

STATE OF ALABAMA)

SHELBY COUNTY)

660

PERPETUAL FLOOD EASEMENT

WHEREAS, D. C. Thrasher is the owner of sixteen (16) acres, more or less located in the West half of the Southeast Quarter of the Northeast Quarter of Section 5, Township 20, Range 1 West, Shelby County, Alabama more particularly described in Deed Book 329, Page 659, Office of The Judge of Probate, Shelby County, Alabama said;

WHEREAS, D. C. Thrasher desires to construct a pond on the above referenced property which, during normal times, will be confined to the property of D. C. Thrasher as described above, but during and immediately after heavy rains would rise and flood into the property adjoining his property, said property being the East Half of the Southwest Quarter of the Northeast Quarter of Section 5, Township 20, Range 1 West, Shelby County, Alabama, said property being owned by Charles F. Lewis and Robert H. Lewis.

NOW, THEREFORE, in consideration of the premises and Ten Dollars (\$10.00) in hand paid by D. C. Thrasher to Charles F. Lewis and Robert H. Lewis, the undersigned hereby grant, bargain, sell and convey to D. C. Thrasher, his heirs, administrators, executors, and assigns, the following:

A perpetual easement benefitting the dominant estate as hereinafter described and burdening the subservient estate as hereinafter described for and expressly limited to the flooding of water on the subservient estate during and immediately following rains or other precipitation which would raise the level of the above stated pond. It is expressly understood that this easement does not apply to the normal level of said pond and will during flood times extend no more than 50 feet into the subservient state from its west line nor have a width of more than 30 feet nor have a depth of more than 2 feet.

MOODY, BURFORD AND PHILLIPS
ATTORNEYS AT LAW
SUITE 2900
300 VESTAVIA OFFICE PARK
BIRMINGHAM, ALABAMA 35216

BOOK 336 PAGE 189

The dominant estate is described as follows:

A parcel of land of sixteen (16) acres more or less located in the West Half of the Southeast Quarter of the Northeast Quarter of Section 5, Township 20, Range 1 West, Shelby County, Alabama, more particularly described in the deed appearing in Book 329, Page 659 Office of the Judge of Probate, Shelby County, Alabama.

The subservient estate is described as follows:

A parcel of land no more than fifty (50) feet east of the West Line of the subservient estate, no more than thirty (30) feet wide and having a water level depth of no more than two (2) feet during flood periods, said parcel of land being located in the East Half of the Southwest Quarter of the Northeast Quarter of Section 5, Township 20, Range 1 West, Shelby County, Alabama.

IN WITNESS WHEREOF, the parties have set their hands and seals this the 6th day of November,

1981.

STATE OF ALA. SHELBY CO.
I CERTIFY THIS
INSTRUMENT WAS FILED

1981 NOV 19 AM 8:52

Thomas A. Shumlin, Jr.
JUDGE OF PROBATE

Deed 50
Rec. 3.00
Ind. 1.00
4.50

Charles F. Lewis
Amanda B. Lewis
Robert H. Lewis MD
Mary M. Lewis

STATE OF ALABAMA
COUNTY OF

GENERAL ACKNOWLEDGEMENT

I, the undersigned Notary Public/Judge of Probate, in and for said County in said State, hereby certify that Robert H. Lewis and wife, Mary M. Lewis 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 6th day of November, 1981.

Cheryl C. Duffin
Notary Public/Judge of Probate
Notary Public

STATE OF ALABAMA
COUNTY OF

My Commission Expires December 3, 1983

GENREAL ACKNOWLEDGEMENT

I, the undersigned Notary Public/Judge of Probate, in and for said County in said State, hereby certify that Charles F. Lewis and wife, Amanda B. Lewis 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 6th day of November, 1981.

Cheryl C. Duffin
Notary Public/Judge of Probate
Notary Public

My Commission Expires December 3, 1983