

\$500 consideration

STATE OF ALABAMA
SHELBY COUNTY

EASEMENT FOR INGRESS AND EGRESS AND UTILITY RIGHT OF WAY

WHEREAS, **VIVIAN L. GARRETT** and **LEONARD KEITH GARRETT** are the owners of real property that is described as follows:

A parcel of land located in the NE 1/4 of Section 23, Township 20 South, Range 4 West, more particularly described as follows: Commence at the NE corner of said NE 1/4; thence in a Southerly direction along the Easterly line of said Section 23, a distance of 21.96 feet to the Northwesternly R/W line of County Road; thence 57 degrees 03 minutes right, in a Southwesterly direction along said R/W line, a distance of 427.88 feet to the Point of Beginning; thence continue along last described course, a distance of 188.00 feet to the beginning of a curve to the left, having a radius of 2864.72 feet; thence in a Southwesterly direction along said curve and R/W line, a distance of 194.16 feet; thence 111 degrees 12 minutes 50 seconds right from a line tangent to said curve, in a Northwesternly direction, a distance of 470.99 feet to the intersection with the North line of said NE 1/4; thence 015 degrees 10 minutes 48 seconds right in a Easterly direction along said North line, a distance of 378.00 feet; thence 76 degrees 05 minutes 50 seconds right in a Southeasterly direction a distance of 255.70 feet to the Point of Beginning.

Being the same property conveyed to Vivian Lee Fain by Warranty Deed from Robert Daniel McDonald and wife, Connie Jo McDonald, dated 11/22/89 and recorded 12/05/89 in Book 268, Page 879, in the Office of the Judge of Probate of Shelby County, Alabama.

WHEREAS, **JCD LANDS, LLC** is the owner of property which adjoins the above described property owned by **VIVIAN L. GARRETT** and **LEONARD KEITH GARRETT**, having acquired their title in that deed recorded in Instrument 20110613000174160 (known as the 30 acre plot) in the Office of the Judge of Probate of Shelby County, Alabama.

NOW THEREFORE, in Consideration of Ten Dollars and other good and valuable consideration, which includes a deed from JCD Lands, LLC to Vivian L. Garrett for that parcel of land containing 3.06 acres and which is identified in exhibit A attached hereto to the said **VIVIAN L. GARRETT** and **LEONARD KEITH GARRETT** in hand paid by **JCD LANDS, LLC**, the receipt and sufficiency of which is acknowledged, I, **VIVIAN L. GARRETT** and spouse, **LEONARD KEITH GARRETT** (hereinafter referred to as "Grantors") grant, bargain, sell and convey to **JCD LANDS, LLC** (hereinafter referred to as "Grantee") and their heirs and assigns an easement for ingress, egress and utilities and a right of way easement as is detailed and shown as follows:



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Shelby Cnty Judge of Probate, AL
09/14/2011 09:26:12 AM FILED/CERT

A 20 foot wide easement located in the NE ¼ of Section 23 and the SE ¼ of Section 14, Township 20 South, Range 4 West, more particularly described as follows:

Commence at a 3" capped pipe being the NE corner of said NE ¼; thence in a Southerly direction along the Easterly line of said Section 23, a distance of 21.96 feet to the Northwestern R/W line of County Road 93; thence 57 degrees 03 minutes right, in a Southwesterly direction along said R/W line, a distance of 615.88 feet to the beginning of a curve to the left, having a radius of 2864.72 feet; thence in a Southwesterly direction along said curve and R/W line, a distance of 194.16 feet to a 2" open top pipe being the POINT OF BEGINNING of this easement, said easement lying 20' easterly of and parallel to the following described course; thence 111 degrees 12 minutes 50 seconds right from a line tangent to said curve, in a Northwesterly direction, a distance of 470.99 feet to the intersection with the North line of said NE ¼ and the end of the western boundary of this easement, the eastern boundary of the easement continuing the last describe course another 26.52 feet to the intersection of the northwestern boundary line of Parcel I.


Said easement is one and the same property area as the parcel shown on said Exhibit A as "20 foot access Easement". It is the intention of Grantors that this easement shall be perpetual to Grantee and their assigns and the benefit of same flow to all transferees and assigns of Grantee. Said easement shall run with the land (known as the 30 acre plot) and is binding on the heirs, executors, transferees and assigns of Grantors.

There shall be restrictions which the Grantors and Grantee agree shall be binding on the Grantors and Grantee and their heirs, assigns and/or successors. These restrictions are:

1. There shall be no further subdivision of the 30 acre plot, and the easement is restricted to one single-family use only (no commercial use).
2. JCD Lands, LLC shall construct a mowable slope from the easement.
3. JCD Lands, LLC shall keep the slope from the easement planted with grass.
4. JCD Lands, LLC shall adhere to all City of Hoover and Alabama Department of Environmental Management regarding storm water that may run from any construction site.

No title opinion was requested by the parties and no title opinion is offered by the Preparer of this Easement.

This the 11 day of July, 2011.


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Shelby Cnty Judge of Probate, AL
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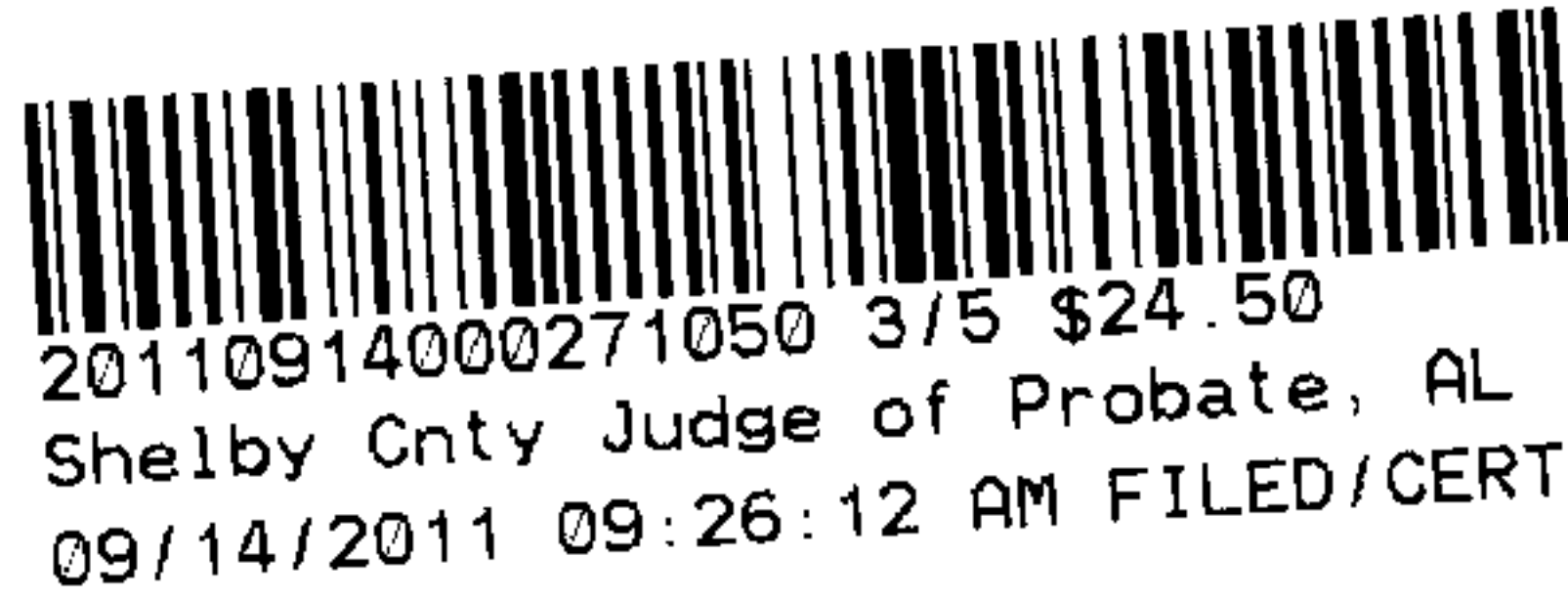
VIVIAN L. GARRETT



LEONARD KEITH GARRETT

JCD LANDS, LLC


ITS MEMBER



STATE OF ALABAMA
SHELBY COUNTY

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Vivian L. Garrett, 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 on July 11, 2011.

Rebecca S. Wallace
NOTARY PUBLIC

STATE OF ALABAMA
SHELBY COUNTY

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Leonard Keith Garrett, 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, he executed the same voluntarily on the day the same bears date.

Given under my hand and official seal on July 11, 2011.

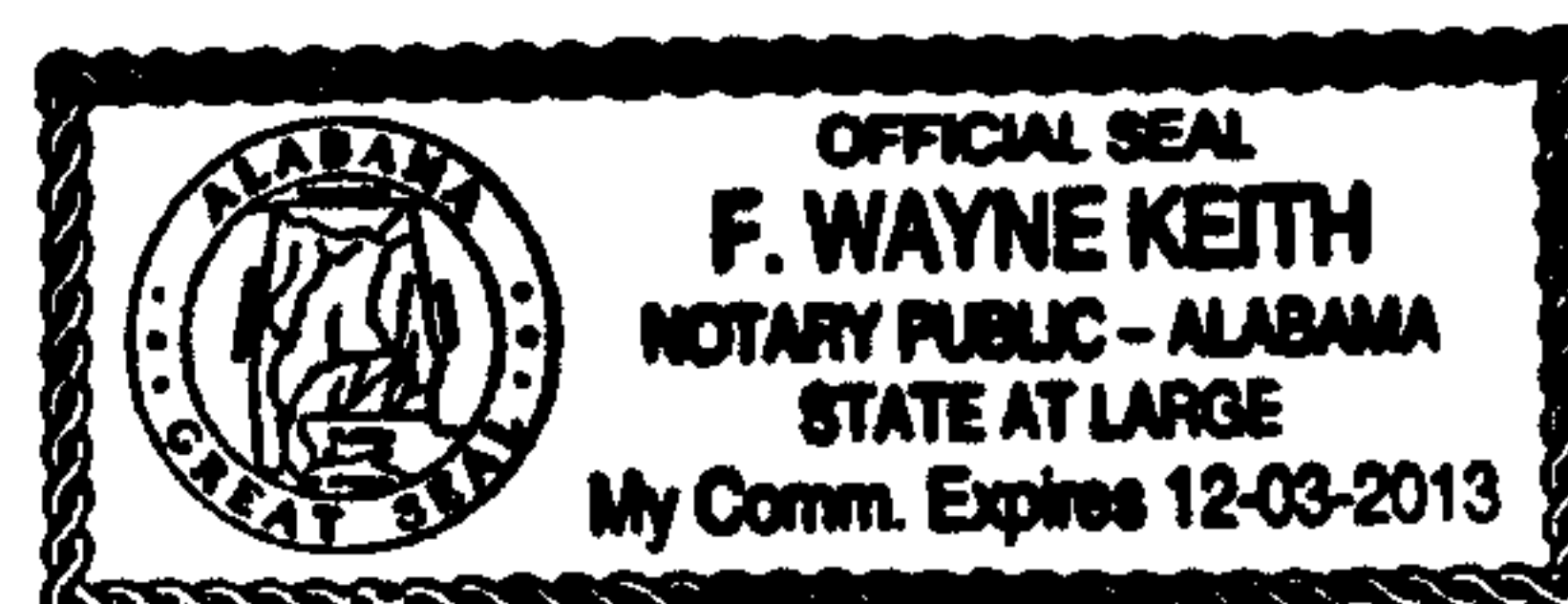
Rebecca S. Wallace
NOTARY PUBLIC

STATE OF ALABAMA
SHELBYCOUNTY

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that J. R. Adams, whose name as Member of JCD Lands, LLC 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 by Resolution of JCD Lands, LLC executed the same voluntarily and as the act of JCD Lands, LLC on the day the same bears date.

Given under my hand and official seal on July 11th, 2011.

[Signature]
NOTARY PUBLIC



Consent of Lien Holder

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Shelby Cnty Judge of Probate, AL
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Mortgage Electronic Registration Systems, Inc. ("Lien Holder"), is the current holder of a Mortgage dated May 7, 2009 as recorded as in Instrument No.20090514000182050 in Official Records of Shelby County, Alabama hereby consents to the grant of the foregoing **Ingress/Egress/Utility Easement** dated July 11, 2011, by Vivian L. Garrett and Leonard Keith Garrett to JCD Lands, L.L.C and joins in the execution hereof solely as Lien Holder and hereby does agree that in the event of the foreclosure of said mortgage, or other sale of said property described in said mortgage under judicial or non-judicial proceedings, the same shall be sold subject to said **Ingress/Egress/Utility Easement for said property**:

A parcel of land located in the NE ¼ of Section 23, Township 20 South, Range 4 West, more particularly described as follows: Commence at the NE corner of said NE ¼ ; thence in a Southerly direction along the Easterly line of said Section 23, a distance of 21.96 feet to the Northwesterly R/W line of County Road; thence 57 degrees 03 minutes right, in a Southwesterly direction along said R/W line, a distance of 427.88 feet to the Point of Beginning; thence continue along last described course, a distance of 188.00 feet to the beginning of a curve to the left, having a radius of 2864.72 feet; thence in a Southwesterly direction along said curve and R/W line, a distance of 194.16 feet; thence 1111 degrees 12 minutes 50 seconds right from a line tangent to said curve, in a Northwesterly direction, a distance of 470.99 feet to the intersection with the North line of said NE 1/4; thence 015 degrees 10 minutes 48 seconds right in a Easterly direction along said North line, a distance of 378.00 feet; thence 76 degrees 05 minutes 50 seconds right in a Southeasterly direction a distance of 255.70 feet to the Point of Beginning.

SIGNED AND EXECUTED this 31 day of August 2011.

Mortgage Electronic Registration Systems, Inc.

Lorna L. Slaughter

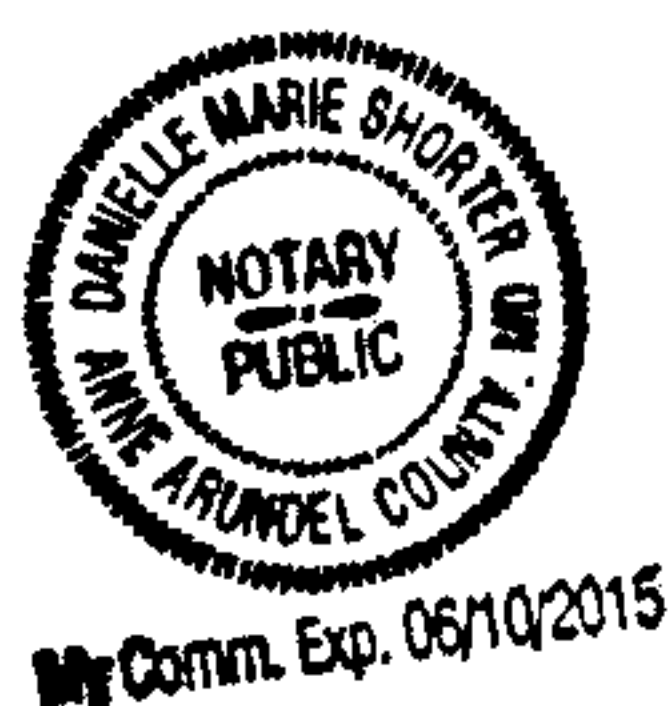
By: Lorna L. Slaughter, Vice President

STATE of Maryland

COUNTY of Frederick

BEFORE ME, the undersigned authority, on this day personally appeared Lorna L. Slaughter, Vice President, of Mortgage Electronic Registration Systems, Inc. known to me to be the person and Officer whose name is subscribed to the foregoing instrument and who acknowledged to me that he/she executed the same for the purposes and consideration therein expressed, in the capacity therein stated, as the act and deed of said Corporation.


GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 31 day of August 2011.



Danielle Marie Shorter
Notary Public State of Maryland
Danielle Marie Shorter
My commission expires: 6-10-2015

THIS INSTRUMENT PREPARED BY:

**F. Wayne Keith, Attorney
15 Southlake Lane, Suite 150
Birmingham, Alabama 35244**


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Shelby County, AL 09/14/2011
State of Alabama
Deed Tax: \$.50