16/me 200

STATE OF ALABAMA)
COUNTY OF SHELBY)

20060418000179650 1/3 \$18.50 Shelby Cnty Judge of Probate, AL 04/18/2006 10:24:06AM FILED/CERT

ESTABLISHMENT OF EASEMENT

KNOW ALL MEN BY THESE PRESENTS: that the undersigned, Robert F. Stanford and wife, Frances S. Stanford are the owners of Lots 5-B and 5-D and Dr. D. Wade Joiner is the owner of Lot 5-C, all according to the Final Survey of Saddle Creek Farms, as recorded in the Office of the Judge of Probate of Shelby County, Alabama, in Map Book 14, pages 4 and 5 A & B.

Robert F. Stanford and Frances S. Stanford (hereinafter referred to as "Stanford") and Dr. D. Wade Joiner and Carla D. Joiner (hereinafter referred to as "Joiner") hereby mutually agree to the establishment of an easement over and across Lot 5-D in favor of both Joiner and Stanford, and their respective heirs, successors and assigns.

Accordingly, Stanford and Joiner hereby establish the following easement:

- 1. There is hereby established an exclusive, perpetual easement, running with the land, for vehicular and pedestrian ingress and egress over and across that portion of Lot 5-D which is described and depicted on Exhibit "A" attached hereto and incorporated by reference herein.
- 2. The improvements located on said easement (including, but not limited to, road surface, road subsurface, and curbing) shall be subject to the following conditions which shall provide that the cost of maintaining such roadway shall be paid by Joiner until such time as a driveway is constructed on Lot 5-D and/or Lot 5-B to reach the building area of said Lot. At such time as the owners and their respective heirs, successors and assigns shall use said easement, the cost of maintenance shall be paid in equal shares based on the number of properties utilizing the easement.

In the event damage is caused to the improvements located on the Easement as aforesaid by one owner (that is by the owner of Lot 5-D or the owner of Lot 5-C or the owner of 5-B), or such owner's guests, invitees, employees, contractors or otherwise, the owner of such property shall be responsible for any such extraordinary damage caused by such owner, its guests, invitees, employees, contractors or otherwise for such extraordinary damage (not normal wear and tear) caused to the said improvements within said easement.

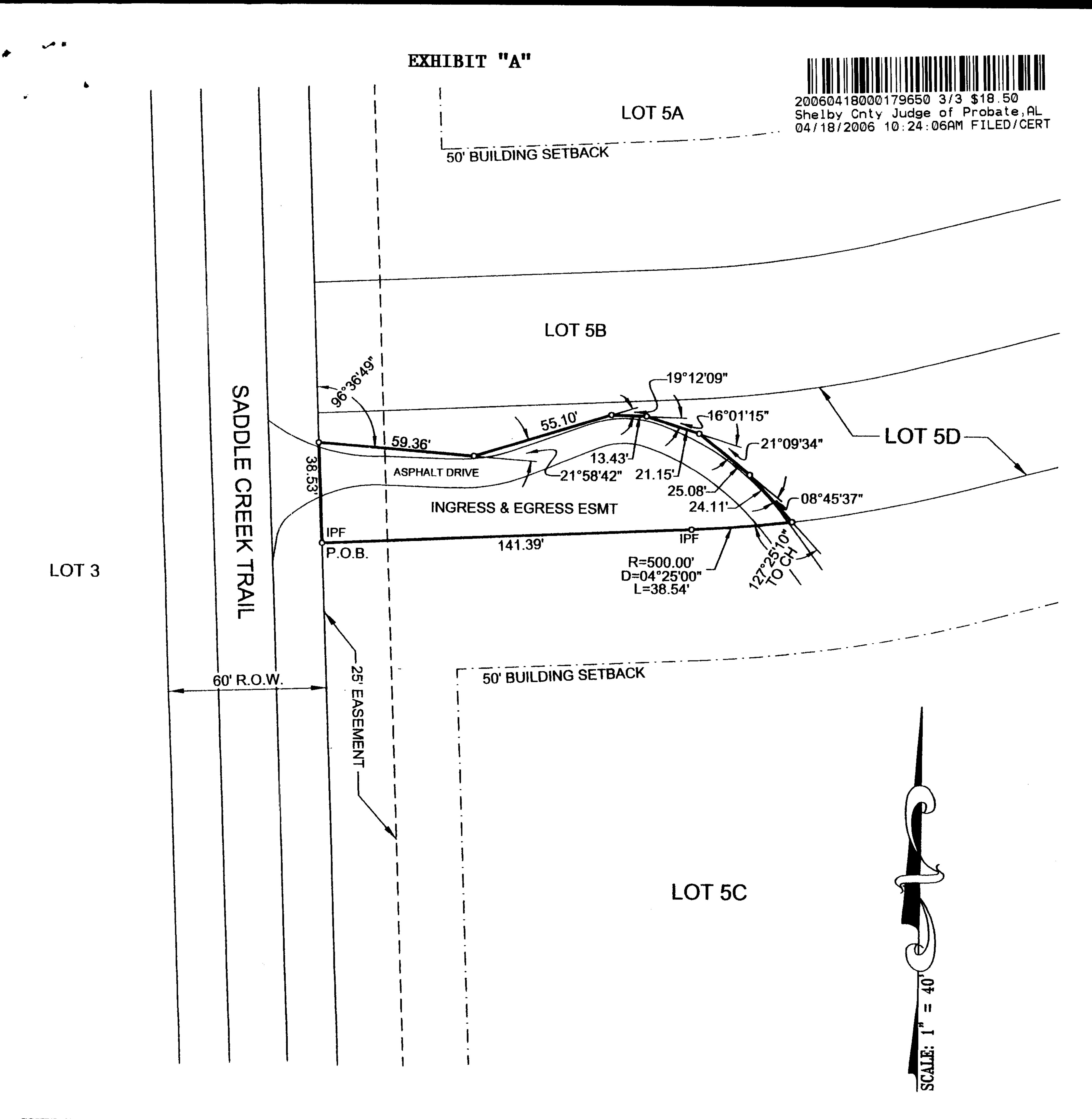
This easement shall constitute a covenant running with the land and shall be binding upon and inure to the benefit of both Joiner and Stanford, their respective heirs, successors and assigns.

PASS)

20060418000179650 2/3 \$18.50 Shelby Cnty Judge of Probate, AL 04/18/2006 10:24:06AM FILED/CER

| | | 20060418000179650 2/3 \$10.50 Shelby Cnty Judge of Probat |
|--|---|--|
| April, 2 | 400 | 04/18/2006 10:24:06AM FILED |
| Dated this 12 day of October, 200 | Robert F. Stanford Frances S. Stanford Dr. D. Wade Joiner Carla D. Joiner | Inford in |
| STATE OF ALABAMA COUNTY OF Secretary I, the undersigned, a Notary Public in a Stanford and Frances S. Stanford, whose name to me, acknowledged before me that being in voluntarily executed the same on the day the secretary Given under my hand and official seals. | s are signed to the foregoing instruction formed of the contents of the fame bears date. April, 20 I this 12 day of October, 20 | rument and who are known foregoing instrument, they, |
| My Commission Expires: 7708 | Notary Public | |
| STATE OF ALABAMA COUNTY OF Secretary I, the undersigned, a Notary Public in Wade Joiner and Carla D. Joiner, whose names to me, acknowledged before me that being in voluntarily executed the same on the day the secretary diversity of the secretary divides and official seals. | s are signed to the foregoing instruction and of the contents of the fame bears date. April 2 | rument and who are known foregoing instrument, they, 000 000 000 000 000 000 000 |
| My Commission Expires: 1708 | | |

This Instrument Prepared By: Clayton T. Sweeney, Attorney at Law 2700 Highway 280 East, Suite 390E Birmingham, AL 35223



SKETCH TO ACCOMPANY A LEGAL DESCRIPTION THIS IS NOT A SURVEY

PREPARED BY:
SURVEYING SOLUTIONS, INC.
2233 CAHABA VALLEY DRIVE
BIRMINGHAM, AL 35242
TEL: (205) 991-8965

Shelby County, AL 04/18/2006 State of Alabama

Deed Tax:\$.50

LEGAL DESCRIPTION

A ingress and egress easement located in Lot 5D, Final Survey of Saddle Creek Farms, A Private Subdivision, as recorded in Map Book 14, on Page 5, in the Office of the Judge of Probate, Shelby County, Alabama, being more particularly described as follows:

Begin at the Southwest corner of said Lot 5D and also on the East right of way line of Saddle Creek Trail as recorded in said Saddle Creek Farms and also at the Northwest corner of Lot 5C in said Saddle Creek Farms; thence run in a Northerly direction along the West line of said Lot 5D and also along the East line of said Saddle Creek Trail for a distance of 38.53 feet to a point; thence turn an angle to the right of 96 degrees, 36 minutes, 49 seconds and run in a Southeasterly direction for a distance of 59.36 feet to a point; thence turn an angle to the left of 21 degrees, 58 minutes, 42 seconds and run in a Northeasterly direction for a distance of 55.10 feet to a point; thence turn an angle to the right of 19 degrees, 12 minutes, 09 seconds and run in a Southeasterly direction for a distance of 13.43 feet to a point; thence turn an angle to the right of 21 degrees, 09 minutes, 34 seconds and run in a Southeasterly direction for a distance of 25.08 feet to a point; thence turn an angle to the right of 08 degrees, 45 minutes, 37 seconds and run in a Southeasterly direction for a distance of 24.11 feet to a point on the South line of said Lot 5D and also on the North line of said Lot 5C said point also being on a curve to the right, having a central angle of 04 degrees, 25 minutes, 00 seconds and a radius of 500.00 feet; thence turn an angle to the right to the chord of said curve of 127 degrees, 25 minutes, 10 seconds and run in a Southwesterly direction along the arc of said curve and also along the South line of said Lot 5D and along the North line of said Lot 5C for a distance of 38.54 feet to a point; thence run tangent to last stated curve in a Southwesterly direction for a distance of 141.39 feet to the point of beginning; said easement containing 6,165 square feet, more or less.

I, Gayland D. Martin, a registered Land Surveyor, certify that all parts of the above legal description and sketch have been completed in accordance with the current requirements of the Standards of Practice for Surveying in the State of Alabama to the best of my knowledge, information, and belief.

Table 7-12-04.

Gayland D. Martin, Reg. L.S. # 22679

Date

No. 22079
PROFESSIONAL

JLW \ACAD\PROJECTS\MISC\LOT5CESMT2_SKETCH