


STATE OF ALABAMA      )

COUNTY OF SHELBY      )

**AGREEMENT**

  
20121102000421870 1/4 \$23.00  
Shelby Cnty Judge of Probate, AL  
11/02/2012 01:41:48 PM FILED/CERT

This agreement made this 30 day of October, 2012, by and between EUGENE D. SHANKS, DEBORAH Z. SHANKS, MARK HENDERSON and KELLY E. HENDERSON, hereinafter collectively referred to as "Owners" and WILLIAM HOMER MCNEILL, II and CATHERINE A. MCNEILL, hereinafter collectively referred to as "McNeill".

WHEREAS, the Owners are the owners of that certain parcel of real estate as described in that certain survey dated August 26, 2005, described as Job Number 05609 by Rodney Shiflett Surveying, a copy of which is attached hereto and made a part hereof as Exhibit "A"; and

WHEREAS, McNeill are the owners of that certain real property lying adjacent to the North of said property described in said survey;

WHEREAS, the attached survey shows an existing encroachment of certain improvements, including decking and overhang extending from the property owned by the Owners onto and over the McNeill's property;

WHEREAS, the Owners have requested that McNeill permit and allow them to continue such encroachment with the understanding that the Owners acknowledge that said improvements do encroach onto the property owned by McNeill and that the Owners do not make any claim as to any interest in the property owned by McNeill; and

WHEREAS, with the understanding that the improvements be allowed to remain in the present location for so long as the improvements, as encroaching, are maintained in their present location and for so long as one of the conditions outlined below are not surpassed.

NOW THEREFOR, for good and valuable consideration McNeill does hereby grant to Owners, their successors and assigns, that certain easement and right to locate and maintain improvements as may encroach upon the property of McNeill, as shown on the survey attached as Exhibit "A" hereto.

To have and to hold unto the said Owners, their heirs and assigns, the location of said encroaching improvements.

This right of way, easement and rights as granted herein is granted upon the condition that the said encroaching improvements shall be totally removed and all rights

granted hereunder shall cease if, and in the event, the encroaching improvements are ever removed, or if the dwelling to which the encroaching improvements are attached shall ever be moved, damaged to an extent exceeding fifty percent (50%) of the value of said dwelling.

Done this 24<sup>th</sup> day of October, 2012.

Eugene D. Shanks  
EUGENE D. SHANKS

Deborah Z. Shanks  
DEBORAH Z. SHANKS

Mark Henderson  
MARK HENDERSON

Kelly E. Henderson  
KELLY E. HENDERSON

William Homer McNeill, II  
WILLIAM HOMER MCNEILL, II

Catherine A. McNeill  
CATHERINE A. MCNEILL

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STATE OF Alabama  
COUNTY OF Baldwin

I, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that EUGENE D. SHANKS and DEBORAH Z. SHANKS, 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 said conveyance, they each have executed the same voluntarily on the day the same bears date.

Given under my hand and seal this the 24<sup>th</sup> day of October, 2012.

Faye Stensen  
NOTARY PUBLIC  
My Commission Expires:

NOTARY PUBLIC STATE OF ALABAMA AT LARGE  
MY COMMISSION EXPIRES: 11-17-2012  
BONDED THRU NOTARY PUBLIC UNDERWRITERS



STATE OF Alabama  
COUNTY OF Baldwin

I, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that MARK HENDERSON and KELLY E. HENDERSON, 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 said conveyance, they each have executed the same voluntarily on the day the same bears date.

Given under my hand and seal this the 30 day of October, 2012.

Crystal R. Wing  
NOTARY PUBLIC  
My Commission Expires: 5-18-2013

STATE OF Alabama  
COUNTY OF Montgomery

I, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that WILLIAM HOMER MCNEILL, II and CATHERINE A. MCNEILL, 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 said conveyance, they each have executed the same voluntarily on the day the same bears date.


Given under my hand and seal this the 12<sup>th</sup> day of October, 2012.

Carolyn H. Overman  
NOTARY PUBLIC  
My Commission Expires: January 7, 2013

THIS INSTRUMENT PREPARED WITHOUT THE BENEFIT OF A TITLE SEARCH

This Instrument Prepared by:

G. David Chapman III, P.C.  
Attorney at Law  
Post Office Box 1508  
Gulf Shores, Alabama 36547  
File #07.5303

  
20121102000421870 3/4 \$23.00  
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LAY LAKE

LINE TABLE		
LINE	LENGTH	BEARING
L1	13.52 (M)	S22°35'51"E
L2	46.30 (M) 46.50 (D)	S11°59'34"E
L3	31.88 (D)	S03°33'58"E

STATE OF ALABAMA  
SHELBY COUNTY

I, Rodney Y. Shiflett, a Registered Professional Land Surveyor in the State of Alabama do hereby certify that this is a true and correct plat of my survey as shown hereon. That there are no visible encroachments of any kind upon the subject lot except as shown hereon, excluding utility service lines, wires or pipes that serve the subject lot only that are within dedicated easements or rights of way. That steel corners have been found or installed at all lot corners. I further certify that this survey and this plat meet the minimum technical standards for the practice of land surveying in the State of Alabama, the correct legal description being as follows:

Commence at the NW Corner of Section 35, Township 24 North, Range 15 East, Shelby County, Alabama; thence N90°00'00"E, a distance of 776.85; thence S00°00'00"E, a distance of 269.29' to the POINT OF BEGINNING; thence S22°35'51"E, a distance of 13.52'; thence S11°59'34"E, a distance of 46.30'; thence S03°33'58"E, a distance of 31.88'; thence S90°00'00"W, a distance of 383.97'; thence N34°33'39"W, a distance of 108.79'; thence N89°59'58"E, a distance of 428.88' to the POINT OF BEGINNING.

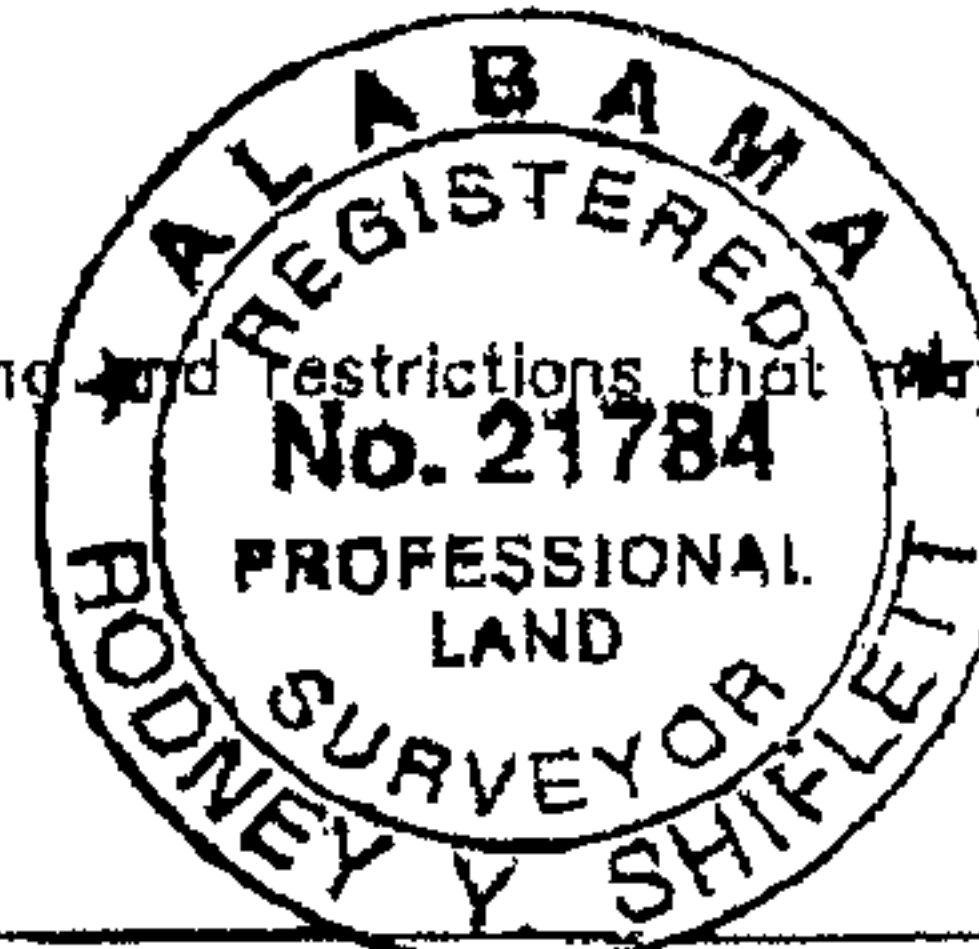
Said Parcel containing 0.84 acres, plus or minus.

NOTE:

This Parcel shown and described herein may be subject to setbacks, easements, zoning and restrictions that may be found in the Probate Office of said County.

According to my survey of August 26, 2005

Rodney Y. Shiflett  
Al. Reg. #21784



LEGEND

- IRON PIN SET
- IRON PIN FOUND
- ROW RIGHT-OF-WAY
- CENTER LINE
- UTILITY POLE
- OVERHEAD UTILITIES
- (M) FIELD MEASURED
- (P) PLAT/RECORDED MAP

JOB NO. 05609  
ADDRESS \_\_\_\_\_  
DATE 8/26/05 SCALE 1" = 60'  
DRAWN BY H. LETTS CHECK BY R.Y.S.

RODNEY SHIFLETT SURVEYING

P.O. BOX 204  
COLUMBIA, ALABAMA 35051  
TEL. 205-669-1205 FAX. 205-669-1298