

STATE OF ALABAMA

SHELBY COUNTY

DECLARATION OF VACATION OF EASEMENTS

KNOW ALL MEN BY THESE PRESENTS, WHEREAS, Merchants & Planters Bank, a corporation, is the sole owner of Lot 4, according to the amended map of Shoal Creek Highlands, Second Sector, as recorded in Map Book 16, Page 41 in the Office of the Judge of Probate of Shelby County, Alabama; and

WHEREAS, Merchants & Planters Bank, a corporation, Robert L. Spivery and wife, Marica K. Spivery, and Bobby Ray Argo and wife, Elizabeth D. Argo are the sole owners of the lands abutting said Lot 4; and

WHEREAS, said Merchants & Planters Bank, a corporation, as the owner of said Lot 4 desires to vacate the easements as described and located on said Lot 4 as provided under Section 23-4-20 of the Code of Alabama (1975); and

WHEREAS, the vacation of said easements will not deprive said property owners whose properties abut said Lot 4 of any right, title, or interest in their respective properties nor will the vacation of said easements adversely affect the interests of said property owners in their respective properties; and

WHEREAS, the said abutting land owners do not object to the vacation of said easements as located and described on Lot 4 and in fact do assent to said vacation; and

WHEREAS, said Lot 4 is located within the corporate limits of the City of Montevallo, Alabama and the assent of said vacation has thus been obtained from the City Council of the City of Montevallo, Alabama, as evidenced by a resolution duly adopted by the City Council at a regular meeting thereof on the 13th day of November, 1995, a certified copy of which is attached hereto as Exhibit "B";

12/11/1995-35511
12:50 PM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
30.00

Inst. # 1995-35511

NOW, THEREFORE, Merchants and Planters Bank, a corporation, Robert L. Spivery and wife, Marcia K. Spivery, and Bobby Ray Argo and wife, Elizabeth D. Argo, do assent and hereby declare the easements as located and described on Lot 4 according to the amended map of Shoal Creek Highlands, Second Sector, as recorded in Map Book 16, Page 41 in the Office of the Judge of Probate of Shelby County, Alabama as shown on Exhibit "A" attached hereto and incorporated by reference herein, to be vacated in whole pursuant to the provisions of Section 23-4-20 of the Code of Alabama (1975).

IN WITNESS WHEREOF, the parties have hereunto set our hands and seals on this the _____ day of _____, 1995.

Attest:

Wm. D. Hughes
Secretary

MERCHANTS & PLANTERS BANK,
a corporation

By: J. P. Kelly
J. P. Kelly, President

Robert L. Spivery
Robert L. Spivery

Marcia K. Spivery
Marcia K. Spivery

Bobby Ray Argo
Bobby Ray Argo

Elizabeth D. Argo
Elizabeth D. Argo

STATE OF ALABAMA)
SHELBY COUNTY)

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that J. P. Kelly, whose name as President of Merchants & Planters Bank, a corporation, is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation.

Given under my hand and official seal on this the 28th day of November, 1995.

Lawrence B. Dickson
Notary Public

STATE OF Ohio)
Ashland COUNTY)

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that Robert L. Spivery and wife, Marcia K. Spivery, 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 on this the 4th day of December, 1995.


Notary Public

DENNIS C. RANSOM
NOTARY PUBLIC, STATE OF OHIO
My Commission Expires Aug. 24, 2000

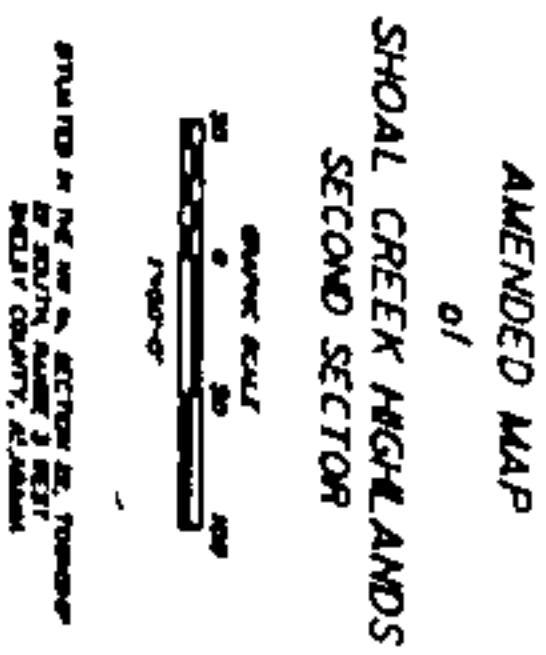
STATE OF ALABAMA)
SHELBY COUNTY)

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that Bobby Ray Argo and wife, Elizabeth D. Argo, 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 on this the 20th day of November, 1995.


Notary Public

Notary Public, Alabama State At Large
My Commission Expires Jan. 21, 1997



STATED IN THE NEW GAZETTEER IS, FORMERLY
IN SOUTH EASTERN PART
OF POLAR COUNTY, ALASKA

DATE ACCT
NO 0 20 40
100-0

總發行所：東京・丸の内區・有樂町一丁目
 電話：二二二二
 支店：大阪・西區・南船場二丁目
 電話：二二二二

[Faint, mostly illegible handwritten notes at the bottom of the page]

Car 1 Assignment: Ely, 2002 On the 2002

EXHIBIT "B"

RESOLUTION ASSENTING TO THE VACATION OF EASEMENTS

WHEREAS, Merchants & Planters Bank, a corporation, is the sole owner of Lot 4, according to the amended map of Shoal Creek Highlands, Second Sector, as recorded in Map Book 16, Page 41 in the Office of the Judge of Probate of Shelby County, Alabama; and

WHEREAS, Merchants & Planters Bank, a corporation, Robert L. Spivery and wife, Marcia K. Spivery, and Bobby Ray Argo and wife, Elizabeth D. Argo are the sole owners of the lands abutting said Lot 4; and

WHEREAS, said Merchants & Planters Bank, a corporation, as the owner of said Lot 4 desires to vacate the easements as described and located on said Lot 4 as provided under Section 23-4-20 of the Code of Alabama (1975); and

WHEREAS, the vacation of said easements will not deprive said property owners whose properties abut said Lot 4 of any right, title, or interest in their respective properties nor will the vacation of said easements adversely affect the interests of said property owners in their respective properties; and

WHEREAS, the said abutting land owners do not object to the vacation of said easements as located and described on Lot 4 and in fact do assent to said vacation; and

WHEREAS, said Lot 4 is located within the corporate limits of the City of Montevallo, Alabama and the assent of of the City Council of the City of Montevallo, Alabama, the governing body of said municipality, to the vacation of said easements has been requested and is desired by Merchants & Planters Bank, a corporation, Robert L. Spivery and wife, Marcia K. Spivery, and Bobby Ray Argo and wife, Elizabeth D. Argo; and

WHEREAS, it appears to the City Council of Montevallo, Alabama that the vacation of said easements will not deprive said property owners whose properties abut said Lot 4 of any right, title, or interest in their respective properties nor will the vacation of said easements adversely affect the

interest of said property owners in their respective properties; and

WHEREAS, it appears to the City Council of Montevallo, Alabama that the vacation of said easements will not adversely affect the interests of the public in any way;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF MONTEVALLO, ALABAMA that the assent of said City Council be, and the same is hereby given to the vacation of the easements as located and described on Lot 4 according to the amended map of Shoal Creek Highlands, Second Sector, as recorded in Map Book 16, Page 41 in the Office of the Judge of Probate of Shelby County, Alabama and as shown on Exhibit "A" which is attached hereto and incorporated by reference herein, said Lot 4 lying and being in the City of Montevallo, County of Shelby, State of Alabama.

BE IT FURTHER RESOLVED that the Mayor of the City of Montevallo, Alabama be and is hereby authorized to present a copy of this Resolution, duly certified as correct by the Clerk of the City of Montevallo, Alabama the officer in charge of the records of said municipality, to the said Merchants & Planters Bank, a corporation, Robert L. Spivery and wife, Marcia K. Spivery, and Bobby Ray Argo and wife, Elizabeth D. Argo, in order that same may be attached to and filed and recorded with the Declaration of Vacation of said easements.

Introduced and passed on the 13th day of November, 1995.

AYES:

J. A. Brown, Johnny Holsomback, Willie Goldsmith, Sharon Anderson, and Grady Parker

NAYS:

none

ABSENT:

none

APPROVED:


Mayor

ATTEST:


City Clerk

STATE OF ALABAMA
CITY OF MONTEVALLO

I, Steven D. Gibbs, City Clerk of the City of Montevallo, Alabama, hereby certify that the foregoing is a full, true and correct copy of a resolution duly adopted by the City Council of Montevallo, Alabama at a regular meeting of said Council held on the 13th day of November, 1995, as the same appears and remains of record in the Record Book in my office wherein are recorded the Minutes of the proceedings of said Council.

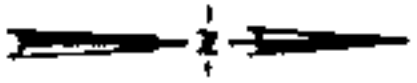
IN WITNESS WHEREOF, I have hereunto affixed my signature and the official seal of said City of Montevallo, Alabama on the 13th day of November, 1995.



City Clerk

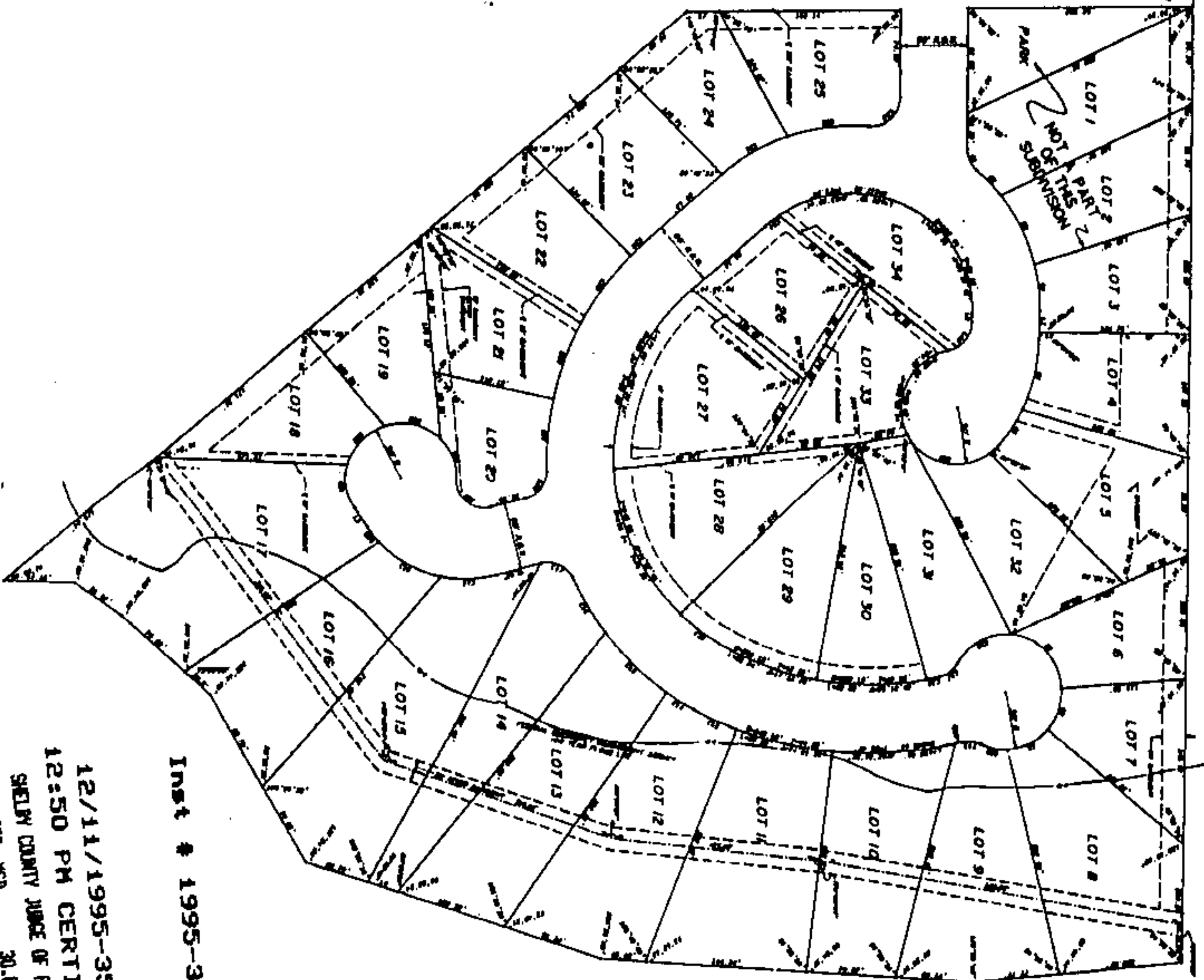


NO. 23
SECTION 23, TOWNSHIP 22 NORTH
RANGE 11 WEST, COUNTY, ALABAMA



Lot	Area
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Lot	Area	Owner
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99	1.00	...
100	1.00	...



AMENDED MAP
of
SHOAL CREEK HIGHLANDS
SECOND SECTOR

SCALE
1" = 100'
1" = 200'
1" = 300'

PREPARED BY THE ALA. SECTION OF THE
SHELBY COUNTY, ALABAMA

Inst # 1995-35511

12/11/1995-35511
12:50 PM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
\$30.00

CRE
Shelby County, Alabama