

STATE OF ALABAMA     )  
COUNTY OF SHELBY    )

#500<sup>00</sup>UA/ur  
For Record -  
Tax Purposes

**EASEMENT**

  
20101208000411280 1/7 \$30.50  
Shelby Cnty Judge of Probate, AL  
12/08/2010 12:04:19 PM FILED/CERT

**KNOW ALL MEN BY THESE PRESENTS, That**

**WHEREAS**, Johnny Busby purchased a tract of land (the "Property") from Mettie Coates on April 10, 1970, the description of which is set out in that certain instrument recorded in Book 261, at Page 868, in the Office of the Judge of Probate of Shelby County, Alabama; and

**WHEREAS**, Johnny Busby and wife, Pam Busby, subsequently had a portion of the Property resurveyed and established the Busby Family Subdivision, recorded in Map Book 34, at Page 79, in the Probate Office of Shelby County, Alabama (the "Subdivision"); and

**WHEREAS**, the map of the Subdivision establishes a 30-foot easement over and across the Property and the Subdivision from Shelby County Road 361 to Lot 2, according to the map of the Busby Family Subdivision; and

**WHEREAS**, on February 23, 2005, Johnny Busby and wife, Pam Busby, conveyed to Thomas E. Smith and Angela B. Smith property described as Lot 2, according to the map of the Busby Family Subdivision, as recorded in Map Book 34, Page 79, in the Office of the Judge of Probate of Shelby County, Alabama.

**NOW, THEREFORE**, for and in consideration of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration in hand paid to the undersigned, the receipt whereof is hereby acknowledged, the undersigned, Johnny Busby and wife, Pam Busby, do hereby grant a continuing non-exclusive 30-foot easement for ingress and egress to Thomas E. Smith and Angela B. Smith, their successors, heirs and assigns, as shown on Exhibit "A" attached hereto and made a part hereof.



It is the intention of said Grantors that this 30-foot easement for ingress and egress shall run with the land and be perpetual in nature.

Given under our hands and seals this the 5<sup>th</sup> day of November, 2010.

Johnny Busby  
Johnny Busby  
Pam Busby  
Pam Busby

STATE OF ALABAMA     )  
COUNTY OF SHELBY    )

I, the undersigned, a Notary Public in and for said County and State, hereby certify that Johnny Busby and wife, Pam Busby, whose names are signed to the foregoing Easement and who are known to me, acknowledged before me on this day, that being informed of the contents of the Easement, they executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 5<sup>th</sup> day of November, 2010.

Levine S. Cantrell  
Notary Public

My commission expires: \_\_\_\_\_ NOTARY PUBLIC STATE OF ALABAMA AT LARGE  
MY COMMISSION EXPIRES: June 21, 2013  
BONDED THRU NOTARY PUBLIC UNDERWRITERS



KNOW ALL MEN BY THESE PRESENTS: That in consideration of Three Thousand and no/100 ----- to the undersigned grantor (whether one or more), in hand paid by the grantee herein, the receipt whereof is acknowledged, I, Mettie Coates, a widow, (herein referred to as grantor, whether one or more), grant, bargain, sell and convey unto Johnny Busby (herein referred to as grantee, whether one or more), the following described real estate, situated in Shelby County, Alabama, to-wit:

Part of the East Half (E $\frac{1}{2}$ ) of Section 13, Township 20, Range 2 West; being more particularly described as follows: Begin at an iron pin at the Southwest Corner of the Northwest Quarter of the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$  of NW $\frac{1}{4}$  of SW $\frac{1}{4}$ ) of Section 13, Township 20, Range 2 West; thence run North 89 degrees 30 minutes East along the southern boundary line of the Northwest Quarter of the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$  of NW $\frac{1}{4}$  of SW $\frac{1}{4}$ ) of Section 13, Township 20, Range 2 West a distance of 500 feet more or less to a point; thence turn an angle of 89 deg. 10 minutes to the left and run North 00 degrees 20 minutes East a distance of 300.0 feet to a point; thence turn an angle of 89 deg. 10 minutes to the right and run North 89 deg. 30 minutes East a distance of 500.4 feet to a point; thence turn an angle of 39 degrees 30 minutes to the left and run North 00 deg. 20 minutes East a distance of 98 feet more or less to a point on the curve of the southern right-of-way line of a paved county road, locally known as the Middle Fungo Road, said curve having a radius of 326.48 feet and turning to the right; thence continue northerly along the curve of the said right-of-way line a distance of 203 feet more or less to a point on the said right-of-way line at the end of the curve; thence continue North 2 deg. 30 min. East along said right-of-way a distance of 321.0 feet to a point on the said right of way line at the beginning of a curve to the left having a radius of 130.37 feet; thence continue northerly along the curve of the said right-of-way line a distance of 65 feet more or less to a point; thence turn an angle of 133 deg. 45 minutes to the left, from a line tangent to the curve at the said point, and run south 11 deg. 25 min. west a distance of 37 feet more or less to a point; thence turn an angle of 90 degrees 00 minutes to the right and run North 73 deg. 35 minutes west a distance of 423 feet more or less to a point on the southern right-of-way line of a paved county road, known locally as the Middle Fungo Road; thence turn an angle of 19 degrees 45 minutes to the left and run south 31 deg. 40 minutes west a distance of 113 feet more or less to a point on the said right-of-way line at the beginning of a curve to the left having a radius of 532.26 feet; thence continue westerly along the curve of the said right-of-way line a distance of 130 feet more or less to a point; thence turn an angle of 152 degrees 30 minutes to the left and run easterly a distance of 420 feet more or less to a point; thence turn an angle of 90 degrees 00 minutes to the right and run southerly a distance of 330 feet to point; thence turn an angle of 90 degrees 00 minutes to the right and turn westerly a distance of 660 feet to a crimped iron pin at the Northwest Corner of the Northwest Quarter of the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$  of NW $\frac{1}{4}$  of SW $\frac{1}{4}$ ) of Section 13, Township 20, Range 2 West; thence turn an angle of 90 degrees 00 minutes to the left and run southerly along the western boundary line of Section 13, Township 20, Range 2 West a distance of 662 feet more or less to an iron pin at the Southwest Corner of the Northwest Quarter of the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$  of NW $\frac{1}{4}$  of SW $\frac{1}{4}$ ) of Section 13, Township 20, Range 2 West, said corner being the point of beginning; containing approximately 13.11 acres.

Also, including a triangular shaped parcel lying north of the Middle Fungo Road in the Southwest Quarter of the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$  of SW $\frac{1}{4}$  of NW $\frac{1}{4}$ ) of Section 13, Township 20, Range 2 West being more particularly described as follows: Commence at the Northwest Corner of the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$  of NW $\frac{1}{4}$  of SW $\frac{1}{4}$ ) of Section 13, Township 20, Range 2 West; thence run northerly along the western boundary line of Section 13, Township 20, Range 2 West a distance of 330 feet to a point; said point being the point of beginning;



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thence turn an angle of 90 degrees 00 minutes to the right and run easterly a distance of 32 feet more or less to a point on the curve of the northern right-of-way line of a paved county road known locally as the Middle Fungo Road, said curve having a radius of 612.96 feet and turning to the right; thence run northeasterly along the right-of-way line a distance of 58 feet more or less to a point; thence run westerly a distance of 131 feet more or less to the point of beginning; containing approximately .045 acres.

TO HAVE AND TO HOLD to the said grantee, his, her or their heirs and assigns forever.

And I do for myself and for my heirs, executors, and administrators covenant with the said GRANTEES, their heirs and assigns, that I am lawfully seized in fee simple of said premises; that they are free from all encumbrances, unless otherwise noted above; that I have a good right to sell and convey the same as aforesaid; that I will and my heirs, executors and administrators shall warrant and defend the same to the said GRANTEES, their heirs and assigns forever, against the lawful claims of all persons.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 16<sup>th</sup> day of April, 1970.

Mettie Coates  
Mettie Coates

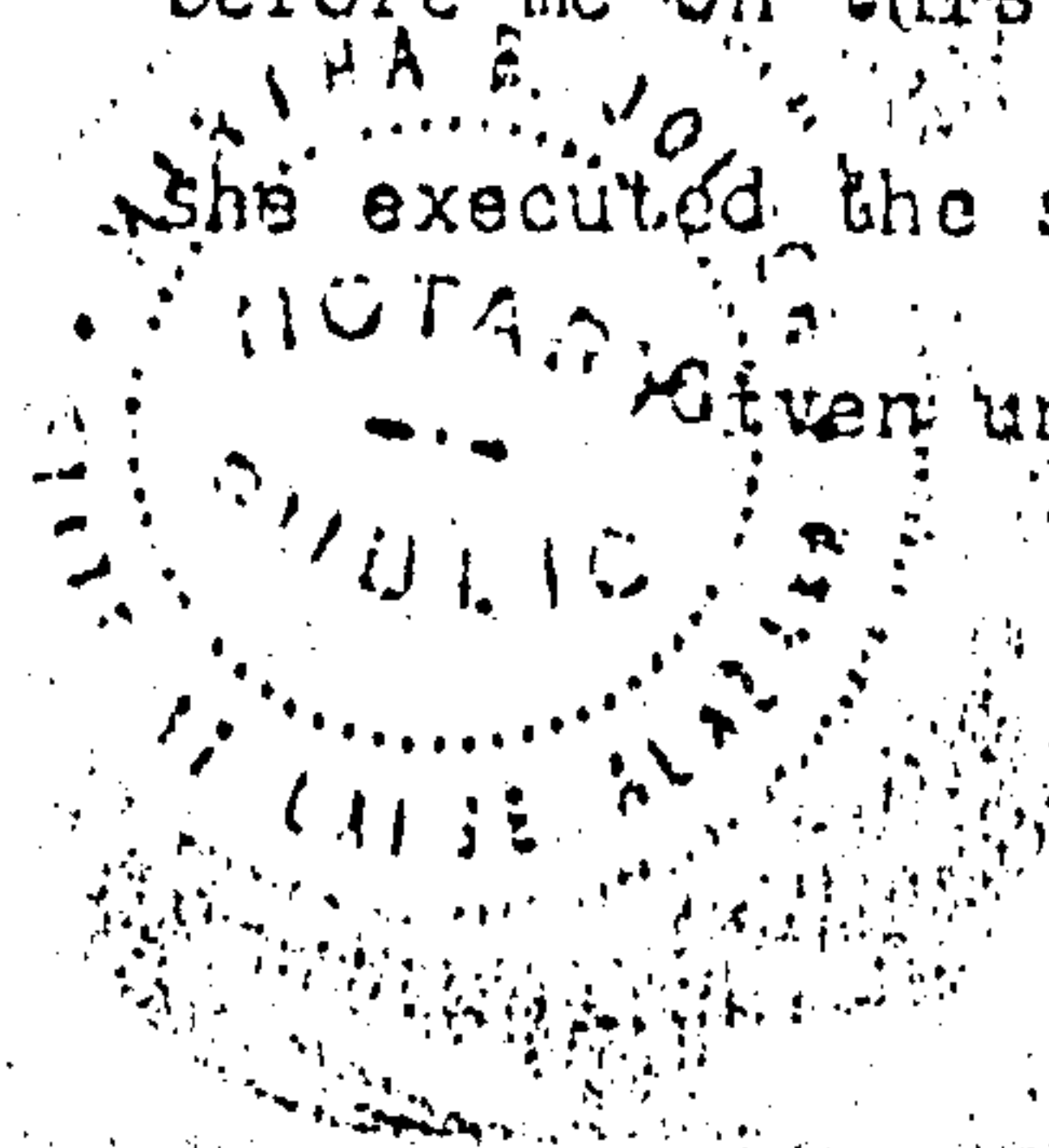
STATE OF ALABAMA

SHELBY COUNTY

I, Martha B. Joiner, a Notary Public in and for said County, in said State, hereby certify that Mettie Coates, a widow, whose name 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, she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 16<sup>th</sup> day of April, 1970.

Martha B. Joiner  
Notary Public



I certify this to be a true and correct copy

Patricia Lynn Suber  
Probate Judge  
Shelby County

May 25 1999



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Shelby Cnty Judge of Probate, AL  
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STATE OF ALA. SHELBY CO.  
CLERK OF COURT  
THIS INSTRUMENT WAS FILED  
1970 APR 10 PM 3:00  
UCC FILE NUMBER ON  
REC. BK. & PAGE AS SHOWN ABOVE  
JUDGE OF PROBATE  
CONFIRMED

889  
PAGE  
102







**THIS INSTRUMENT PREPARED BY:**  
**James J. Odom, Jr.**  
**P. O. Box 11244**  
**Birmingham, AL 35202-1244**  
**(NO TITLE EXAMINATION PROVIDED)**

**SEND TAX NOTICE TO:**  
**Thomas E. Smith**  
**Angela B. Smith**  
**158 Camden Lake Drive**  
**Calera, AL 35040**

**STATE OF ALABAMA     )**  
**COUNTY OF SHELBY    )**

20101208000411280 6/7 \$30.50  
Shelby Cnty Judge of Probate, AL  
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**WARRANTY DEED**

**KNOW ALL MEN BY THESE PRESENTS THAT** in consideration of Ten and 00/100 Dollars (\$10.00) and other good and valuable consideration, to the undersigned grantors, Johnny A. Busby and wife, Pamela M. Busby, in hand paid by Thomas E. Smith and Angela B. Smith, the receipt whereof is hereby acknowledged, the said Johnny A. Busby and wife, Pamela M. Busby (referred to herein as "Grantors"), do by these presents, grant, bargain, sell and convey unto the said Thomas E. Smith and Angela B. Smith, as joint tenants with right of survivorship (herein referred to as "Grantees"), the following described real estate, situated in Shelby County, Alabama, to-wit:

Lot 2, according to the Final Plat of Busby Family Subdivision, recorded in Map Book 34, at Page 79, in the Probate Office of Shelby County, Alabama.

**SUBJECT TO:** (1) Current taxes; (2) Easements and Restrictions of Record.

**TO HAVE AND TO HOLD** to the Grantees, as joint tenants, with right of survivorship, their heirs and assigns forever; it being the intention of the parties to this conveyance, that (unless the joint tenancy hereby created is severed or terminated during the joint lives of the Grantees herein) in the event one Grantee herein survives the other, the entire interest in fee simple shall pass to the surviving Grantee, and if one does not survive the other, then the heirs and assigns of the Grantees herein shall take as tenants in common.

And said Grantors do for themselves, their heirs and assigns, covenant with said Grantees, their heirs and assigns, that they are lawfully seized in fee simple of said premises; that the premises are free from all encumbrances, unless otherwise noted above; that Grantors have a good right to sell and convey the same as aforesaid; that Grantors will, and their heirs and assigns shall, warrant and defend the same to the said Grantees, their heirs and assigns forever, against the lawful claims of all persons.



IN WITNESS WHEREOF, the undersigned have executed this conveyance on this the  
23<sup>rd</sup> day of February, 2005.

WITNESSES:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Johnny A. Busby  
Johnny A. Busby  
Pamela M. Busby  
Pamela M. Busby

STATE OF ALABAMA                    )  
COUNTY OF SHELBY                )

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Johnny A. Busby and wife, Pamela M. Busby, whose names are signed to the foregoing conveyance, and who are known to me, acknowledged before me on this day, that, being informed of the contents of the conveyance, they executed the same voluntarily on the day the same bears date.

Given under my hand and seal this 23<sup>rd</sup> day of February, 2005.

James R. Dwin  
Notary Public

My Commission Expires: 10/20/07

  
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