


1500.00

STATE OF ALABAMA)
SHELBY COUNTY)


20150819000289410 1/11 \$44.50
Shelby Cnty Judge of Probate, AL
08/19/2015 02:49:59 PM FILED/CERT

GRANT OF EASEMENT

This Grant of Easement (Instrument) is made this 10 day of August, 2015 by Highway 41 Development, Inc. (the HOA) in favor of Forty Three Investments, LLC (Forty Three), Shephard Gap Associates, an Alabama General Partnership (SG), Sidney W. Smyer, III (Sid).

Whereas, Forty Three is the owner of that certain real property located in Shelby County, Alabama more particularly described on Exhibit A attached hereto and incorporated by reference herein (the Forty Three Property); and,

Whereas, SG is the owner of that certain real property located in Shelby County, Alabama more particularly described on Exhibit B attached hereto and incorporated by reference herein (the SG Property); and,

Whereas, Sid is the owner of that certain real property located in Shelby County, Alabama more particularly described on Exhibit C attached hereto and incorporated by reference herein (Sid's Property); and,

Whereas, the HOA is the owner of that certain real property located in Shelby County, Alabama more particularly described on Exhibit D attached hereto and incorporated by reference herein (the HOA Property); and,

Whereas, pursuant to Covenants & Grants of Easement recorded in Instrument Number 20140612000178900, Office of the Judge of Probate, Shelby County, Alabama (the Covenants) certain restrictions are imposed on the Property as that term is defined in the Covenants; and,

Whereas, all defined terms in this Instrument shall have the same meaning as those defined terms in the Covenants; and,

Whereas, the HOA intended, but failed to provide an easement to benefit the Property and this Instrument is intended to cure that failure.

Now, therefore, in consideration of the premises, and for other good and valuable considerations, the receipt and sufficiency of which is hereby acknowledged, the HOA does hereby: grant, bargain, sell, and convey unto the Service Providers (as defined in the Covenants), Forty Three, and the Forty Three Property, and Sid's property, Sid and SG and the SG Property (Grantees) a sixty foot wide perpetual, nonexclusive easement for vehicular and pedestrian ingress and egress and for drainage and utilities over, across, and under as necessary the HOA Property as described on Exhibit E attached hereto and incorporated by reference herein.

The cost of maintenance of the Road and Gate and Common Facilities (as defined in the Covenants) shall be done as provided for in the Covenants.

TO HAVE AND TO HOLD, to the forgoing Grantees, and the successors and assigns of said Grantees forever.

Sidney W. Smyer, III is president of the HOA. Randall H. Goggans, Holly H. Goggans, and Sidney W. Smyer, III are all of the directors of the HOA.

Done this 10 day of August, 2015.

Highway 41 Development, Inc. (Signatures and Acknowledgements appear on following pages)

Shelby County, AL 08/19/2015
State of Alabama
Deed Tax: \$.50

Highway 41 Development, Inc.

By: Sidney W. Smyer, III
Its: President and Director




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STATE OF ALABAMA)
COUNTY)

LLC ACKNOWLEDGMENT

I, the undersigned, a Notary Public, in and for said County in said State, hereby certify that Sidney W. Smyer, III as President and Director of Highway 41 Development, Inc., 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 this instrument, he, in their capacity as such member, executed the same voluntarily, for and as the act of said limited liability company.

Given under my hand and official seal this 6 day of August, 2015.


Notary Public

My Commission Expires: 11-17-16

Highway 41 Development, Inc.

By: Randall H. Goggans

Its: Director



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STATE OF ALABAMA)
 COUNTY)

LLC ACKNOWLEDGMENT

I, the undersigned, a Notary Public, in and for said County in said State, hereby certify that Randall H. Goggans as Director of Highway 41 Development, Inc., 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 this instrument, he, in their capacity as such member, executed the same voluntarily, for and as the act of said limited liability company.

Given under my hand and official seal this 10 day of AUGUST, 2015.

[Signature]
Notary Public

My Commission Expires: 3.1.16

Highway 41 Development, Inc.

By: Holly H. Goggans
Its: Director

Holly H. Goggans



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STATE OF ALABAMA)
COUNTY)

LLC ACKNOWLEDGMENT

I, the undersigned, a Notary Public, in and for said County in said State, hereby certify that Holly H. Goggans as Director of Highway 41 Development, Inc., 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 this instrument, he, in their capacity as such member, executed the same voluntarily, for and as the act of said limited liability company.

Given under my hand and official seal this 10 day of August, 2015.

[Signature]
Notary Public

My Commission Expires: 10.1.15

EXHIBIT A



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STATE: ALABAMA

COUNTY: SHELBY

I, CHARLES R. HATCHER, A REGISTERED LAND SURVEYOR IN THE STATE OF ALABAMA, DO HEREBY CERTIFY THAT ALL PARTS OF THIS SURVEY AND DRAWING HAVE BEEN COMPLETED IN ACCORDANCE WITH THE CURRENT REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN THE STATE OF ALABAMA TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF.

THIS IS A SURVEY FOR 2 TRACTS OF LAND SITUATED IN SECTION 13, TOWNSHIP 18 SOUTH, RANGE 1 WEST AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TRACT # 1

BEGIN AT THE SOUTHWEST CORNER OF SECTION 13, TOWNSHIP 18 SOUTH, RANGE 1 WEST AND RUN ALONG THE SOUTH LINE OF SAID SECTION N 88 29'32" E 2643.22 FT. TO THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION; THENCE RUN ALONG THE SOUTH LINE OF SAID QUARTER N 88 21'32" E 84.90 FT. TO THE NORTHERLY RIGHT-OF-WAY (80 FT.) OF SHELBY COUNTY ROAD 41; SAID POINT BEING ON A CURVE TO THE RIGHT HAVING A DELTA OF 05 58' 15" AND A RADIUS OF 3047.16 FT.; THENCE RUN ALONG THE ARC OF SAID CURVE 317.55 FT. (CHORD BEARING = N 50 28'29" E, CHORD = 317.41 FT.); THENCE LEAVING SAID RIGHT-OF-WAY RUN N 02 20'04" W 294.90 FT.; THENCE RUN N 02 09'27" W 466.01 FT.; THENCE RUN N 02 11'44" W 189.02 FT.; THENCE RUN N 02 19'43" W 420.79 FT.; THENCE RUN N 01 17'23" W 291.89 FT.; THENCE RUN N 89 41'56" W 270.50 FT. TO THE EAST LINE OF THE SOUTHWEST QUARTER; THENCE RUN N 00 16'48" W 791.39 FT. TO THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER; THENCE RUN ALONG THE EAST LINE OF SAID QUARTER N 00 05'29" W 873.20 FT.; THENCE RUN S 89 09'50" W 478.88 FT.; THENCE RUN S 56 11'57" W 1400.00 FT.; THENCE RUN S 19 11'24" W 78.43 FT.; THENCE RUN S 34 56'17" W 1697.27 FT. TO THE WEST LINE OF SAID SECTION 13; THENCE RUN ALONG SAID WEST LINE S 00 10'44" E 1350.20 FT. TO THE POINT OF BEGINNING.

ITE PAINTE

CAPPED RI

B S

N ROCK PIL

VG 1/2" RE

EXHIBIT B

SHEPHARD GAP LEGAL

The East half of the Southeast Quarter of Section 14, Township 18 South, Range 1 West, situated in Shelby County, Alabama.




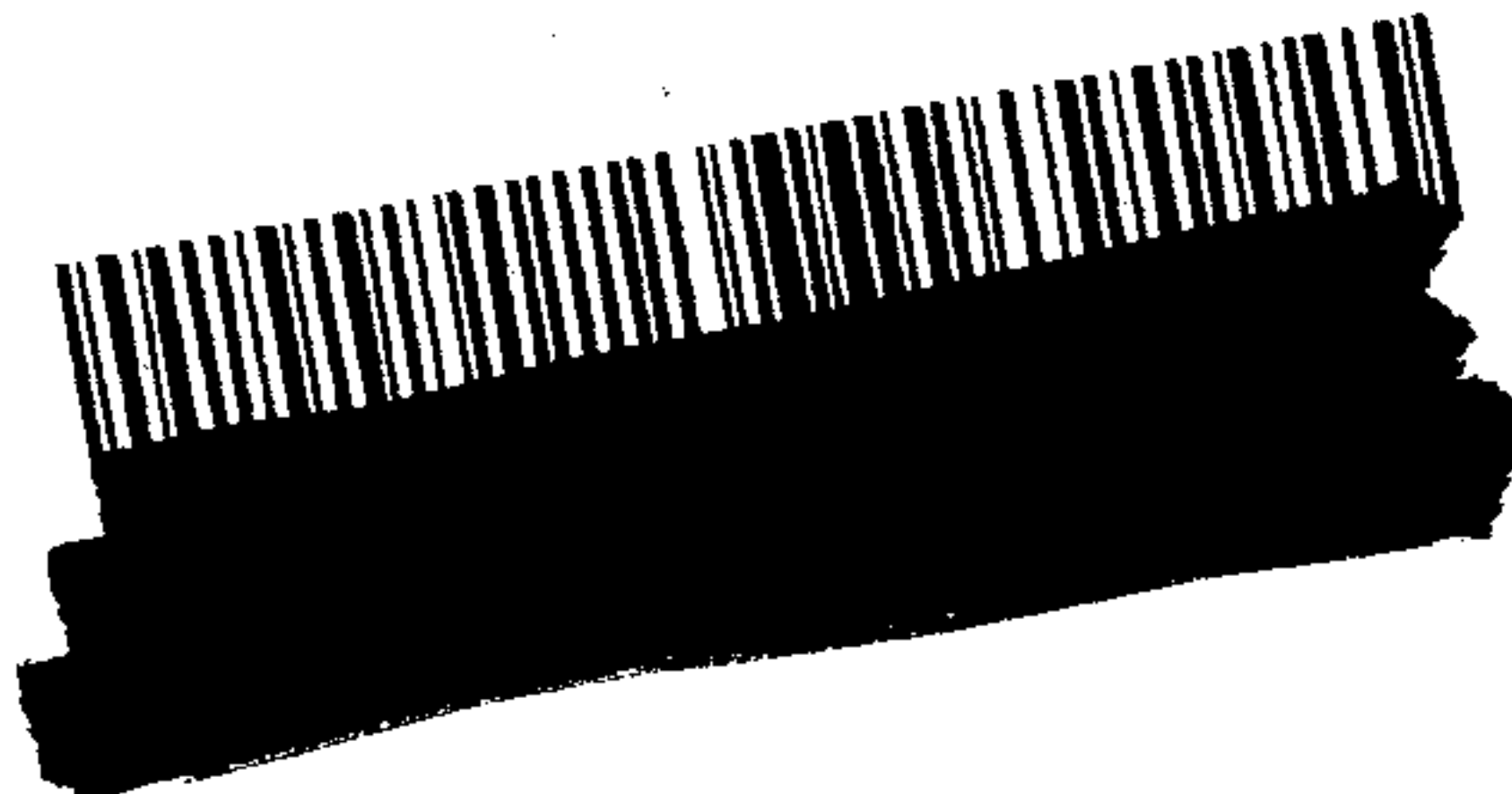
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~~SHIRLEY PROPERTY~~

A parcel of land situated in the NW ¼ of Section 13, Township 18 South, Range 1 West, Shelby County, Alabama, and being more particularly described as follows:

Begin at the NW corner of above said Section, Township and Range, said point being the point of beginning; thence S 00 degrees, 16' 47" E, a distance of 2499.28 feet; thence N 36 degrees 39' 58" E, a distance of 57.63 feet; thence N 50 degrees 08' 47" E, a distance of 228.78 feet; thence N 48 degrees 54' 15" E, a distance of 368.30 feet; thence N 38 degrees 49' 44" E, a distance of 508.85 feet; thence N 33 degrees 37' 54" E, a distance of 358.48 feet; thence N 30 degrees 53' 43" E, a distance of 451.63 feet; thence N 16 degrees 40' 46" E, a distance of 221.04 feet; thence N 01 degrees 03' 06" W, a distance of 148.32 feet; thence N 07 degrees 57' 06" E, a distance of 159.71 feet; thence N 28 degrees 09' 08" E, a distance of 150.83 feet; thence N 25 degrees 17' 06" E, a distance of 379.39 feet; thence S 89 degrees 11' 41" W, a distance of 1556.85 feet to the point of beginning.


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182.93 ACRES
TRACT # 1

EXHIBIT C
pages 2 of 2

CAPS SET

N 56 11'57" E
1400.00

TRACT # 2

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 13; TOWNSHIP 18 SOUTH, RANGE 1 WEST AND RUN ALONG THE WEST LINE OF SAID SECTION N 00 10'44" W 1350.20 FT. TO THE POINT OF BEGINNING; THENCE RUN N 34 56'17" E 1697.27 FT.; THENCE RUN N 19 11'24" E 78.43 FT.; THENCE RUN N 56 11'57" E 1400.00 FT.; THENCE RUN N 00 06'17" W 455.21 FT. TO THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 13; THENCE RUN ALONG SAID LINE S 89 02'22" W 751.28 FT. THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER; THENCE RUN N 01 41'33" W 976.80 FT., TO THE CREST (HIGH POINT) OF OAK MOUNTAIN; THENCE RUN ALONG A MEANDER LINE ON TOP OF RIDGE THE FOLLOWING COURSES; S 28 12'56" W 150.81 FT.; THENCE RUN S 07 58'59" W 159.73 FT.; THENCE RUN S 00 59'40" E 148.35 FT.; THENCE RUN S 16 45'34" W 221.01 FT.; THENCE RUN S 30 57'54" W 451.67 FT.; THENCE RUN S 33 42'07" W 358.42 FT.; THENCE RUN S 38 54'08" W 508.87 FT.; THENCE RUN S 46 58'54" W 368.34 FT.; THENCE RUN S 50 12'59" W 228.70 FT.; THENCE RUN S 36 46'42" W 57.58 FT. TO THE WEST LINE OF SECTION 13; THENCE RUN ALONG SAID LINE S 00 12'05" E 169.36 FT. TO THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SECTION 13; THENCE RUN ALONG THE WEST LINE OF SAID QUARTER S 00 10'44" E 1317.64 FT. TO THE POINT OF BEGINNING.

CONTAINING 55.41 ACRES MORE OR LESS.
FIELD SURVEY COMPLETED 5/22/2014.

Charles R. Hatcher
CHARLES R. HATCHER, L.S. # 26958



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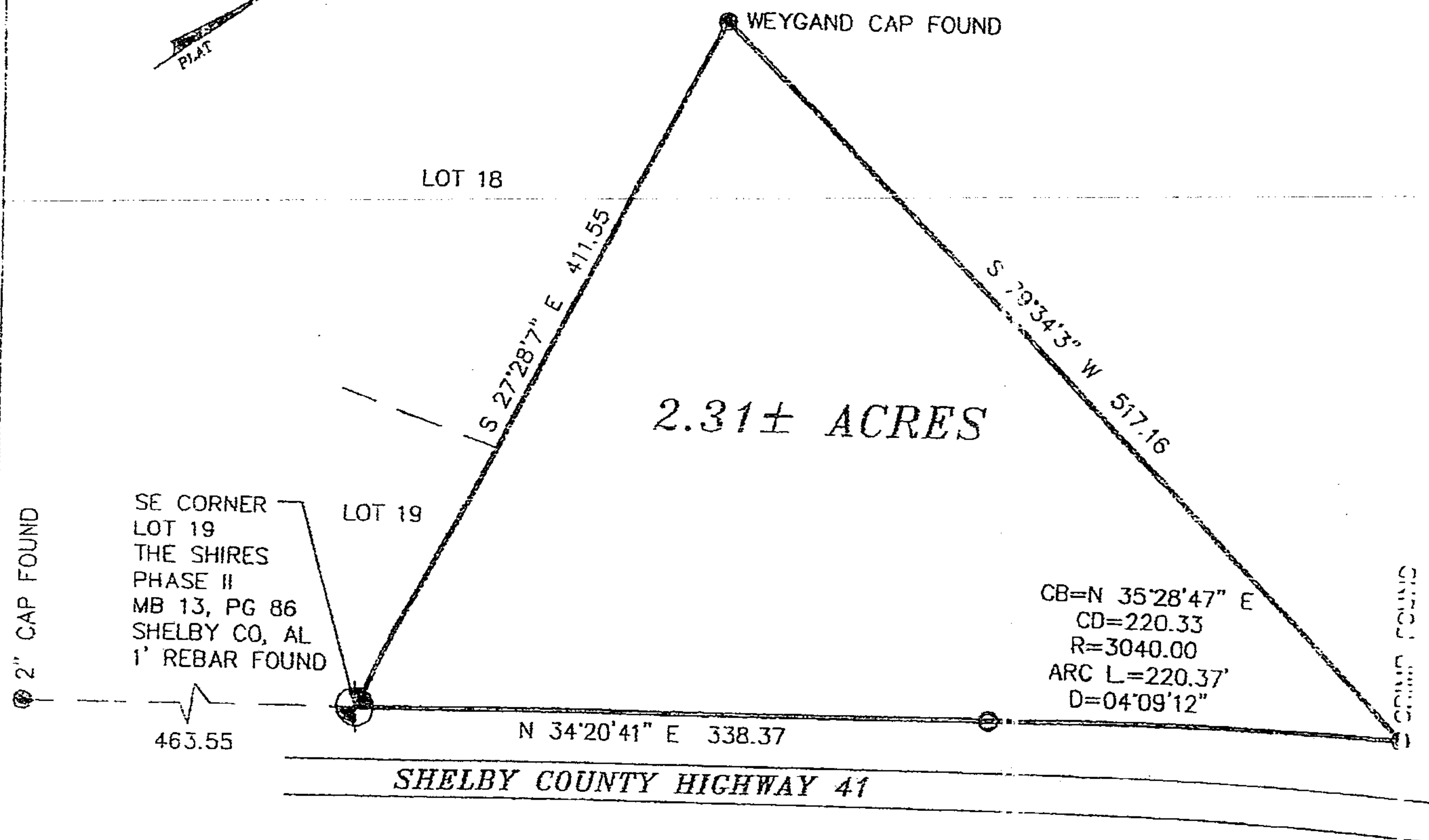


SEC. 14-T18S

EXHIBIT 'D'



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BOUNDARY SURVEY

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 meets the standards of practice for land surveying in the State of Alabama, the correct legal description being as follows:

BEGIN at the SE Corner of Lot 19 of The Shires, Phase II, as recorded in Map Book 13, Page 86, in the Office of the Judge of Probate of Shelby County, Alabama, said point being the POINT OF BEGINNING; thence N34°20'41"E, a distance of 338.37' to the beginning of a curve to the right, having a radius of 3040.00, a central angle of 04°09'12", and subtended by a chord which bears N35°28'47"E, and a chord distance of 220.33'; thence along the arc of said curve, a distance of 220.37'; thence S79°34'03"W, a distance of 517.16'; thence S27°28'07"E, a distance of 411.55' to the POINT OF BEGINNING.

Said Parcel containing 2.31 acres, more or less.

I further certify that I have consulted the Federal Insurance Rate Map (F.I.R.M.) Community Panel #01117C 0105 D, Zone 'X', dated September 29, 2006 and found that the above described Parcel does not lie in a Flood Hazard Zone.

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

EXHIBIT E PAGE 1 of 2

~~EXHIBIT A~~

CENTERLINE 60 FT. INGRESS-EGRESS AND UTILITY EASEMENT (ACROSS 2.31 ACRE PARCEL)

COMMENCE AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 24, TOWNSHIP 18 SOUTH, RANGE 1 WEST AND RUN ALONG THE NORTH LINE OF SAID SECTION N 88°21'32" E 84.90 FT. TO THE NORTHERLY RIGHT-OF-WAY (80 FT. ROW) OF SHELBY COUNTY HIGHWAY 41, SAID POINT BEING ON A CURVE TO THE LEFT HAVING A DELTA 4°09'11" AND A RADIUS OF 3040.00 FT.; THENCE RUN ALONG THE ARC OF SAID CURVE 220.35 FT. (CB = S 44°24'01" W, C = 220.30 FT.); THENCE RUN ALONG SAID RIGHT-OF-WAY S 43°15'56" W 131.25 FT. TO THE POINT OF BEGINNING OF A 60.00 FT. INGRESS-EGRESS AND UTILITY EASEMENT; THENCE RUN ALONG THE CENTERLINE OF SAID EASEMENT N 46°16'20" W 136.91 FT. TO THE POINT OF A CURVE TO THE RIGHT HAVING A DELTA 10°40'19" AND A RADIUS OF 963.59 FT.; THENCE RUN ALONG THE ARC OF SAID CURVE 179.48 FT. (CB = N 40°56'10", C = 179.22 FT.); THENCE RUN N 35°36'01" 13.10 FT. TO THE NORTH LINE OF SAID SECTION AND THE END OF EASEMENT ON THIS SECTION.



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