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Shelby Cnty Judge of Probate, AL  
03/16/2011 12:53:00 PM FILED/CERT

STATE OF ALABAMA )

COUNTY OF SHELBY )

EASEMENT AGREEMENT

This Agreement made this the 1 day of March, 2011 by and between Marshall Ira Goggins (hereinafter referred to as "Goggins"), Frank Melsoni and Sue Melsoni (hereinafter referred to as the "Melsoni") and Lou Ella Moody (hereinafter referred to as "Moody");

WITNESSETH

WHEREAS, the Goggins is the owner of property described as follows:

COMMENCE AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 3, TOWNSHIP 22 SOUTH, RANGE 4 WEST, SHELBY COUNTY, ALABAMA AND RUN THENCE NORTH 86 DEGREES 28 MINUTES 00 SECONDS EAST ALONG THE NORTH LINE OF SAID QUARTER-QUARTER SECTION A DISTANCE OF 440.00 FEET TO A FOUND SOLID STEEL BAR CORNER AND THE POINT OF BEGINNING OF THE PROPERTY BEING DESCRIBED; THENCE RUN NORTH 86 DEGREES 28 MINUTES 00 SECONDS EAST A DISTANCE OF 179.52 FEET TO A SET REBAR CORNER; THENCE RUN SOUTH 03 DEGREES 50 MINUTES 37 SECONDS EAST A DISTANCE OF 746.17 FEET TO A SET RAILROAD SPIKE CORNER ON THE NORTHERLY MARGIN OF SHELBY COUNTY HIGHWAY NO. 10; THENCE RUN NORTH 78 DEGREES 40 MINUTES 37 SECONDS WEST ALONG SAID MARGIN OF SAID HIGHWAY A DISTANCE OF 186.00 FEET TO A FOUND OPEN TOP PIPE CORNER; THENCE RUN NORTH 03 DEGREES 50 MINUTES 37 SECONDS WEST A DISTANCE OF 698.48 FEET TO THE POINT OF BEGINNING.

WHEREAS, Melsoni are the owners of property described as follows

A PART OF THE NE ¼ OF NW ¼ OF SECTION 3, TOWNSHIP 22 SOUTH, RANGE 4 WEST, MORE PARTICULARLY DESCRIBED AS FOLLOWS; BEGINNING AT THE NE CORNER OF SAID FORTY ACRES AND RUN WEST ALONG NORTH LINE OF SAID FORTY 419 ½ FEET, MORE OR

LESS, TO THE NE CORNER OF LOT SOLD TO FRANK FORTENBERRY, NOW BELONGING TO MOODY; THENCE RUN SOUTH 25 FEET; THENCE WEST 150 FEET; THENCE RUN IN A SOUTHWESTERLY DIRECTION ALONG SE LINE OF MOODY LOT 285 FEET TO A POINT WHICH IS 211 FEET SOUTH OF THE NORTH LINE OF SAID FORTY ACRES; THENCE RUN SOUTH AND PARALLEL WITH EAST LINE OF SAID FORTY A DISTANCE OF 543 FEET TO THE NORTH SIDE OF PUBLIC ROAD; THENCE IN AN EASTERLY DIRECTION ALONG SAID ROAD TO A POINT WHICH IS 210 FEET WEST OF EAST LINE OF SAID FORTY; THENCE RUN NORTH 210 FEET; THENCE IN AN EASTERLY DIRECTION PARALLEL WITH NORTH LINE OF SAID ROAD 210 FEET TO EAST LINE OF SAID FORTY ACRES; THENCE RUN NORTH ALONG EAST LINE OF SAID FORTY ACRES TO POINT OF BEGINNING. EXCEPTING HIGHWAY RIGHT OF WAY OF MONTEVALLO-BOOTHTON HIGHWAY.

WHEREAS, Moody is the owner property described as follows:

PARCEL A:

A TRACT OF LAND SITUATED IN THE SOUTHWEST 1/4 OF SECTION 34, TOWNSHIP 21 SOUTH, RANGE 4 WEST, AND THE NORTHWEST 1/4 OF SECTION 3, TOWNSHIP 22 SOUTH, RANGE 4 WEST, SHELBY COUNTY, ALABAMA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT A THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 34, TOWNSHIP 21 SOUTH, RANGE 4 WEST, SHELBY COUNTY, ALABAMA; THENCE RUN NORTH 89°20'41" EAST ALONG THE SOUTH LINE OF SAID 1/4 - 1/4 SECTION FOR 618.38 FEET; THENCE RUN SOUTH 01°08'02" EAST FOR 211.00 FEET; THENCE RUN NORTH 35°36'34" EAST FOR 230.57 FEET; THENCE RUN NORTH 89°18'40" EAST FOR 155.07 FEET; THENCE RUN NORTH 00°00'00" WEST FOR 25.00 FEET TO A POINT ON THE SOUTH LINE OF SAID 1/4 - 1/4 SECTION; THENCE RUN NORTH 00°00'00" WEST 450.00 FEET; THENCE RUN NORTH 89°27'49" WEST FOR 896.77 FEET TO A POINT ON THE WEST LINE OF SAID 1/4 - 1/4 LINE; THENCE RUN SOUTH 01°50'34" WEST ALONG THE WEST LINE OF SAID 1/4 - 1/4 LINE FOR 469.07 FEET TO THE POINT OF BEGINNING.

PARCEL B:

A TRACT OF LAND SITUATED IN THE SOUTHWEST 1/4 OF SECTION 34,  
TOWNSHIP 21 SOUTH, RANGE 4 WEST, SHELBY COUNTY, ALABAMA  
BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF  
THE SOUTHWEST 1/4 OF SECTION 34, TOWNSHIP 21 SOUTH, RANGE 4  
WEST, SHELBY COUNTY, ALABAMA; THENCE RUN NORTH 01°50'34"  
EAST ALONG THE WEST LINE FOR SAID 1/4 - 1/4 FOR 469.07 FEET TO  
THE POINT OF BEGINNING; THENCE RUN NORTH 01°50'34" EAST  
ALONG THE WEST LINE OF SAID 1/4 - 1/4 FOR 869.02 FEET TO THE  
NORTHWEST CORNER OF THE SOUTHEAST 1/4 OF THE SOUTHWEST  
1/4 OF SAID SECTION 34; THENCE RUN NORTH 89°32'00" EAST ALONG  
THE NORTH LINE OF SAID 1/4 - 1/4 FOR 1,328.86 FEET TO THE  
NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF THE SOUTHWEST  
1/4 OF SAID SECTION 34; THENCE RUN SOUTH 01°45'50" WEST ALONG  
THE EAST LINE OF SAID 1/4 - 1/4 LINE FOR 1,333.63 FEET TO THE  
SOUTHEAST CORNER OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4  
OF SAID SECTION 34; THENCE RUN SOUTH 89°20'41" WEST ALONG  
THE SOUTH LINE OF SAID 1/4 - 1/4 SECTION LINE FOR 419.00 FEET;  
THENCE RUN NORTH 00°00'00" WEST FOR 450.00 FEET; THENCE RUN  
NORTH 89°27'49" WEST FOR 896.77 FEET TO THE POINT OF BEGINNING.

WHEREAS, the Goggins and Melsoni wish to grant to Moody the right of use and  
enjoyment of a portion of their above described property as more particularly set out below; and

WHEREAS, Goggins, Melsoni and Moody wish to create an easement under this  
Agreement to run with the land;

NOW THEREFORE, in consideration of the sum of One Dollars and 00/100s (\$1.00) and  
other good and valuable consideration, the receipt of which is hereby acknowledged, Goggins  
and Melsoni do hereby agree as follows:

1. Goggins and Melsoni grant to Moody, her heirs, assigns, successors, and  
successors in title a permanent nonexclusive easement for ingress and egress over  
and across the below described property:

A TRACT OF LAND SITUATED IN THE NORTHWEST 1/4 OF  
SECTION 3, TOWNSHIP 22 SOUTH, RANGE 4 WEST,

SHELBY COUNTY, ALABAMA BEING MORE  
PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE  
NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 3,  
TOWNSHIP 22 SOUTH, RANGE 4 WEST, SHELBY COUNTY,  
ALABAMA; THENCE RUN NORTH 89°20'41" EAST ALONG  
THE NORTH LINE OF SAID 1/4 - 1/4 SECTION FOR 618.38  
FEET; THENCE RUN SOUTH 01°08'02" EAST FOR 211.00  
FEET TO THE POINT OF BEGINNING; THENCE RUN  
SOUTH 01°08'02" EAST FOR 535.95 FEET TO A POINT ON  
THE NORTHERLY RIGHT-OF-WAY LINE OF COUNTY  
HIGHWAY #10; THENCE RUN NORTH 75°58'02" WEST  
ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID  
COUNTY HIGHWAY #10 FOR 15.54 FEET; THENCE RUN  
NORTH 01°08'02" WEST FOR 549.88 FEET; THENCE RUN  
NORTH 88°51'58" EAST FOR 15.00 FEET; THENCE RUN  
SOUTH 01°08'02" EAST FOR 18.00 FEET TO THE POINT OF  
BEGINNING.

SAID TRACT OF LAND CONTAINING 8,278.01 SQUARE  
FEET OR 0.19 ACRES, MORE OR LESS.

2. The right of use and enjoyment granted by Goggins, Melsoni to Moody shall not be impeded by Goggins and Melsoni in any way, except that Moody may not construct a permanent structure on the property.
3. Moody and her heirs, assigns, successors and successors in title agree to maintain the easement in a manner in keeping with its use.
4. Goggins and Melsoni agree that this easement shall run with the land and be binding upon and inure to the benefit of their heirs, successors and assigns.

IN WITNESS WHEREOF, the said Grantors execute this conveyance, has hereto set  
their signature and seal, this the 8<sup>th</sup> day of, March, 2011.

Marshall Goggins  
Marshall Goggins

Frank Melsoni  
Frank Melsoni

Donna E. Moody

Donna E. Moody

Lou Ella Moody

Sue Melsoni

STATE OF ALABAMA

Shelby County ss:

I, Clinton Justin Cox, a Notary Public in and for said county in said state, hereby certify that **Marshall Ira Goggins** whose name(s) is/are signed to the foregoing conveyance and who is/are known to me, acknowledged before me on this day that, being informed of the contents of this conveyance, he/she/they executed the same voluntarily.

WITNESS my hand and official seal in the county and state aforesaid this the 7<sup>th</sup> day of March, 2011.

My Commission Expires: MY COMMISSION EXPIRES OCTOBER 8, 2012

Clinton Justin Cox  
Notary Public

(S E A L)

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STATE OF ALABAMA

Shelby County ss:

I, Katheryn Lee, a Notary Public in and for said county in said state, hereby certify that **Frank Melsoni and Sue Melsoni** whose name(s) is/are signed to the foregoing conveyance and who is/are known to me, acknowledged before me on this day that, being informed of the contents of this conveyance, he/she/they executed the same voluntarily.

WITNESS my hand and official seal in the county and state aforesaid this the 8<sup>th</sup> day of March, 2011.

My Commission Expires:

Katheryn Lee  
Notary Public

MY COMMISSION EXPIRES JUNE 24, 2014

(S E A L)

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STATE OF ALABAMA

Shelby County ss:

I, Clinton Justin Cox, a Notary Public in and for said county in said state, hereby certify that **Lou Ella Moody** whose name(s) is/are signed to the foregoing conveyance and who is/are known to me, acknowledged before me on this day that, being informed of the contents of this conveyance, he/she/they executed the same voluntarily.

WITNESS my hand and official seal in the county and state aforesaid this the 7<sup>th</sup> day of March. 2011.

My Commission Expires:

Clinton Justin Cox  
Notary Public

(S E A L)

MY COMMISSION EXPIRES OCTOBER 8, 2012



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