

THIS INSTRUMENT WAS PREPARED BY:
LAW OFFICES OF CHRISTOPHER R. SMITHERMAN, L.L.C.
725 WEST STREET
POST OFFICE BOX 261
MONTEVALLO, ALABAMA 35115
205-665-4357

STATE OF ALABAMA)
)
SHELBY COUNTY) EASEMENT MODIFICATION AGREEMENT

WHEREAS, heretofore, on or about 10th day of December, 1996, R. C. Hall as predecessor in title to the servient real estate, did grant and convey an utility easement unto the City of Calera, hereinafter called "Grantee", which easement is recorded in Instrument Number 1997-13086 in the Office of the Judge of Probate of Shelby County, Alabama; and

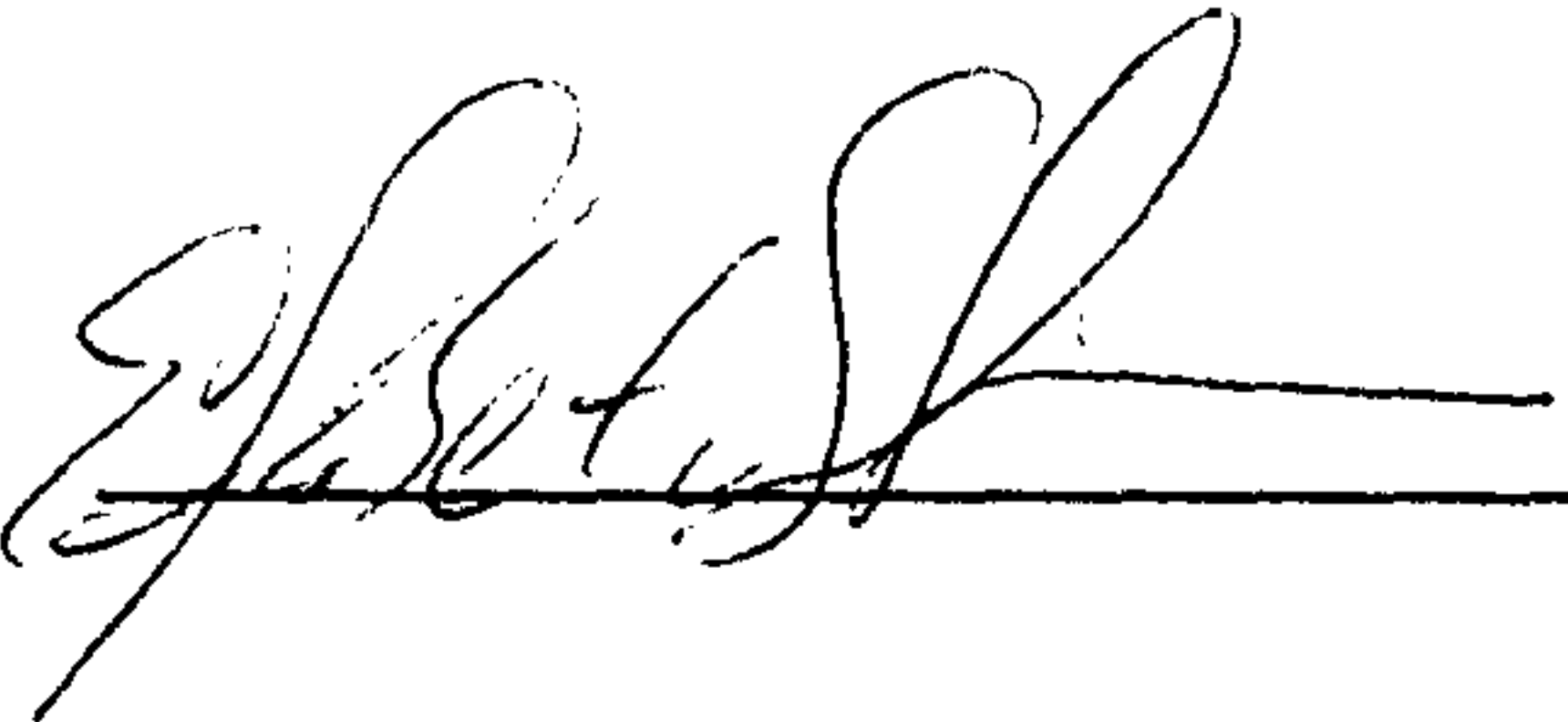
WHEREAS, current property owner, Lovelady Properties, L.L.C., hereinafter called "Grantor", and Grantee desire to effect certain changes and modifications in and to the aforementioned easement deed;

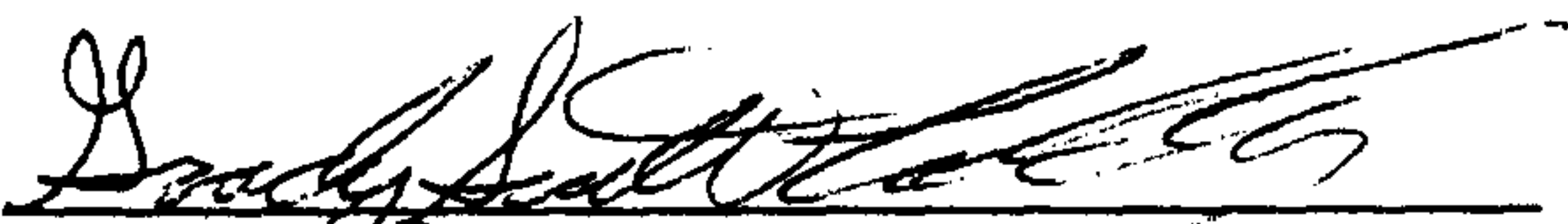
NOW, THEREFORE, in consideration of the premises and for consideration acknowledged and received it is hereby agreed by and between the said parties hereto, that the above-mentioned easement agreement and deed is amended as follows:

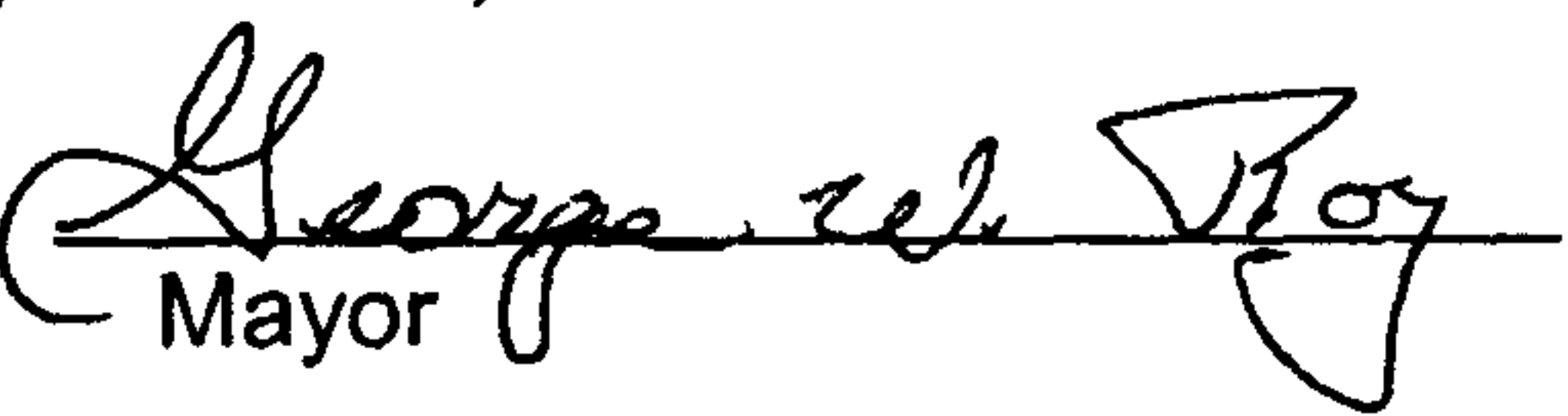
Grantor shall retain, reserve and shall enjoy use of the surface of such property for any and all purposes, including the right to build and use the surface of the previously granted easement for any of the following purposes: drainage ditches, private streets, roads, driveways, alleys, walks, gardens, lawns, plaiting or parking areas, and other like uses. Nothing in this reservation is intended to deny Grantee rights initially conveyed. In the event that it becomes reasonably necessary to remove, dismantle, or otherwise destroy the surface on and over the easement as it relates to the Grantee's reasonable use and maintenance, Grantee may do so. Grantor shall bear all costs of repairs and/or maintenance to any surface structure on and over the easement.


IN WITNESS WHEREOF, this instrument is executed this the 8th day of June, 2004.

Signed and acknowledge in the presence of :




Lovelady Properties, LLC, Grantor
By: Grady Scott Lovelady, Member

City of Calera, Grantee
By: 
Mayor

City of Calera, Grantee
By: 
City Clerk

City of Calera