

ENCROACHMENT AGREEMENT

27th **THIS ENCROACHMENT AGREEMENT** (this "Agreement") is entered into as of August 27th, 2013 by and among SARAH JUSTUS AMANN ("Amann") and KATE KIEFER ("Kiefer").

WITNESSETH

- A. Kiefer is the owner of real property located in Shelby County, Alabama as described on Exhibit "A" which is attached hereto and incorporated herein (hereinafter referred to as the "Kiefer Property").
- B. Amann is the owner of real property commonly known as 1080 Pine Valley Drive and described on Exhibit "B" which is attached hereto and incorporated herein (hereinafter referred to as the "Amann Property").
- C. The Kiefer Property and the Amann Property share a common boundary as shown on the drawing attached on Exhibit "C" hereto and incorporated herein (hereinafter referred to the "Survey").
- D. The Survey discloses a fence between the Kiefer Property and the Amann Property inside the Amann Property. The fence belongs to Kiefer and encroaches onto the Amann Property (hereinafter referred to as the "Fence").
- E. Kiefer and Amann have agreed to allow the Fence to remain in the current location pursuant to the terms of this Agreement.

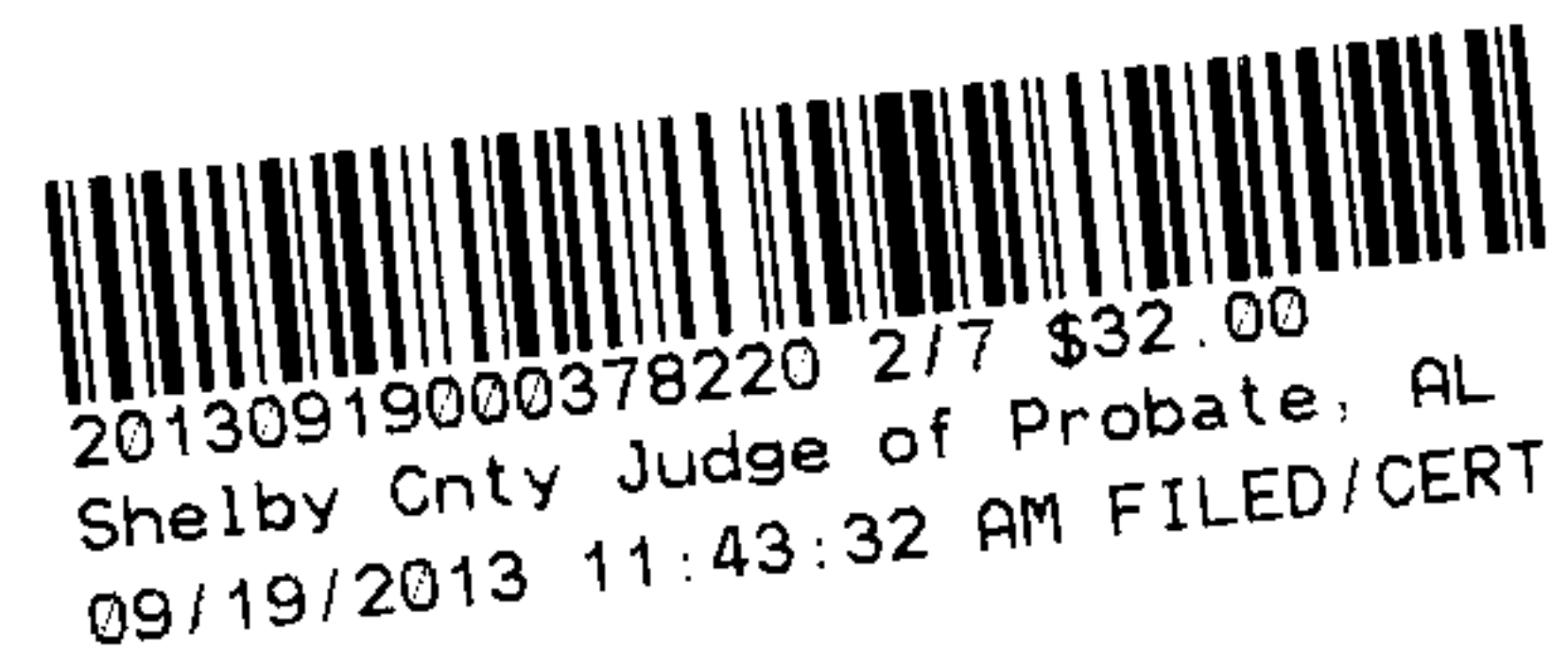
NOW THEREFORE, in consideration of Amann allowing the Fence to remain on the Amann Property, Kiefer hereby covenants, agrees, represents and warrants as follows:

1. Amann hereby grants to Kiefer permission for the Fence to remain in its current location for as long as it shall stand in good condition. If the Fence is in need of inspection, and/or repair, Amann expressly grants Kiefer a limited license to enter the Amann Property to inspect and/or repair the Fence.
2. Kiefer hereby expressly understands and agrees that the Fence encroaches upon the Amann Property and that the Fence may remain pursuant to the terms of this Agreement and so long as it shall stand in good condition. If the Fence needs to be inspected and/or repaired, Kiefer has only a limited license to enter the Amann Property for such inspections and/or repairs. In addition, Kiefer agrees to remove the Fence within forty five (45) days of request by Amann.

3. If Kiefer, her heirs, successors and/or assigns desires to remove and replace the Fence or Amann requests that the Fence be removed from the Amann Property, Amann, her heirs, successors and/or assigns expressly grants a license to Kiefer, her heirs, successors and/or assigns to enter the Amann Property to remove same, upon the express condition, that Kiefer shall upon replacement move the location of the Fence back to the division line between their respective properties, as shown on the Survey, and remove all parts of the Fence from the Amann Property.

4. The parties agree to record this agreement in the Office of the Judge of Probate of Shelby County, Alabama in order to memorialize of record the understanding between the parties. Upon removal and relocation of the Fence, the parties agree to record a Termination of Encroachment Agreement to remove this agreement of record.

[signatures on following pages]



IN WITNESS WHEREOF, the parties have duly executed this agreement the day and year first above written.

KIEFER:

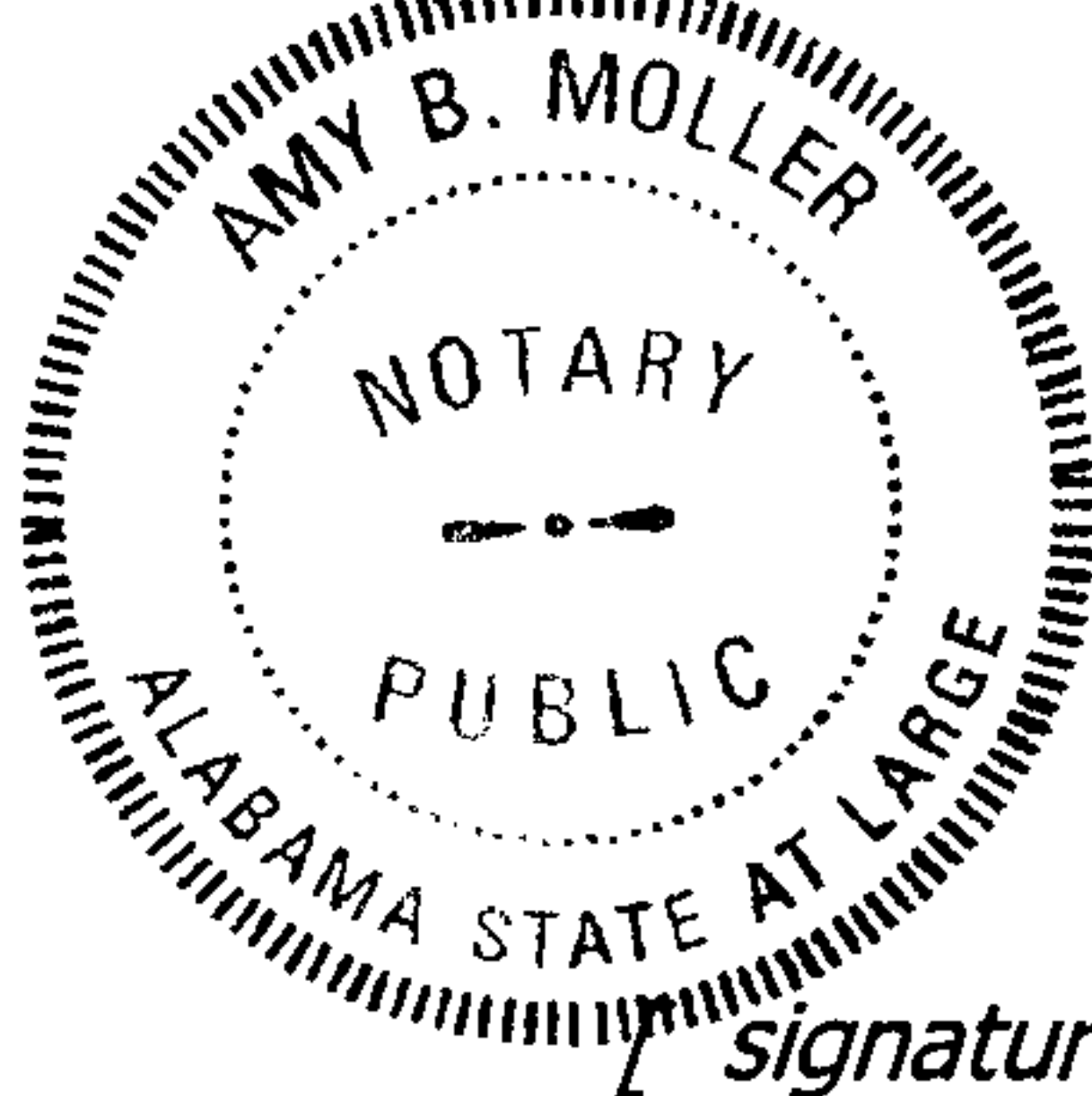
Kate Kiefer
KATE KIEFER

STATE OF ALABAMA

COUNTY OF Jefferson

I, the undersigned, a Notary Public in and for said County in said State, do hereby certify that KATE KIEFER whose name is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that, being informed of the contents of said instrument, she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 22 day of August, 2013.



Amy B. Moller
Notary Public
My Commission Expires: 12/12/15

[signatures continued on following page]


20130919000378220 3/7 \$32.00
Shelby Cnty Judge of Probate: AL
09/19/2013 11:43:32 AM FILED/CERT

AMANN:

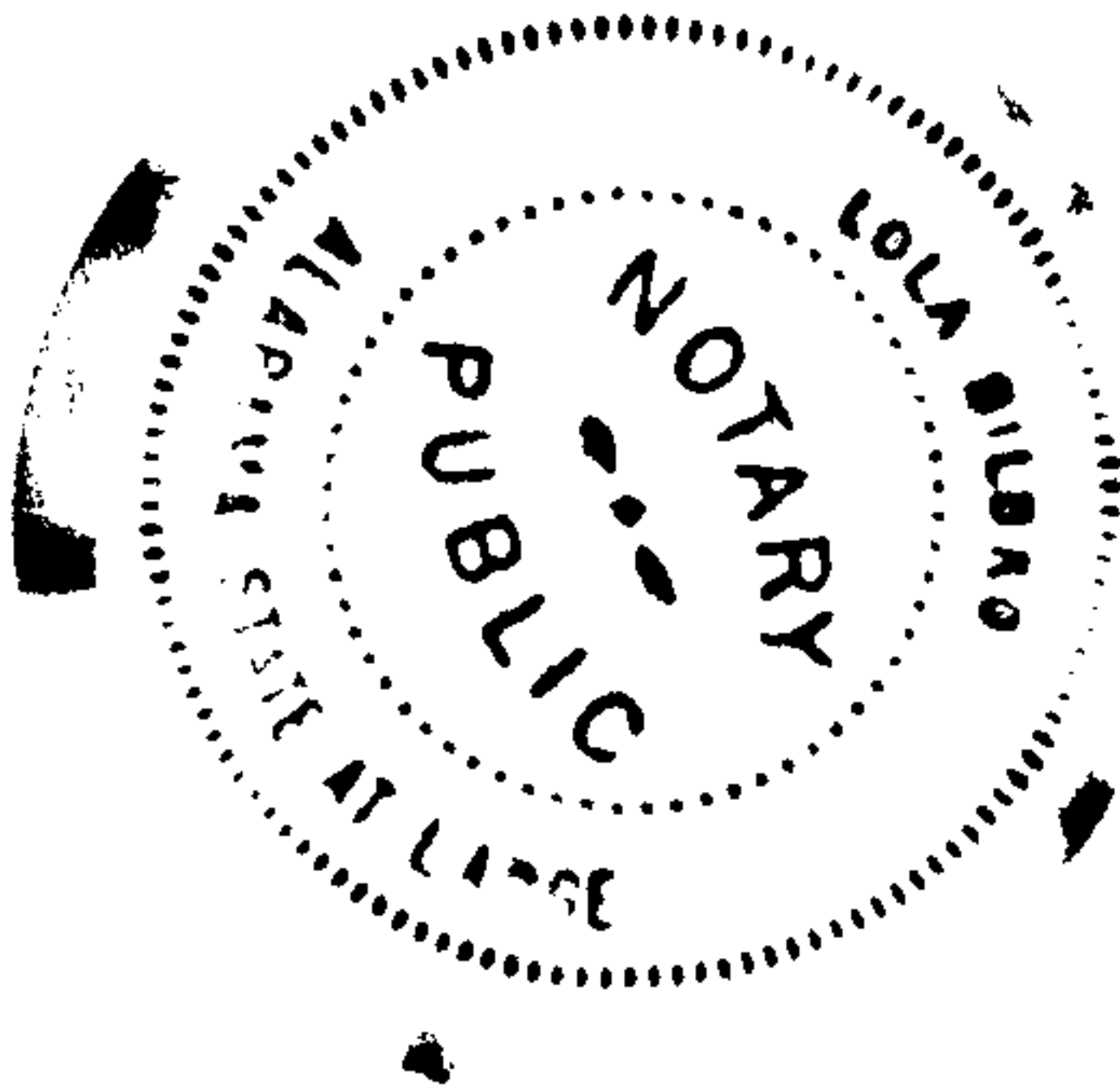
Sarah Justus Amann
SARAH JUSTUS AMANN

STATE OF ALABAMA

COUNTY OF Jefferson

I, the undersigned, a Notary Public in and for said County in said State, do hereby certify that SARAH JUSTUS AMANN whose name is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that, being informed of the contents of said instrument, she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 11th day of September, 2013.



Lola Billro
Notary Public
My Commission Expires: 9-19-16

NOTARY PUBLIC STATE OF ALABAMA AT LARGE
MY COMMISSION EXPIRES: Sept 19, 2016
BONDED THRU NOTARY PUBLIC UNDERWRITERS


20130919000378220 4/7 \$32.00
Shelby Cnty Judge of Probate, AL
09/19/2013 11:43:32 AM FILED/CERT

Exhibit "A"
Kiefer Property

The South ½ of the SE ¼ of the NW ¼ of Section 6, Township 24, Range 14 East, Shelby County, Alabama, lying West of Wally Watson Road.

As reflected on deed recorded in Instrument 2000-12604 in the Office of the Judge of Probate of Shelby County, Alabama.

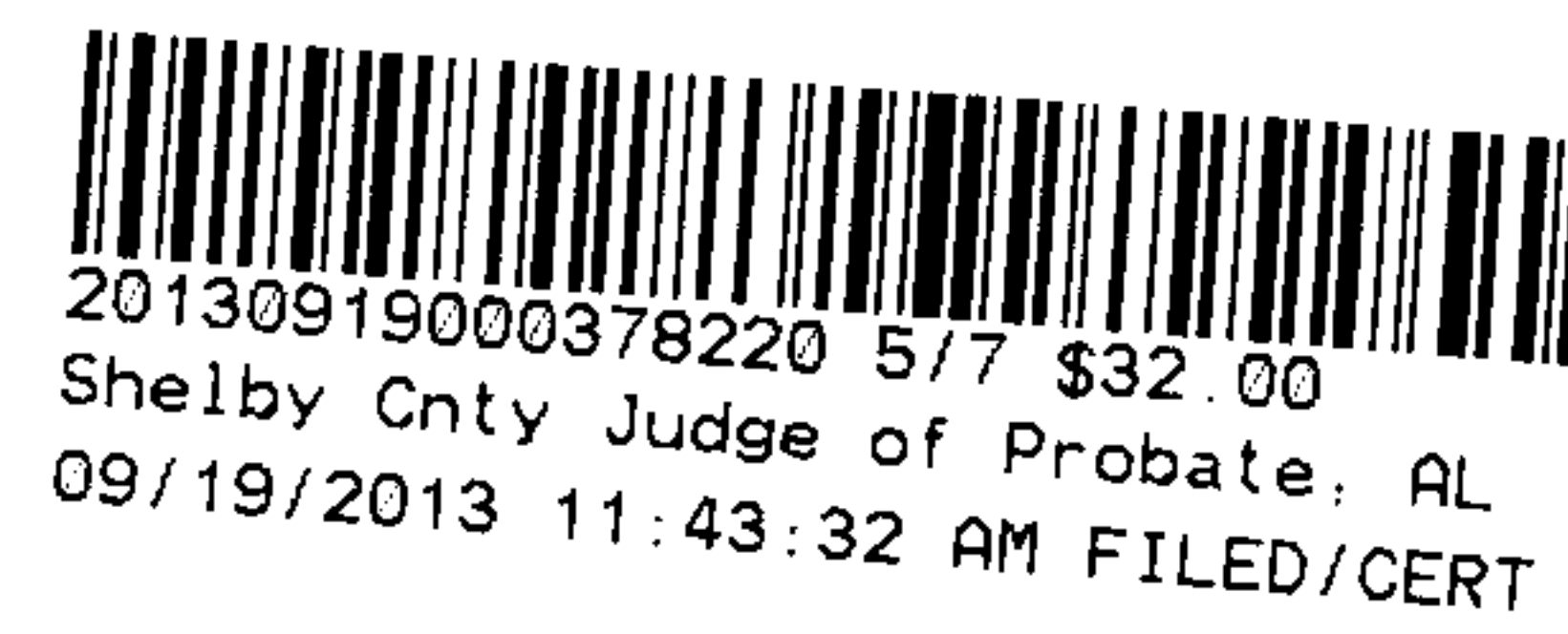
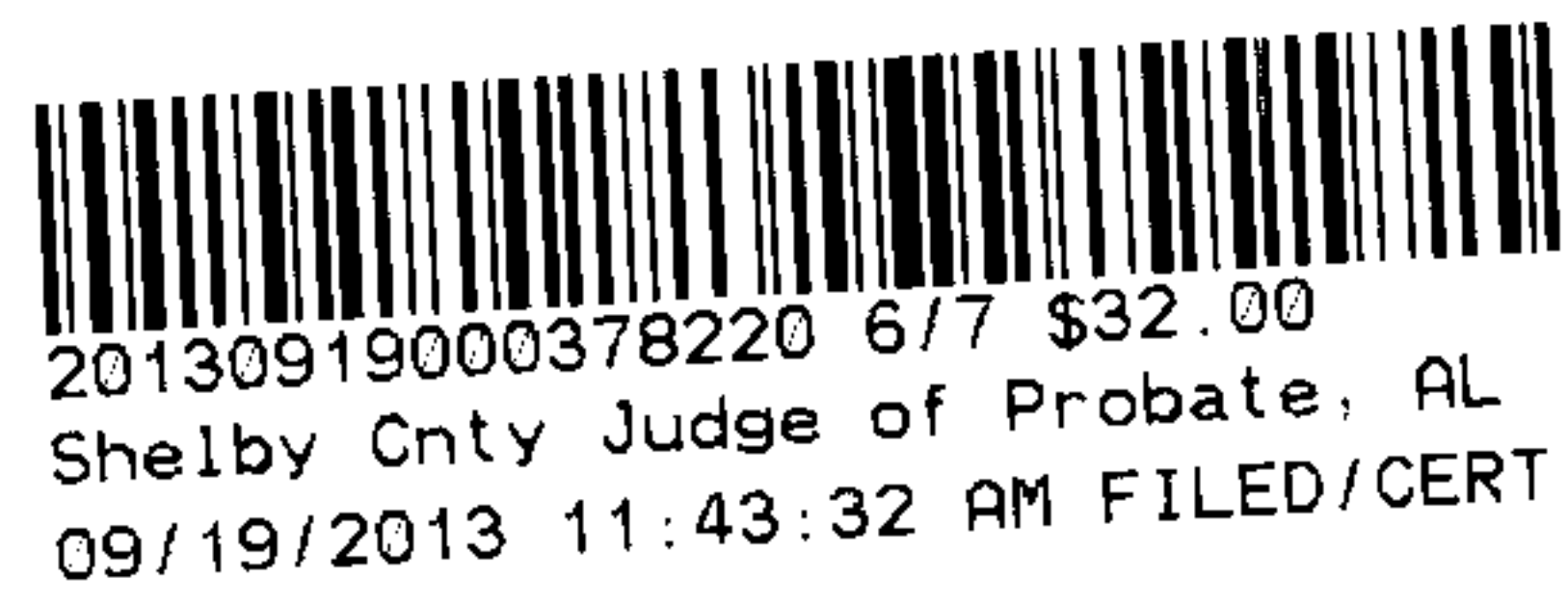
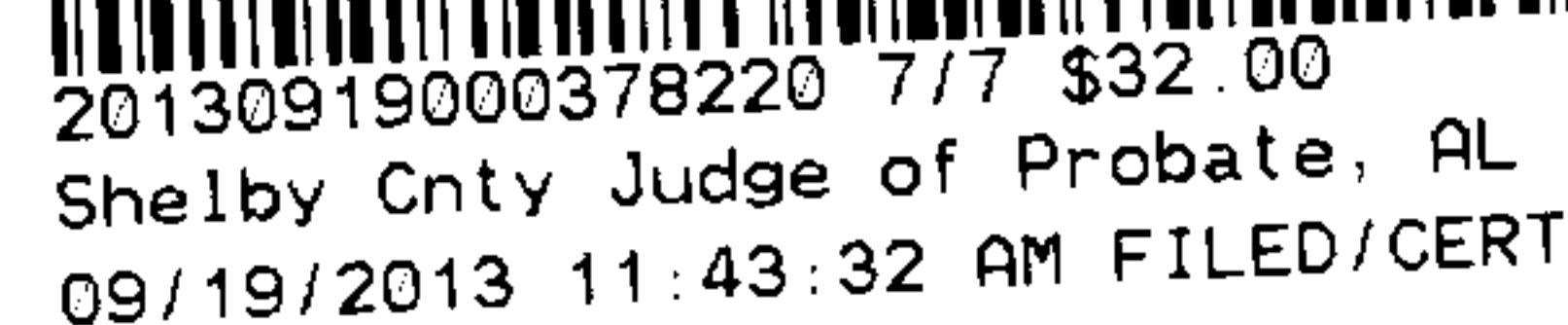


Exhibit "B"
Amann Property

Lot 236, according to the survey of the Reserve at Timberline Phase 3, as recorded in Map Volume 38, page 53 in the Office of the Judge of Probate of Shelby County, Alabama.

As reflected on deed recorded in Instrument 20130820000339280 in the Office of the Judge of Probate of Shelby County, Alabama.





Lot 236 Plat Map Details:

- Adjacent Lots:** LOT 237 to the west, LOT 235 to the east.
- Property Owners:** Kiefer Property (north), Amann Property (center).
- Setbacks and Easements:**
 - North: 30' EASEMENT, 4' INSIDE PL. (Electric Fence).
 - West: 20' SETBACK, 8' EASEMENT.
 - South: 20' SETBACK, 8' EASEMENT.
 - East: 1.4' INSIDE PL. (Electric Fence).
- Dimensions:**
 - North Boundary: 50.00'
 - West Boundary: 170.08'
 - East Boundary: 170.14'
 - South Boundary: 50.00'
 - Building Footprint: 5.5' (West), 5.6' (East), 21.5' (South).
 - Setback from South Boundary: 5.2' (West), 5.2' (East).
- Structures and Features:**
 - ONE STORY BRICK & SIDING (hatched area).
 - TACK IN BOX (small rectangle on the south boundary).
 - SET IRON (CAPPED "AE") at the north and south corners.
 - FOUND IRON (CAPPED "CARR") at the north corner.
 - FOUND 12' CROSS and FOUND 11.6' CROSS at the south boundary.
- Street:** PINE VALLEY DRIVE, 50' R.O.W. (Right of Way).

SCALE: 1" = 40'



LEGEND									
• DEGREE	N	NORTH	E	EAST	L	ARC LENGTH		UTILITY LINE	
' FEET OR MINUTES	S	SOUTH	W	WEST	R	RADIUS		CHAIN LINK FENCE	
" INCHES OR SECONDS	P.O.B.	POINT OF BEGINNING			F	FIRE HYDRANT		WOODEN FENCE	
○ FOUND OR SET IRON	R.O.W.	RIGHT OF WAY			U	UTILITY POLE		CONCRETE	
⊗ GAS METER	C/L	CENTER LINE			J	JUNCTION BOX			

NOTES:

1. NO TITLE SEARCH OF THE PUBLIC RECORDS HAS BEEN PERFORMED BY THIS FIRM AND LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR EASEMENTS AND/OR RIGHTS-OF-WAYS, RECORDED OR UNRECORDED. THE PARCEL SHOWN HEREON IS SUBJECT TO SETBACKS, EASEMENTS, ZONING AND RESTRICTIONS THAT MAY BE FOUND IN THE PUBLIC RECORDS OF SAID COUNTY.
2. ALL BEARING AND/OR ANGLE, AND DISTANCES ARE DEED AND ACTUAL UNLESS OTHERWISE NOTED: DEED=(D); ACTUAL=(A); PLAT=(P).
3. UNDERGROUND PORTIONS OF FOUNDATIONS, FOOTINGS, OR OTHER UNDERGROUND STRUCTURES WERE NOT LOCATED UNLESS OTHERWISE NOTED.
4. THIS SURVEY IS VALID ONLY WITH AN ORIGINAL SIGNATURE AND A LEGIBLE SEAL.
5. BEARING REFERENCE IS BASED ON RECORDED PLAT AND SOURCE OF INFORMATION IS RECORDED PLAT AND FIELD EVIDENCE.
6. TYPE OF SURVEY: CLOSING OR LOAN SURVEY



I, Jeff D. Arrington, a registered Land Surveyor, certify that I have surveyed Lot 236, according to the survey of THE RESERVE AT TIMBERLINE PHASE 3, as recorded in Map Volume 38, Page 53, in the office of the Judge of Probate Shelby County, Alabama; That all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Surveying in the State of Alabama to the best of my knowledge, information and belief; That there are no encroachments on said lot except as shown; That improvements are located as shown above. No Flood Zone Determination was requested or performed as part of this survey.

Address: 1080 PINE VALLEY DRIVE
Drawing Date: 07-26-2013
Date of Survey: 07-15-2013 By: MA
Order No. 52415 Field Book: ---
For: AMANN

Jeff D. Arrington, AL Reg. #18664
Arrington Engineering & Land Surveying, Inc.
2032 Valleydale Road, Birmingham, AL 35244
Phone: (205) 985-9315 (Fax 205-985-9385)