/4 of Section 23, Township 18, Range 1, East, more particularly described in that certain deed recorded in Deed Book 310, page 368, Probate Office of Shelby County, Alabama;

and

WHEREAS, the undersigned, Jerry J. Colburn and wife, Connie Colburn, are the owners of the following described real estate which is contiguous to the said Graham tract, to-wit:

> 1/2 acre located in the East 1/2 of the NE 1/4 of Section 23, Township 18 South, Range 1 East, Shelby County, Alabama, described as follows: Commence at the intersection of the Northerly boundary of Old Montevallo Road and the Southwesterly boundary of Vandiver-Sterrett paved road and run in a Northwesterly direction with said paved road 1055 feet to the point of beginning; thence run North 78 degrees West with said paved road boundary 198 feet; thence run South 12 degrees West 110 feet; thence run South 78 degrees East 198 feet; thence run North 12 degrees East 110 feet to the point of beginning;

and

WHEREAS, the undersigned, Stanley W. Graham and wife, Mrs. Stanley W. Graham, and Jerry J. Colburn and wife, Connie Colburn, are desirous of granting unto Emmett D. Bates, III an easement over and across their above described properties for the use and benefit of the property owned by Emmett D. Bates, III, more particularly described as follows:

> All that part of the South 1/2 of the Southeast 1/4 of the Northeast 1/4 of Section 23, Township 18 South, Range 1 East, lying South of Montevallo Road, Shelby County, Alabama.

NOW, THEREFORE, in consideration of the sum of One Dollar ($1.00), the undersigned, Stanley W. Graham and wife, Mrs. Stanley W. Graham, and Jerry J. Colburn and wife, Connie Colburn, do hereby grant unto Emmett D. Bates, III an easement for the purpose of establishing an underground water line commencing at a point on the edge of the right of way of Alabama Highway No. 45, known as the New Montevallo Road and extending southerly over and across the property

E. David Bates III
P.O. Box 3352-A
B'ham Ala. 35205

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of the undersigned to the intersection thereof with the property owned by Emmett D. Bates, III as hereinabove described. Said underground easement to be three (3) feet in width and to be located and placed in such a position so as not to interfere with any of the permanent improvements now located in with any of the property of the undersigned.

It is further understood and agreed that upon the actual installation of said underground water line, the easement shall be permanent and appurtenant to the property of said Emmet D. Bates, III.

TO HAVE AND TO HOLD unto the said EMMETT D. BATES, III, his heirs and assigns, said easement shall constitute a covenant running with the land, and the said Emmett D. Bates, III, his heirs and assigns shall have the right of going onto the property of the undersigned for the express purpose of installing the same, or at any later time to repair and maintain the same.

IN WITNESS WHEREOF, we have hereunto set our hands and seals, this 22nd day of March, 1979.

STATE OF ALA. SHELBY CO.
I HEREBY CERTIFY THIS INSTRUMENT WAS FILED
79 MAY -4 AM 9:16
JUDGE OF PROBATE

Rec 4.00
Ind 1.00
5.50

Stanley W. Graham

Mrs. Stanley W. Graham

Jerry J. Colburn

Connie Colburn

STATE OF ALABAMA)
SHELBY COUNTY)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Stanley W. Graham and wife, Mrs. Stanley W. Graham, 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 this 22nd day of March, 1979.

Notary Public

STATE OF ALABAMA)
SHELBY COUNTY)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Jerry J. Colburn and wife, Connie Colburn, 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 this 22nd day of March, 1979.

Notary Public