

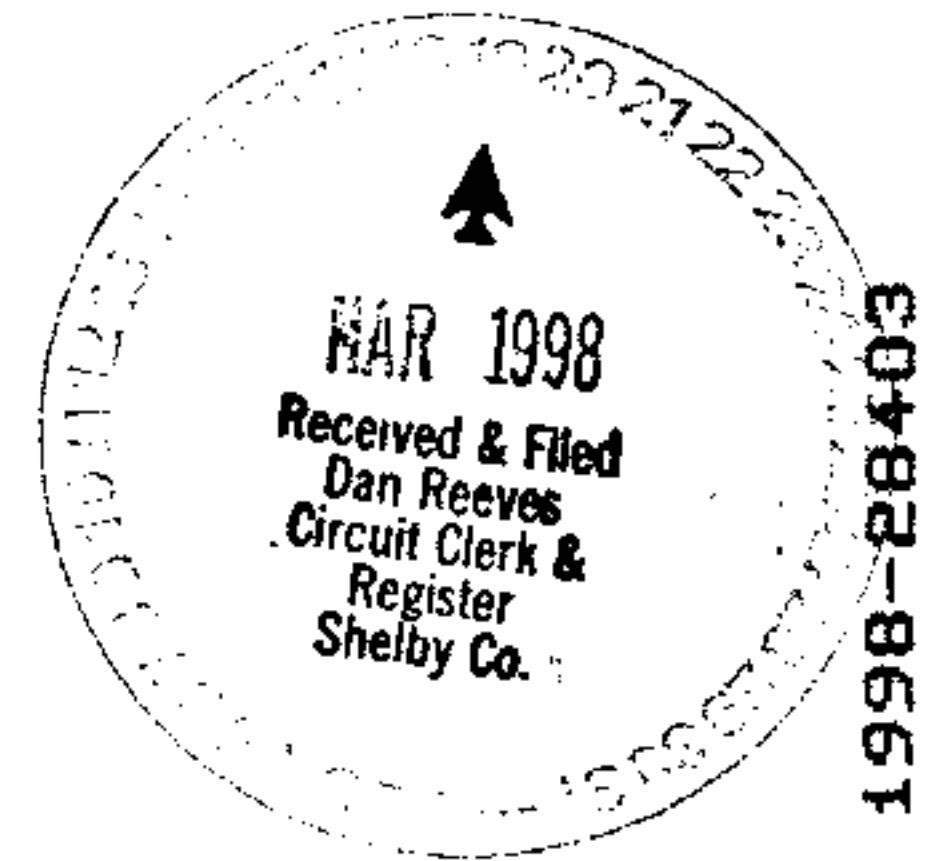
IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

SAVANNAH DEVELOPMENT, INC.,)
PLAINTIFF)

v.)

CHANDALAR SOUTH)
TOWNHOUSE ASSOCIATION,)
INC, et al.,)

CASE #CV-97-306



Inst # 1998-28403

AMENDED FINAL JUDGMENT

THIS CAUSE coming on to be heard on January 16, 1998 and continued and heard on January 23, 1998 and then concluded on January 26, 1998 was submitted for a final judgment upon the pleadings on file by the parties in this cause. Upon consideration thereof, together with ore tenus testimony, the Court enters the following final judgment:

1. It is **ORDERED, ADJUDGED and DECREED** by the Court that Plaintiff, Savannah Development, Inc. has an easement which permits ingress and egress and over Chandalar Court in Pelham, Alabama and is more particularly described by Exhibit A attached hereto and made a part hereof. The Court finds that said easement was an easement which W.M. Humphries retained when he conveyed certain real estate to Chandalar South Townhouse Association, Inc. but then subsequently conveyed to Birmingham Trust National Bank, a predecessor in the title to the property later conveyed to Plaintiff. The Court does not find that there was a public road or an easement created by use over a period of time by the public. Further, the Court is of the opinion that Plaintiff has an easement by necessity if the above easement had not been reserved.

2. That as a result of Paragraph 1 herein, it is **ORDERED** that Defendants permit Plaintiff and its successors and assigns unrestricted use of Chandalar Court for ingress and egress to Plaintiff's real property and Defendants shall not obstruct or interfere with the use thereof.

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3. That all other relief prayed for by the parties is **DENIED**.

4. That the costs of Court are taxed as paid.

DONE and ORDERED this 19th day of March, 1998.



D. Al Crowson
Circuit Judge

Certified a true and correct copy

Date: July 13, 1998



Dan Reeves, Circuit Clerk
Shelby County, Alabama

Easement for Ingress and Egress

The Declarant herein, W. M. Humphries Development Company, Inc., does herewith reserve to himself, his heirs and assigns, a non-exclusive easement for ingress and egress along and upon the following described parcel:

60' Wide Right of Way for Ingress and Egress: Commence at the Southeast corner of said 1/4-1/4 Section, thence in a Northerly direction along the East line of said 1/4-1/4 Section a distance of 100.05 feet, thence 88° 06' 15" left in a Westerly direction a distance of 404.70 feet, thence 55° 23' right in a Northwesterly direction a distance of 324.91 feet to the point of beginning; thence 90° right in a Northeasterly direction a distance of 85.0 feet to the beginning of a curve to the right, said curve having a central angle of 90° and a radius of 25 feet, thence along arc of said curve a distance of 39.27 feet to the end of said curve, thence in a Southeasterly direction a distance of 126.43 feet, thence 90° left in a Northeasterly direction a distance of 60.0 feet, thence 90° left in a Northwesterly direction a distance of 341.43 feet, to the beginning of a curve to the right, said curve having a central angle of 90° and a radius of 48.05 feet, thence along arc of said curve a distance of 75.48 feet to the end of said curve, thence in a Northeasterly direction a distance of 86.08 feet to the beginning of a curve to the right, said curve having a central angle of 8° 04' 30" and a radius of 310.64 feet, thence along arc of said curve a distance of 43.78 feet, thence 90° left, measured from tangent of said curve, in a Northwesterly direction a distance of 60.0 feet, thence 90° left, measured from tangent of a curve to the left, said curve having a radius of 370.64 feet and a central angle of 8° 04' 30", thence along arc of said curve in a Southwesterly direction a distance of 52.24 feet to end of said curve, thence continue in a Southwesterly direction a distance of 86.08 feet to the beginning of a curve to the left, said curve having a radius of 108.05 feet and a central angle of 90°, thence along arc of said curve a distance of 169.72 feet to end of said curve, thence in a Southeasterly direction a distance of 105.0 feet to the beginning of a curve to the right, said curve having a central angle of 90° and a radius of 25 feet, thence along arc of said curve a distance of 39.27 feet to end of said curve, thence in a Southwesterly direction a distance of 306.24 feet to the beginning of a curve to the left, said curve having a central angle of 47° 49' 15" and a radius of 255.55 feet, thence along arc of said curve a distance of 213.29 feet to end of said curve, thence continue in a Southwesterly direction a distance of 25.0 feet to the Northerly right of way line of Chandalar Drive, thence 90° left in a Southeasterly direction along said right of way a distance of 60.0 feet, thence 90° left in a Northeasterly direction a distance of 25.0 feet to the beginning of a curve to the right, said curve having a central angle of 47° 49' 15" and a radius of 195.55 feet, thence along arc of said curve a distance of 163.21 feet to the end of said curve, thence in a Northeasterly direction a distance of 221.24 feet to the point of beginning.

Located in the Southwest Quarter of the Southwest Quarter of Section 1, Township 20 South, Range 3 West, 11:58 AM ANY CERTIFIED Alabama.

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U.C.C.F.
REC. BK. 2, PA 1

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