

20060817000404390 1/5 \$23.50  
Shelby Cnty Judge of Probate, AL  
08/17/2006 02:22:10PM FILED/CERT

THIS INSTRUMENT WAS PREPARED BY:  
John L. Hartman, III  
P. O. Box 846  
Birmingham, AL 35201

STATE OF ALABAMA )

SHELBY COUNTY ) \$500

**EASEMENT FOR GRADING AND SLOPE MAINTENANCE**

**CAHABA BEACH INVESTMENTS, LLC**, an Alabama limited liability company (the "Grantor") for and in consideration of \$1.00 and other good and valuable consideration, hereby dedicates, conveys and grants to **CAHABA BEACH INVESTMENTS, LLC** ("the Grantee") (the owner of the Benefitted estate described on attached Exhibit "A") and its successors and assigns a permanent easement for the purpose of entering upon the following described property (Burdened Estate) situated in Shelby County, Alabama, legally described as follows:

Part of the NW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 31, Township 18 South, Range 1 West, more particularly described as follows:

Commence at the Northeast corner of said  $\frac{1}{4}$  -  $\frac{1}{4}$  section and run South along the East line of said  $\frac{1}{4}$  -  $\frac{1}{4}$  section for a distance of 165.0 feet; thence run West parallel to the North line of said  $\frac{1}{4}$  -  $\frac{1}{4}$  section for a distance of 343.0 feet to the point of beginning, said point of beginning being 30 feet Westerly of the center line of County Road as constructed; thence continue West along last described course 260.0 feet; thence an angle of 90° and run in a Southerly direction 84.0 feet; thence an angle left of 90° and run East and parallel to the North line of said  $\frac{1}{4}$  -  $\frac{1}{4}$  section 249.5 feet to a point 30 feet Westerly of the centerline of County Road as constructed; thence an angle left of 82° 52' 30" and run Northeasterly 84.65 feet to point of beginning.

Less and except any part of subject property lying within a road right of way.

Situated in Shelby County, Alabama.

1. Nature and Location of Easement. The Easement granted by Grantor herein shall be a permanent easement for the benefit of Grantee over, upon, across, through and under the real property legally described above. This Easement is for the purpose of constructing, maintaining, replacing, removing or modifying a slope on, over and across the property described above, said easement being more particularly described as follows:

Being a grading and slope easement situated in the Northwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 31, Township 18 South, Range 1 West, Shelby County, Alabama, being more particularly described as follows:

Commence at a 3" capped pipe locally accepted as the Northwest corner of said

*Signature Notar*



Section 31; thence S 00° 00' 00" W, along the West line of said Section 31, a distance of 165.05 feet; thence S 00° 03' 08" W, along the West line of said Section 31, a distance of 84.06 feet; thence S 88° 44' 55" E a distance of 974.99 feet to a point on the Westerly right-of-way of Cahaba Beach Road, said point being the POINT OF BEGINNING; thence N 88° 44' 55" W a distance of 249.38 feet; thence N 01° 11' 25" E a distance of 18.00 feet; thence S 88° 44' 55" E a distance of 254.03 feet, more or less, to a point on the Westerly right-of-way of Cahaba Beach Road; thence in a Southwesterly direction, along the Westerly right-of-way of Cahaba Beach Road, a distance of 18.59 feet, more or less, to the POINT OF BEGINNING.

Said parcel containing .10 acre, more or less.

The well house and equipment located on the Burdened Estate may be maintained by the owner of the burdened estate.

2. Right of Entry. Grantee shall have the right, without notice and without prior institution of any suit or proceeding at law, at times as may be necessary to enter upon said property owned by the Grantor and its successors and assigns, to grade and maintain the area for the purposes of serving Grantee's property. The Grantee agrees to leave the easement property in a good state of repair after any grading or repair of the easement property.

3. Encroachment/Construction Activity. Grantor shall not undertake, authorize, permit or consent to any construction or excavation including, without limitation, digging, tunneling, or other forms of construction activity on or near the Easement which might in any fashion unearth, undermine, or damage the utilities on the Easement Property.

4. Binding Effect/Warranty of Title. The Easement and the covenants, terms, and conditions contained herein are intended to and shall run with the Benefitted Estate and shall be binding upon Grantee and Grantor and their respective successors, heirs and assigns. Grantor warrants that Grantor has good title to the Real Property and warrants the Grantee title to and quiet enjoyment of the Easement.

5. Recording. Upon its execution, the Easement shall be recorded with the Probate Office of Shelby County, Alabama.

DATED this 16 day of August, 2006.

GRANTOR

CAHABA BEACH INVESTMENTS, LLC

By: NSH CORP. d/b/a Signature Homes  
Member

By: 

Its: 

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STATE OF ALABAMA

COUNTY OF Shelby

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Jonathan Belchen, whose name as Member of NSH CORP. d/b/a Signature Homes, Member of CAHABA BEACH INVESTMENTS, LLC, an Alabama limited liability company, is signed to the foregoing conveyance and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, he, as such officer and with full authority, executed the same voluntarily for and as the act of said limited liability company.

Given under my hand and official seal this the 16<sup>th</sup> day of August, 2006.

NOTARY PUBLIC STATE OF ALABAMA AT LARGE  
MY COMMISSION EXPIRES: Apr 13, 2010  
BONDED THRU NOTARY PUBLIC UNDERWRITERS

My Commission Expires:

Goretta Lynn White  
NOTARY PUBLIC

**EXHIBIT "A"**

**BENEFITTED ESTATE**  
**LEGAL DESCRIPTION**



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