STATE OF ALABAMA

SHELBY COUNTY

19791003000128270 1/6 $.00
Shelby Cnty Judge of Probate,AL
10/03/1979 12:00:00AM FILED/CERT

EASEMENT LOCATION AGREEMENT

WHEREAS, James Andrew Braasch, the Party of the First Part, is the present owner of the following described real estate which is situated in Shelby County, Alabama, viz.:

> The North Half of the NE¼ of the SW¼ of
> Section 5, Township 21 South, Range 2 West,
> minerals and mining rights excepted,

he having acquired title in and to said property from Roy Ash, Jr. and wife, Jeraldean J. Ash, by deed dated July 20, 1977, and recorded in Deed Book 306 at page 851, Office of Judge of Probate of Shelby County, Alabama, and

WHEREAS, said Roy Ash, Jr. and wife, Jeraldean J. Ash, had previously acquired their title in and to said property by a deed to the East Half of said parcel from H. E. Wills and wife, Marie M. Wills, the Parties of the Second Part, recorded in Deed Book 292 at page 508 in said Probate Office and by a separate deed to the West Half of said parcel by a deed from Thomas H. Ware and wife, Betty C. Ware, the Parties of the Third Part, recorded in Deed Book 292 at page 510 in said Probate Office, and

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WHEREAS, both of said deeds recorded in Deed Book 292 at page 508 and Deed Book 292 at page 510 reserved a sixty foot (60) right of way from the existing road and running in a northeasterly direction until it intersects the south line of Southeast Quarter of Northwest Quarter in Southwest End of Butler Hollow, right of way generally following present lot road, and

WHEREAS, both of said deeds recorded in Deed Book 292 at page 508 and Deed Book 292 at page 510 in said Probate Office contained identical language as follows:

> "Right of way may be changed by agreement from both property owners of said property above and owner of Southeast Quarter of Northwest Quarter.", and

WHEREAS, Mills Monroe Tuttle, III and wife, Polly Ann Tuttle, and Robert P. Turner and wife, Gladys D. Turner, who are herein referred to collectively as the Parties of the Fourth Part, as the present owners of the said SE¼ of NW¼ of said Section 5, Township 21 South, Range 2 West, and

WHEREAS, said Party of the First Part, Parties of the Second Part, Parties of the Third Part, and Parties of the Fourth Part, do now desire to locate, re-locate, change, and agree that the rights of way referred to in

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said deed recorded in Deed Book 292 at page 508 and Deed Book 292 at page 510 in said Probate Office as the same crosses said North Half of NE¼ of SW¼ of Section 5, Township 21 South, Range 2 West, are situated as shown by survey prepared by James H. Seale, Registered Land Surveyor of the State of Alabama, the same being dated May 26, 1979, a copy of the map or plat of said survey being attached hereto as Exhibit "A" and by reference hereto being made a part whereof, and

WHEREAS, said Exhibit "A" contains also a description of said rights of way as agreed by and between the parties hereto, said description of said rightsof way being actually a description of two roads designated as Road No. 1 and Road No. 2, as shown on said Exhibit "A" which is attached hereto,

NOW THEREFORE, in consideration of these premises, and in further consideration of the mutual benefits accruing to the Party of the First Part, the Parties of the Second Part, the Parties of the Third Part, and the Parties of the Fourth Part, the receipt and sufficiency thereof being acknowledged by all of said parties, said parties do now mutually agree as follows:

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1. That the right of way over and across the following described property, viz.:

> The North Half of the NE¼ of the SW¼ of Section 5, Township 21 South, Range 2 West, minerals and mining rights excepted,

shall be hereafter and henceforth a sixty foot (60) wide non-exclusive right of way and easement for a road over and across said Road No. 1 and said Road No. 2 as designated and shown, and as described on said map or plat of James H. Seale, Registered Land Surveyor, which is dated May 26, 1979, a copy of said map or plat containing a description of said Road No. 1 and a description of said Road No. 2 being attached hereto as Exhibit "A" and being by reference hereto made a part hereof;

2. All of the parties hereto do now agree that said road or roads referred to in Paragraph No. 1 above have been located by mutual agreement between all of the parties hereto, and that the Parties of the Second Part, the Parties of the Third Part, and the Parties of the Fourth Part claim no further right, title, easement, or encumbrance on or against said parcel of

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real estate, viz.:

> The North Half of the NE¼ of SW¼ of Section 5, Township 21 South, Range 2 West, minerals and mining rights excepted,

whatsoever, now, or hereafter, other than the reservation of said sixty foot (60) non-exclusive right of way easement for a road over and across said Road No. 1 and said Road No. 2 as designated and described on said attached Exhibit "A", as aforesaid;

3. This Easement Location Agreement, and all provisions thereof, shall be hereafter binding upon all of the parties hereto, and upon their respective heirs, assigns, and successors in title.

IN WITNESS WHEREOF, the parties hereto have entered into these premises on this ____ day of July, 1979.

James A. Braasch
James Andrew Braasch, Party of the First Part

H. E. Wills
H. E. Wills, Party of the Second Part

Robert P. Turner
Robert P. Turner, Party of the Fourth Part

Marie M. Wills
Marie M. Wills, Party of the Second Part

Gladys B. Turner
Gladys B. Turner, Party of the Fourth Part

Thomas H. Ware
Thomas H. Ware, Party of the Third Part

Betty C. Ware
Betty C. Ware, Party of the Third Part

Mills Monroe Tuttle, III, Party of the Fourth Part

Polly Ann Tuttle, Party of the Fourth Part

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STATE OF ALABAMA
Jefferson COUNTY

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that James Andrew Braasch, Party of the First Part, whose name is signed to the foregoing Easement Location Agreement, 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 30 day of July, 1979.

Glenda A. Brown
Notary Public

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STATE OF ALABAMA
Jefferson COUNTY

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that H. E. Wills and wife, Marie M. Wills, Parties of the Second Part, whose names are signed to the foregoing Easement Location Agreement, and who are known to me, acknowledged before me on this day that being informed of the contents of the Easement Location Agreement, they executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 23 day of July, 1979.

Glendora S. Brown
Notary Public

STATE OF ALABAMA
Jefferson COUNTY

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Thomas H. Ware and wife, Betty C. Ware, Parties of the Third Part, whose names are signed to the foregoing Easement Location Agreement, and who are known to me, acknowledged before me on this day that being informed of the contents of the Easement Location Agreement, they executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 31 day of July, 1979.

Glendora S. Brown
Notary Public

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STATE OF ALABAMA
Jefferson COUNTY

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Mills Monroe Tuttle, III and wife, Polly Ann Tuttle, Parties of the Fourth Part, whose names are signed to the foregoing Easement Location Agreement, and who are known to me, acknowledged before me on this day that being informed of the contents of the Easement Location Agreement, they executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 31 day of ~~August~~ September, 1979.

Glendora S. Brown
Notary Public

STATE OF ALABAMA
Jefferson COUNTY

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Robert P. Turner and wife, Gladys B. Turner, Parties of the Fourth Part, whose names are signed to the foregoing Easement Location Agreement, and who are known to me, acknowledged before me on this day that being informed of the contents of the Easement Location Agreement, they executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 1st day of ~~August~~ September, 1979.

Glendora S. Brown
Notary Public

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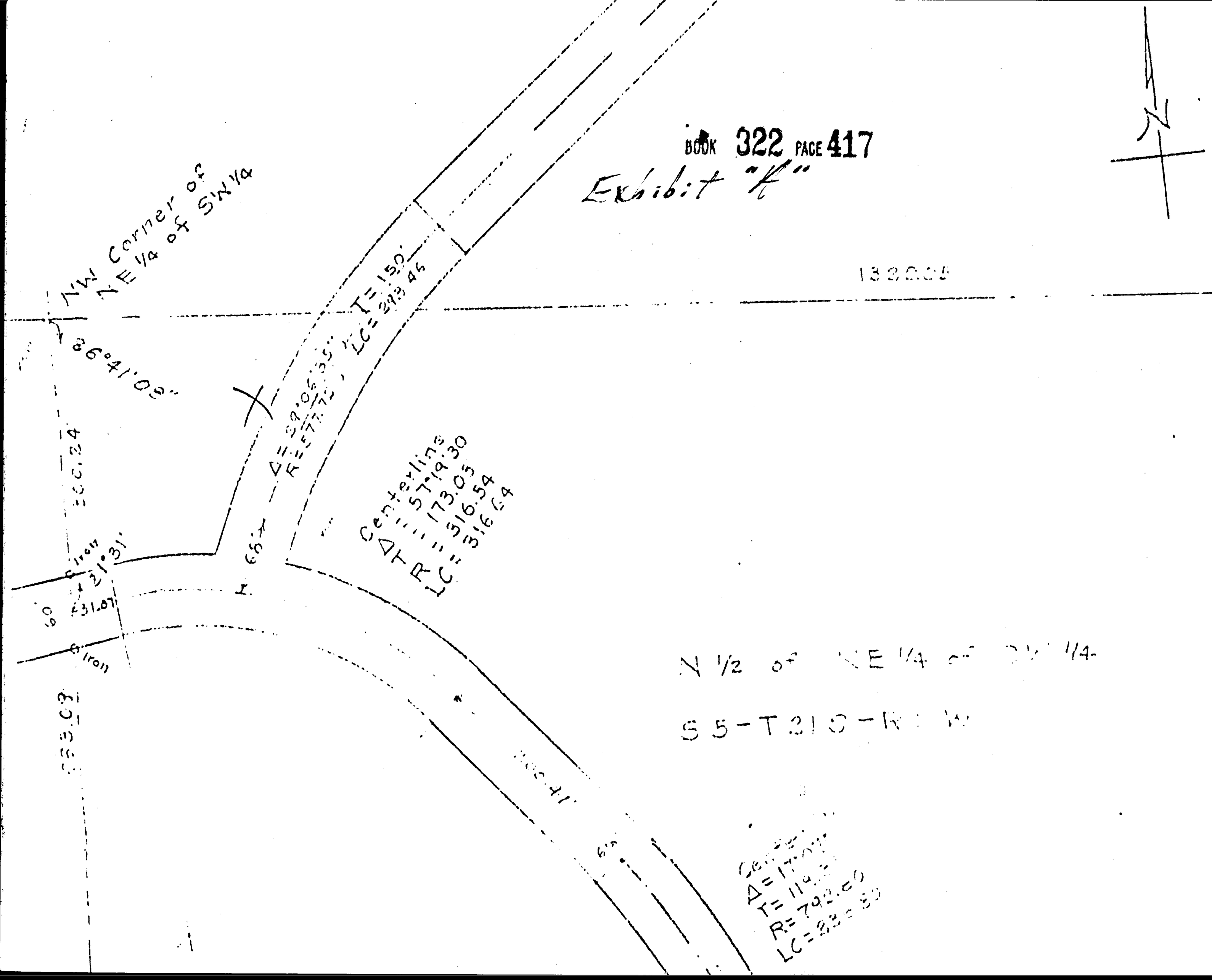
Exhibit "H"



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STATE OF ALABAMA
SHELBY COUNTY

SCALE: 1" = 100'

I, James H. Seale, a registered Land Surveyor of the State of Alabama, do hereby certify the foregoing to be a true and correct map or plat of the North Half of the Northeast Quarter of the Southwest Quarter of Section 5, Township 21 South, Range 2 West, Shelby County Alabama, less and except that part lying in two (2) roads, described as follows:

Road No. 1: Commence at the Northwest corner of the NE Qtr. of SW Qtr., thence Southerly along the West line of said quarter-quarter section 300.24 feet to the centerline of said road, thence 93°29' left northeasterly along said centerline 31.07 feet to the point of a curve to the right, said curve being subtended by a central angle of 57°19'30", having a radius of 313.54 feet, thence around the arc of said curve 313.64 feet to the point of tangent, thence along said tangent 200.41 feet to the point of a curve to the right, said curve being subtended by a central angle of 17°07', having a radius of 792.80 feet, thence around the arc of said curve 236.80 feet to intersection of the south line of said North Half of the Northeast Quarter of Southwest Quarter of Section 5, Township 21 South, Range 2 West.

Road No. 2: Commence at the Southeast corner of the Southeast Quarter of the Northwest Quarter of Section 5, Township 21 South, Range 2 West, thence North along the East line of said Quarter-Quarter Section 942.42 feet to the centerline of 60-foot tract of land herein described, said tract being contiguous to Quarter-Quarter line, thence 129°45' left in a Southwesterly direction along the centerline of said 60-foot tract 1274.66 feet to the point of a curve to the left, said curve being subtended by a central angle of 29°06'35", having a radius of 577.72 feet, thence along said curve 293.46 feet to the point of tangent, thence along the tangent 63 feet to the intersection with the centerline of an existing road and the terminous of said tract of land herein described, less and except that part lying in the existing road.

I further certify that there are no encroachments from adjoining properties.

According to my survey this 26th day of May 1979.

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JUDGE OF PROBATE

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