

20030224000111870 Pg 1/5 23.00
Shelby Cnty Judge of Probate, AL
02/24/2003 10:16:00 FILED/CERTIFIED

STATE OF ALABAMA)
JEFFERSON COUNTY)

ENCROACHMENT AGREEMENT

THIS AGREEMENT, made and entered into on this the 24th day of February, 2003, by and between James R. Stephens and Linda S. Stephens, as parties of the First Part, and James E. Mulvaney, as Party of the Second Part:

WITNESSETH:

WHEREAS, the Parties of the First Part are the owners of the real estate described in Exhibit "A" hereto;

WHEREAS, the Party of the Second Part is the owner of the lot situated immediately East of and adjoining the property of the Parties of the First Part; said property of the party of the Second Part being more particularly described as set out in Exhibit "B" hereto;

WHEREAS, there is a driveway and wall situated on the property of the parties of the First Part which encroaches onto the property of the party of the Second Part; said encroachment being shown by the survey of Laurence D. Weygand dated February 14, 2003 and attached as Exhibit "C".

NOW, THEREFORE, in consideration of the premises and for and in consideration of the sum of Ten Dollars (\$10.00) by each of the parties to the other in hand paid, the receipt of which is heraby acknowledged, the parties hereto do hereby mutually covenant and agree as follows;

- (1) The Party of the Second Part does hereby grant unto the parties of the First Part an easement across the westerly boundary of his lot as shown by Exhibit "C".
- (2) The parties do mutually agree and covenant that the aforesaid easement will be only sufficient in width and length as to encompass that portion of property which is owned by the Party of the Second Part and is encroached upon by the driveway and wall serving the property of the Parties of the First Part as said driveway and wall are presently situated according to the aforementioned attached Exhibit "C".
- (3) It is agreed and understood by and between the parties that in the event the aforementioned driveway and wall are removed or destroyed, by whatever causes, that this agreement will terminate.
- (4) It is further agreed and understood by and between the parties that the Party of the Second Part will in no way be responsible for maintenance and upkeep of the aforementioned driveway and wall.
- (5) The agreements herein shall be covenants running with the land and shall insure to the benefit of and be binding upon the heirs and assigns of the parties respectively.

24th IN WITNESS WHEREOF, the parties have hereto set their signatures and seals this the 24th day of February, 2003.

James R. Stephens
James R. Stephens

Linda S. Stephens
Linda S. Stephens

James E. Mulvaney
James E. Mulvaney

STATE OF ALABAMA:
JEFFERSON COUNTY:

I, the undersigned, a notary public in and for said county, in said State, hereby certify that James R. Stephens and wife, Linda S. Stephens and James E. Mulvaney, unmarried whose names are signed to the foregoing instrument and who are known to me, acknowledged before me, 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 24th day of February, 2003

Judy W. Jones
NOTARY PUBLIC

EXHIBIT "A"

A parcel of land being located in the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 13, Township 19 South, Range 2 West, Shelby County, Alabama, being more particularly described as follows:

Commence at the SE corner of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Section 13; thence North 0 degrees 28 minutes 08 seconds West, a distance of 295.85 feet to an iron pin found; thence North 82 degrees 20 minutes 33 seconds West a distance of 213.77 feet to the point of beginning; thence continue along last described course a distance of 200.03 feet to an iron pin found; thence North 75 degrees 25 minutes 53 seconds West a distance of 87.77 feet to an iron pin found; thence North 34 seconds 57 minutes 08 seconds East a distance of 142.97 feet to an iron pin found; thence North 13 degrees 17 minutes 34 seconds East a distance of 190.38 feet to an iron pin found; thence North 42 degrees 54 minutes 00 seconds East a distance of 126.92 feet; thence South 5 degrees 37 minutes 53 seconds East a distance of 250.53 feet; thence South 13 degrees 26 minutes 02 second East a distance of 200.33 feet to the point of beginning, being situated in Shelby County, Alabama.

Also, subject to a 16 foot wide ingress/egress easement being 8' foot on each side and parallel to the following described centerline. Commence at the SE corner of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Section 13; thence North 0 degrees 28 minutes 08 seconds West a distance of 295.85 feet to an iron pin found; thence North 82 degrees 20 minutes 33 seconds West a distance of 405.70 feet to the centerline and the POINT OF BEGINNING of herein described easement; thence North 1 degrees 15 minutes 10 seconds West along said centerline a distance of 139.52 feet; thence North 13 degrees 17 minutes 34 seconds East along said centerline a distance of 203.44 feet to the end of herein described easement centerline.

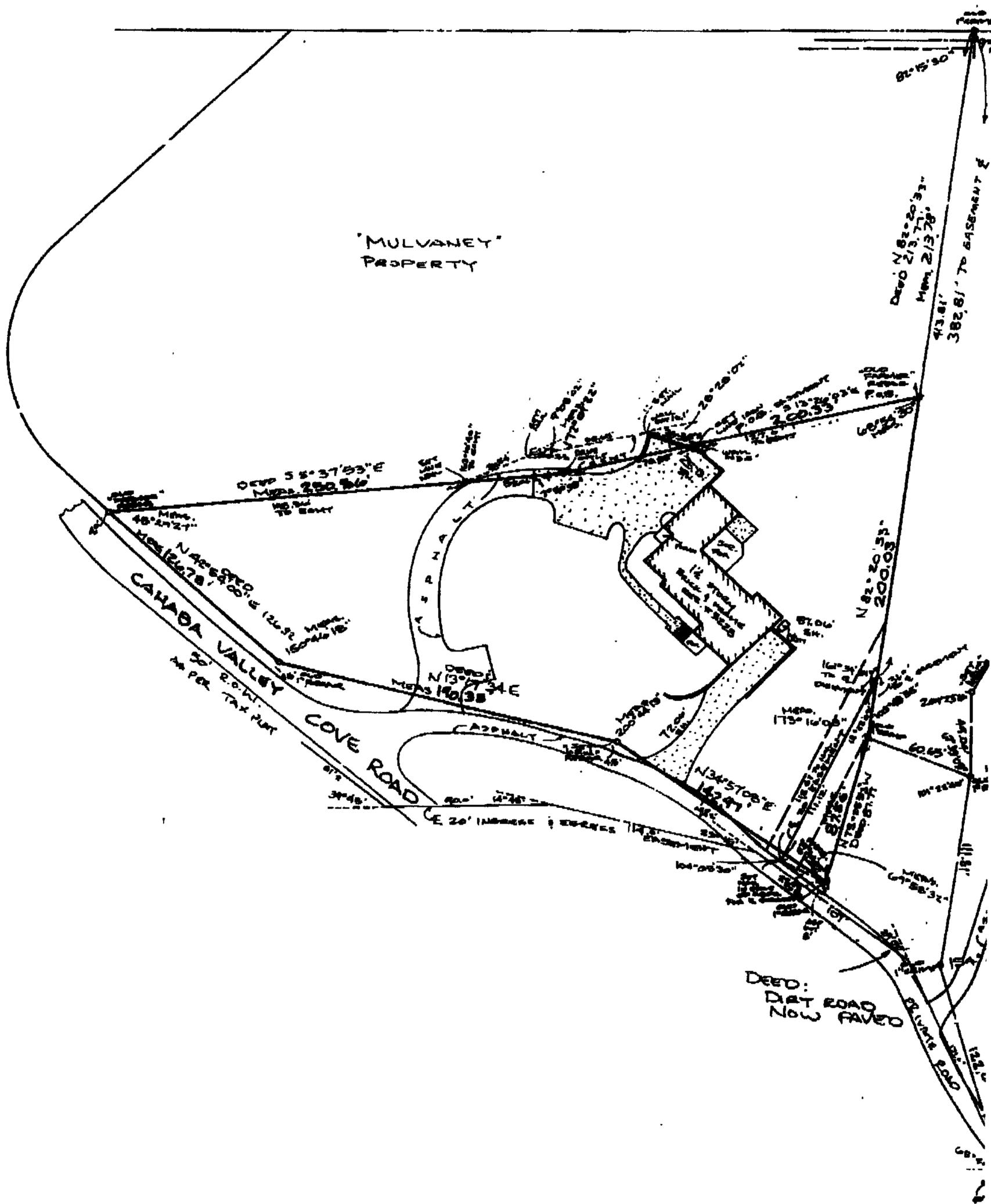
EXHIBIT "B"

A parcel of land being located in the Northeast corner of the Northeast quarter of Section 15, Township 19 South, Range 2 West, Shelby County, Alabama.

Commencing at the Southeast corner of the Northeast quarter of the Northeast quarter of Section 15, Range 2 West, Township 19 South, Range 2 West, Shelby County, Alabama; thence North 0° 20' 00" West a distance of 200.00 feet to an iron pin stake; thence along the West of Beginning; thence North 0° 00' 00" West a distance of 200.00 feet to an iron pin stake; thence North 42° 00' 00" West a distance of 150.00 feet to an iron pin stake and the beginning of a curve to the left having a radius of 90.0 feet, a central angle of 70° 12' 30" and subtended by a chord which bears North 30° 20' 15" West a distance of 150.77 feet; thence along the line of said curve a distance of 150.01 feet to the end of said curve; thence North 42° 54' 00" West a distance of 90.00 feet; thence North 0° 00' 00" West a distance of 200.00 feet; thence North 15° 20' 00" West a distance of 200.00 feet; thence North 42° 20' 00" West a distance of 213.00 feet to the Point of Beginning; being situated in Shelby County, Alabama.

EXHIBIT 'C'

SCALE: 1" = 50'



I, the Surveyor, certify that I have surveyed the land shown and described
 is on the surface except as shown; that there are no electric or telephone
 lines, anchors and guy wires, on or over said premises except as shown;
 that this property is not located in a special flood hazard area; that there
 are no other matters of record and division have been examined.

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