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EASEMENT

THIS AGREEMENT made on this 4th day of November, 1978, by and between CATHERINE S. BOWDEN, LARRY A. BUTLER and SHEILA W. BUTLER, as the Parties of the First Part, and YELLOW LEAF II, an Alabama General Partnership, as the Party of the Second Part.

WITNESSETH, that whereas the Parties of the First Part are desirous of establishing a right-of-way for the use and benefit of the Party of the Second Part, it is agreed as follows:

For and in consideration of ONE DOLLAR ($1.00), the receipt of which is hereby acknowledged, the Parties of the First Part hereby grant and establish a right-of-way for ingress and egress and an easement for public utilities over and across the property owned by the Parties of the First Part, as shown on that portion of the William J. Egan, Jr. Survey, dated April 29, 1977, which is attached hereto and made a part hereof. It is expressly understood and agreed that the Party of the Second Part may at any time in the future, at its expense, refine this easement and right-of-way to a written description.

The Party of the Second Part agrees to share equitably in the cost of maintenance and repair of the roadway encompassed within said right-of-way and easement. The division of said maintenance and repair costs shall be apportioned between the parties hereto based upon usage and the cause(s) of wear and tear to said roadway.

It is expressly understood and agreed that the Party of the First Part shall, if requested by the Party of the Second Part, grant additional easements or rights-of-way as would be necessary and required if the Party of the Second Part elects to improve the easement and right-of-way to Shelby County specifications.

The terms and conditions of this agreement shall inure to the benefit of and be binding upon the parties to this agreement, their heirs, successors and assigns.

IN WITNESS WHEREOF, the parties hereto have duly executed this agreement on the date first above written.

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Witness — Catherine S. Bowden

Witness — Larry A. Butler

Witness — Sheila W. Butler

(PARTIES OF THE FIRST PART)

19790918000120680 1/3 $.00
Shelby Cnty Judge of Probate,AL
09/18/1979 12:00:00AM FILED/CERT

YELLOW LEAF II, an Alabama General Partnership

Witness — By: John McGeever, Partner

(PARTY OF THE SECOND PART)

STATE OF ALABAMA
~~JEFFERSON~~ Shelby COUNTY

I, Mary D. Thompson, a Notary Public in and for said County in said State, hereby certify that ~~CATHERINE S. BOWDEN~~, LARRY A. BUTLER and SHEILA W. BUTLER, whose names are signed to the foregoing agreement, and who are known to me, acknowledged before me on this day, that being informed of the contents of the agreement, they executed the same voluntarily on the day the same bears date.

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

NOTARY PUBLIC

HARRISON and CONWAY

(PAGE 1 of 2)

STATE OF ALABAMA
JEFFERSON COUNTY

I, _____, a Notary Public in and for said County in said State, hereby certify that JOHN McGEEVER, whose name as partner of YELLOW LEAF II, an Alabama general partnership, is signed to the foregoing agreement, and who is known to me, acknowledged before me on this day that, being informed of the contents of the agreement, he, as such partner and with full authority, executed the same voluntarily for and as the act of said partnership, on the day the same bears date.

Given under my hand and official seal this 17 day of ~~November, 1978.~~ September 1979

_____
NOTARY PUBLIC

STATE OF ALABAMA
SHELBY COUNTY

I, H.L. Conwill, a Notary Public in and for said County in said State, hereby certify that Catherine S. Bowden, an unmarried woman, whose name is signed to the foregoing agreement, and who is known to me, acknowledged before me on this day that, being informed of the contents of the agreement, she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 17th day of September, 1979.

_____
Notary Public

BOOK 322 PAGE 79

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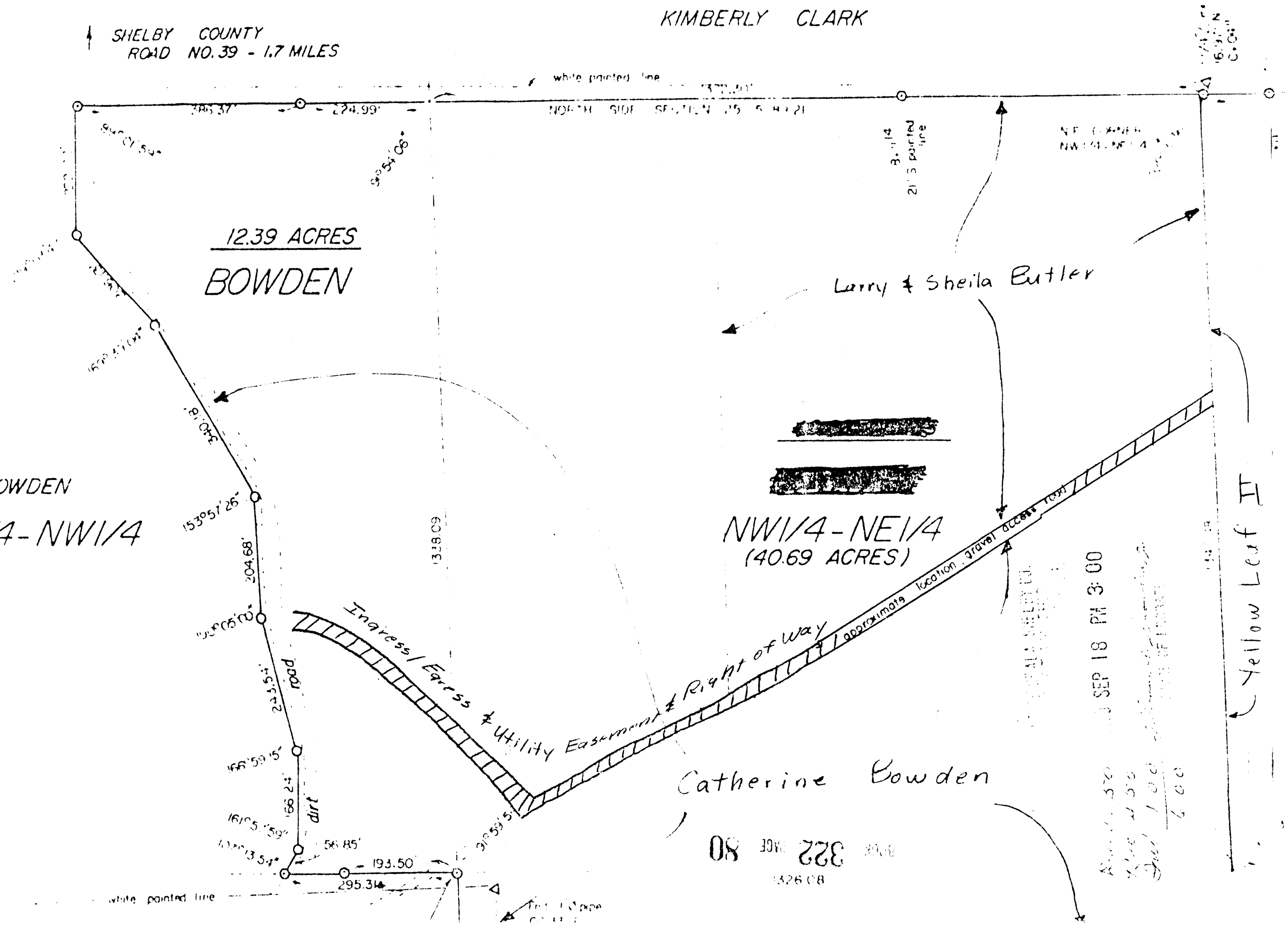
Shelby Cnty Judge of Probate,AL
09/18/1979 12:00:00AM FILED/CERT

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