


20080609000233000 1/4 \$20.50
Shelby Cnty Judge of Probate, AL
06/09/2008 10:28:32AM FILED/CERT

INGRESS/EGRESS EASEMENT

This **INGRESS/EGRESS EASEMENT** is entered into this 5 day of May, 2008 by and between Grantor, Ben T. Walker and Susan R. Walker (the "Landowners") and the Grantee, James E. Morris (the "Easement Holder").

RECITALS

- A. The Landowners are the sole owners of certain real estate in the City of Columbiana of Shelby County, Alabama, which has the address of 809 Paradise Point, Columbiana, Al. 35051.
- B. The Easement Holder owns the parcel of property adjacent to the Landowners Property. This parcel of land is legally described in Exhibit A and incorporated herein by this reference (the "Protected Property")
- C. The Landowners have agreed to convey to the Easement Holder, an Ingress/Egress Easement across the Landowners' property.

GRANT OF INGRESS/EGRESS EASEMENT

- 1. **Grant of Easement.** The Landowners hereby grant and convey to the Easement Holder a perpetual, non-exclusive, rent-free easement (the "Ingress/Egress Easement") to the Protected Property from Paradise Point Road on, over and through that portion of the Landowners' Property described in Exhibit B., which is incorporated herein by this reference (the "Easement" Property).
- 2. **Use of Access Easement.** The purpose of the Ingress/Egress Easement is to provide year-round pedestrian and vehicular access to and from the Protected Property by the Easement Holder, its agents and personnel. Nothing in this Ingress/Egress Easement is intended to prohibit use of the Ingress/Egress Easement by the Landowners, provided such use does not interfere with the use of the Ingress/Egress Easement by the Easement Holder.
- 3. **Improvements.** The Easement Holder shall have the right, but not the obligation, to construct, at its sole expense, improvements upon the Easement Property to make the Easement Property suitable for vehicular and pedestrian use.
- 4. **Enforcement of Agreement.** The Landowners and Easement Holder shall have the right to legally enforce this Ingress/Egress Easement and the covenants, conditions and restrictions set forth herein, by whatever action or actions are legally available, including, without limitation, enjoining any violation or threatened violation hereof.
- 5. **Successors.** All the terms, covenants, conditions and obligations set forth in this Ingress/Egress Easement shall inure to the benefit of and bind the Landowners and Easement Holder, and their respective personal representatives, heirs, successors, transferees and assigns, and shall continue as a servitude running in perpetuity with the Landowners Property.

6. **Governing Law.** This Ingress/Egress Easement shall be governed by and construed under the laws of the State of Alabama.

IN WITNESS WHEREOF, Ben T. ^{BTW}~~Walker~~ ^{BTW}~~Wallace~~ and Susan R. ~~Walker~~ ^{slw}~~Wallace~~, has agreed to and executed this Access Easement this _____ day of May, 2008

By: Ben T Walker

By: Susan R Wallace

STATE OF ALABAMA)

SHELBY COUNTY)

Personally came before me this 5th day of May, 2008, the above named Ben T. ~~Walker~~ ^{Wallace} and Susan R. ~~Walker~~ ^{Wallace} to me known to be the person who executed the foregoing instrument and acknowledge the same.

Shelby County, AL 06/09/2008
State of Alabama

Deed Tax: \$.50

Jamie S. Jones
Signature of Notary Public

Jamie S. Jones
Typed or Printed Name of Notary
Public

Notary Public, State of Alabama
My Commission (expires) (is) 12/19/10



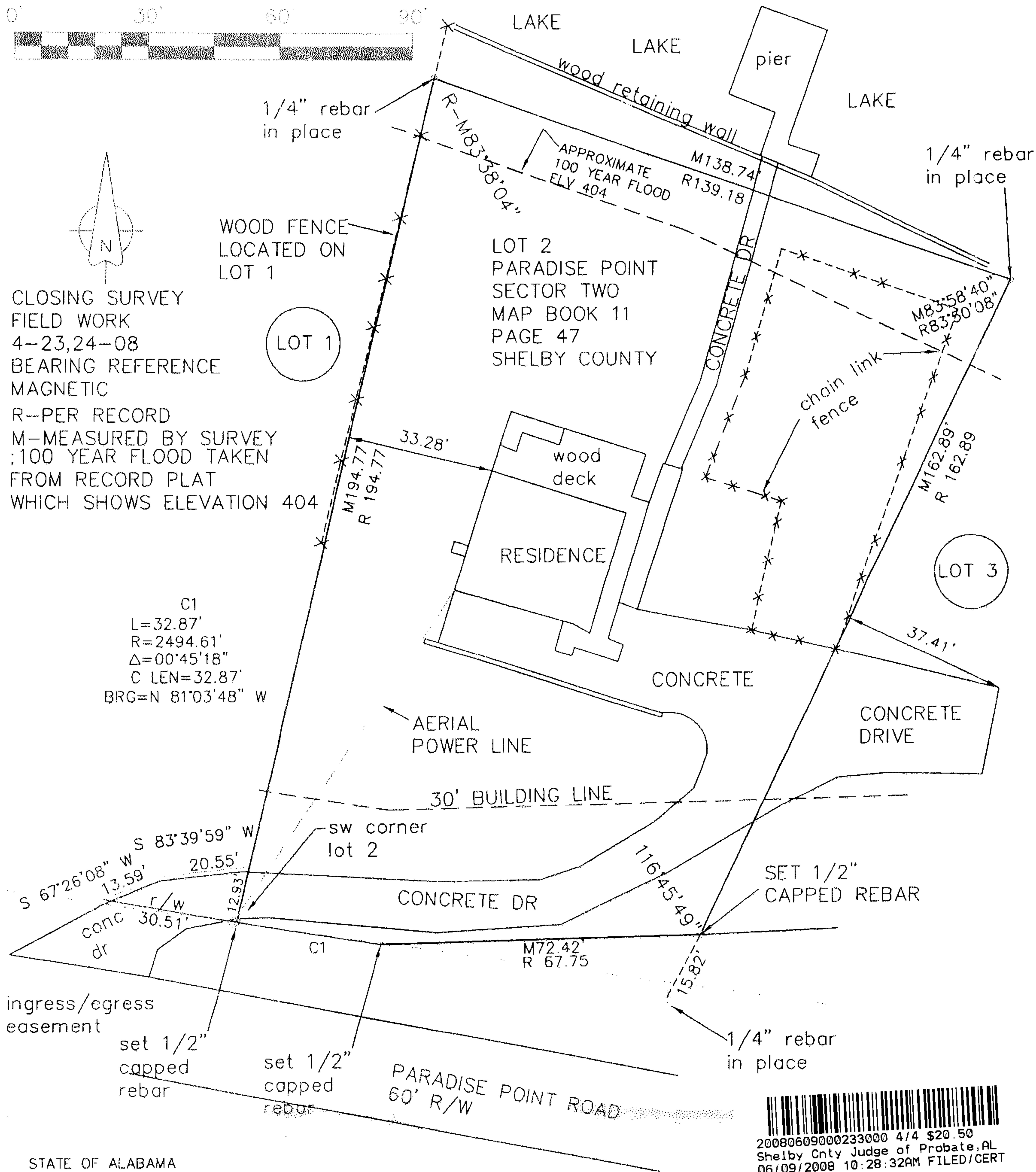
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EXHIBIT B

AND ALSO AN INGRESS AND EGRESS EASEMENT BEING more particularly described as follows to wit: Commence at the Southwest corner of Lot No. 2 of the Paradise Point Sector Two as shown by map of said subdivision on record in the Office of the Judge of Probate of Shelby County, Alabama Map Book 11 at Page 47, said point being located on the Northerly right-of-way of Paradise Point Road and also being the point of beginning. From this beginning point proceed North along the West boundary of said Lot No. 2 for a distance of 12.93 feet; thence proceed South 83° 39' 59" West for a distance of 20.55 feet; thence proceed South 67° 26' 08" West for a distance of 13.59 feet to a point on the Northerly right-of-way of said road; thence proceed Easterly along the Northerly right-of-way of said road for distance of 30.5



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I, James M. Ray, a Registered Land Surveyor in the State of Alabama, hereby certify that all parts of this survey and plat (or drawing) have been completed in accordance with the requirements of the Standards for the Practice of Land Surveying in the State of Alabama, being more particularly described as follows, to-wit: LOT 2 PARADISE POINT SECTOR TWO as shown by map of said subdivision on record in the office of the Judge of Probate of Shelby County, Alabama, in Plat book 11 Page 47.

AND ALSO AN INGRESS AND EGRESS EASEMENT BEING more particularly described as follows to wit: Commence at the Southwest corner of Lot No. 2 of the Paradise Point Sector Two as shown by map of said subdivision on record in the Office of the Judge of Probate of Shelby County, Alabama Map Book 11 at Page 47, said point being located on the Northerly right-of-way of Paradise Point Road and also being the point of beginning. From this beginning point proceed North along the West boundary of said Lot No. 2 for a distance of 12.93 feet; thence proceed South 83° 39' 59" West for a distance of 20.55 feet; thence proceed South 67° 26' 08" West for a distance of 13.59 feet to a point on the Northerly right-of-way of said road; thence proceed Easterly along the Northerly right-of-way of said road for distance of 30.5

I further certify that the building now erected on said lot is within the boundaries of same, except as shown above, that there are no encroachments by buildings on adjoining property, except as shown above, that there are no right-of-ways, easements or joint driveways over or across said lot visible on the surface, except as shown above, that there are no electric or telephone wires (excluding wires which serve the premises only) or structures or supports, therefor, including poles, anchors or guy wires over or across said premises, except as shown above. A portion of the property is located in special flood hazard area zone A

According to my survey this the 25TH day of APRIL, 2008.

James M. Ray, Ala. Reg. No. 18383
Ray and Gilliland, P. C. Ala. Board Cert. No. CA-0114-L.S

NOTE: NO TITLE SEARCH OF THE PUBLIC RECORDS HAS BEEN PERFORMED BY THIS FIRM.
THE PARCEL SHOWN IS SUBJECT TO SETBACKS, EASEMENTS, ZONING AND RESTRICTIONS THAT
MAY BE FOUND IN THE PUBLIC RECORDS.
UNDERGROUND PORTIONS OF FOUNDATIONS AND/OR OTHER UNDERGROUND STRUCTURES
Received Time May. 5. 2008 2:11PM No. 7110

RAY & GILLILAND, P.C.	
103 E FORT WILLIAMS ST. P.O. BOX 1183 SYLACAUGA, ALABAMA 35150	TEL NO. (256) 245-3243 FAX NO. (256) 245-3202 FILE: kelly1
DRAWN BY: j ray	SCALE: 1"=30'
closing survey	DATE: 4-25-08