

TERMINATION OF EASEMENT

THIS AGREEMENT, is entered into on the 29th 5 day of December, 1997, by and between Roger Cain and Michele Cain, husband and wife ("Cains") and Stacey M. Ducote and Steven M. Ducote, husband and wife ("Ducotes") pertaining to an alleged prescriptive easement described on the attached Exhibit "A" ("Easement").

WHEREAS, the Cains are neighbors to the Ducotes; and

WHEREAS, the Cains and their predecessors in interest, have an easement, which easement is described on the attached Exhibit "A", for ingress and egress to the property owned by the Cains, which easement is across real property owned by the Ducotes; and

WHEREAS, said easement is no longer needed as the Cains have obtained alternative ingress and egress to their property; and

and WHEREAS, said easement has not been used for a period of time;

WHEREAS, said easement was never recorded; and

WHEREAS, said easement was described on a survey drawn by Paragon Engineering on July 21, 1988; and

WHEREAS, the Ducotes wish to terminate said easement; and

WHEREAS, the Cains wish to terminate said easement;

NOW, THEREFORE it is agreed as follows:

1. The Cains do hereby terminate, relinquish and quitclaim all their right, title and interest to the easement.

2. This Agreement pertains only to the easement described on the attached Exhibit "A". All parties acknowledge and agree that two other easements pertaining to ingress and egress remain in effect as of this date.

3. ~~The Cains agree to~~ The Cains agree to give up driving access, but retain utility easement.
4. ~~3.~~ This Agreement shall be binding upon the heirs, executors, personal representatives, successors and assigns of all parties.

Signed and sealed as of the date first set above.

 (SEAL)
Roger Cain

Michelle J. Cain (SEAL)
Michele Cain

Inst # 1998-00878

01/09/1998
02:59 PM
SHELBY COUNTY JUDGE OF PROBATE
18.50

Michele Cain

Stacey M. Ducote (SEAL)
Stacey M. Ducote

Steven M. Ducote (SEAL)
Steven M. Ducote

STATE OF ALABAMA

COUNTY OF Jefferson

Before me, the undersigned authority, a Notary Public in and for said County and State, personally appeared Roger Cain, whose name is signed to the foregoing instrument and who is known to me, acknowledged before me that, being informed of the contents of the instrument, he executed the same voluntarily on the day the same bears date.

Dated this 29th day of December, 1997.

Stacey M. Ducote
NOTARY PUBLIC
MY COMMISSION EXPIRES: 8-5-2000

STATE OF ALABAMA
COUNTY OF Jefferson

Before me, the undersigned authority, a Notary Public in and for said County and State, personally appeared Michele Cain, whose name is signed to the foregoing instrument and who is known to me, acknowledged before me that, being informed of the contents of the instrument, he executed the same voluntarily on the day the same bears date.

Dated this 29th day of December, 1997.

Stacey M. Ducote
NOTARY PUBLIC
MY COMMISSION EXPIRES: 8-5-2000

STATE OF ALABAMA
COUNTY OF Jefferson

Before me, the undersigned authority, a Notary Public in and for said County and State, personally appeared Stacey M. Ducote, whose name is signed to the foregoing instrument and who is known to me, acknowledged before me that, being informed of the contents of the instrument, he executed the same voluntarily on the day the same bears date.

Dated this 29th day of December, 1997.

Karen Coalson
NOTARY PUBLIC
MY COMMISSION EXPIRES: 2-21-98

STATE OF ALABAMA

COUNTY OF Jefferson

Before me, the undersigned authority, a Notary Public in and for said County and State, personally appeared Steven M. Ducote, whose name is signed to the foregoing instrument and who is known to me, acknowledged before me that, being informed of the contents of the instrument, he executed the same voluntarily on the day the same bears date.

Dated this 29th day of December, 1997.

Laren Carlton

NOTARY PUBLIC

MY COMMISSION EXPIRES: 2-21-98

EXHIBIT "A"

A non-exclusive 20 foot wide access easement described as follows:

Commence at the Northwest corner of the Southwest Quarter of the Northwest Quarter of Section 24, Township 19 South, Range 1 East, Shelby County, Alabama, and run in a southerly direction along the west line of said Quarter-Quarter Section a distance of 840.49 feet to a point; thence deflect $95^{\circ}51'20''$ and run to the left in an easterly direction a distance of 32.73 feet to a point on the centerline of herein described easement, said point being the point of beginning; thence deflect $83^{\circ}36'38''$ and run to the left in a northerly direction a distance of 87.76 feet to the point of beginning of a curve to the right having a central angle of $98^{\circ}00'$ and a radius of 60.00 feet; thence run along the arc of said curve in a northerly to northeasterly direction a distance of 60.74 feet to a point; thence run tangent to said curve in a northeasterly direction a distance of 201.11 feet to the end of herein described easement. The sides of the herein described easement are 10 feet from and parallel to the centerline as described herein. According to the survey of Robbin E. Phillips, AL Reg, #14976, dated 7-22-88.

Inst # 1998-00878

01/09/1998-00878
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SHELBY COUNTY JUDGE OF PROBATE
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