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58-CV-2013-900890.00  
CIRCUIT COURT OF  
SHELBY COUNTY, ALABAMA  
MARY HARRIS, CLERK

IN THE CIRCUIT COURT OF SHELBY COUNTY, -----

DAVID BUCKLEY and  
JUNE GRAHAM,

Plaintiffs,

vs.

ROBYN MITCHELL,

Defendant.

20161118000425100 1/6 \$30.00  
Shelby Cnty Judge of Probate, AL  
11/18/2016 11:00:50 AM FILED/CERT

CIVIL ACTION NO. CV-2013-900890

AMENDED ORDER OF COURT

THIS CAUSE coming before the Court on the 8th day of August, 2016, and the Plaintiffs, David Buckley and June Graham, appearing with their attorneys of record, J. Frank Head and G. Daniel Head, and the Defendant, Robyn Mitchell, appearing with her attorney of record, Frank C. Galloway, III, and the parties having advised that a settlement agreement has been reached, and upon consideration thereof, it is ORDERED, ADJUDGED and DECREED as follows:

1. That the Joint Driveway Easement recorded in Real Book 270, Pages 618-622, Real Book 272, Pages 119-124, and Real Book 272, Pages 128-133, in the Probate Office of Shelby County, Alabama, and as depicted on the survey dated October 19, 1989, of Joseph E. Conn, Jr., P.L.S. 9049, contains an error in its description, and needs to be reformed or corrected in order to more accurately reflect and fully center the existing asphalt driveway, and said reformed or corrective description, which is agreed to and approved by the parties, is more particularly described as follows:

Commence at the NE corner of the NE 1/4 of the NW 1/4 of Section 18, Township 20 South, Range 2 West, Shelby County, Alabama; thence run N 90°00'W, along the North line of said 1/4-1/4, for 84.04' to a point on the easterly right of way line of Shelby County Highway 35; thence run S 27°08'39" W, along said right of way line for 197.26' to the point of beginning of a 20 foot easement for ingress and egress, lying 10 feet on either side of the following described centerline and courses; thence run S 58°32'35" E for 72.64'; thence run S 68°57' 27" E for 49.77'; thence run S 75°54'21" E for 9.61'; thence run S 80°05'02" E for 51.43'; thence run S 75°42' 19" E for 42.17' to the point of beginning of a curve to the right, having a central

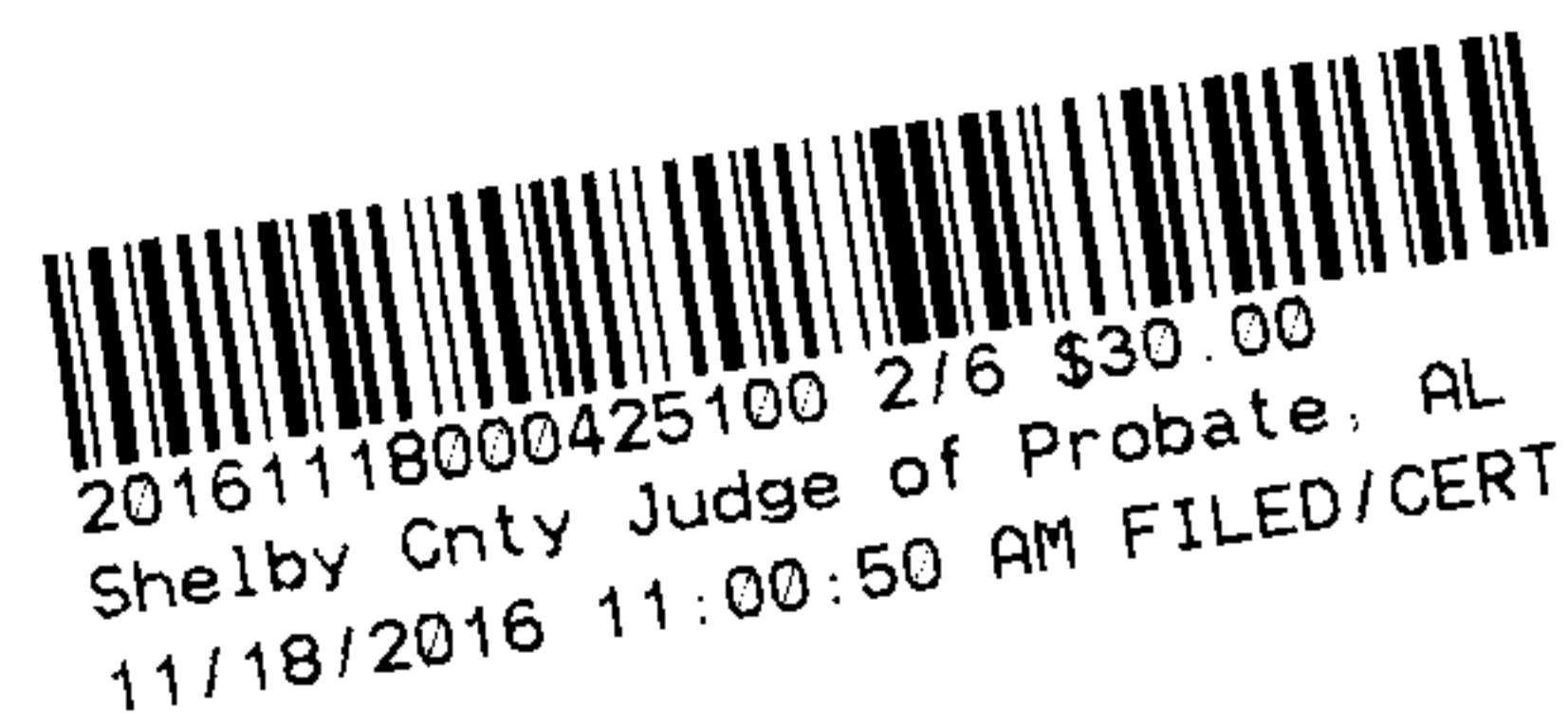
angle of 22°56'23" and a radius of 50.00'; thence run along the arc of said curve for 20.02'; thence run S 52°45'55" E for 64.59'; thence run S 51°04'50" E for 33.68'; thence run S 57°14'40" E for 37.65' to the point of beginning of a curve to the left, having a central angle of 42°26'48" and a radius of 50.00'; thence run along the arc of said curve for 37.04'; thence run N 80°18'31" E for 48.30'; thence run N 81° 11' 44" E for 29.68'; thence run N 89° 35' 17" E for 106.49'; thence run N 88°02'18" E for 27.08'; thence run N 86°46'14" E for 41.56'; thence run N 87°08'42" E for 31.36'; thence run N 87°33'44" E for 24.09'; thence run S 65°33'28" E for 18.25'; thence run S 55°10'38" E for 15.05'; thence run S 43°44'59" E for 22.95'; thence run S 21°02'42" E for 13.49'; thence run S 16°24'42" E for 9.66'; thence run S 11°06'50" E for 51.05'; thence run S 13°19'38" E for 8.44'; thence run S 19°22'57" E for 8.55'; thence run S 24°12'41" E for 14.31'; thence run S 35°34' 40" E for 15.84'; thence run S 48°40'34" E for 15.71' to the end of said easement.

According to survey dated July 22, 2016, with revised description dated August 9, 2016, of S. M. Allen, P.L.S. No. 12944.

Attached hereto as Exhibit "A", and made a part and parcel thereof, is a copy of said corrected Joint Driveway Easement survey as prepared by S. M. Allen, P.L.S. No. 12944, dated July 22, 2016. Said corrected Joint Driveway Easement, as provided herein, shall be binding upon the parties hereto, and their heirs and assigns, and the previous description set forth in the Joint Driveway Easement recorded in Real Book 270, Pages 618-622, Real Book 272, Pages 119-124, and Real Book 272, Pages 128-133, in the Probate Office of Shelby County, Alabama, is herewith annulled, vacated and held for naught.

All remaining provisions of the Joint Driveway Easement dated December 14, 1989, and recorded in Real Book 270, Pages 618-622, Real Book 272, Pages 119-124, and Real Book 272, Pages 128-133, in the Probate Office of Shelby County, Alabama, which are not modified herein, shall remain in full force and effect, and shall be binding upon the parties, their heirs and assigns.

2. That the Plaintiffs, June Graham and husband, David Buckley, are awarded a permanent non-exclusive utility easement for the purpose of maintaining the presently existing underground utility lines within the hereinafter described easement areas with the





right to repair, replace, maintain and relocate (within the hereinafter identified easement areas); such underground lines are the presently existing underground water line and underground power line now in place, at their existing locations. This non-exclusive easement includes the reasonable right of access to the easement areas, in, on, over, and under real estate of the Defendant, and situated in Shelby County, Alabama, and which are more particularly described as follows, to-wit:

(A) Description for five foot underground water line easement:

Commence at the NE corner of the NE 1/4 of the NW 1/4 of Section 18, Twp 20 South, Range 2 West; thence run N 90°00'00" W along thence north line of said 1/4-1/4 for 84.04' to the east line of Shelby County Road 35; thence run S 27°08'39" W along said right of way line for 195.35'; thence run S 77°09'48" E for 389.93'; thence run N 89°26'34" E for 433.24' to the point of beginning of a 5' easement for a water line, said easement lying 2.5 feet on either side of the following described centerline; thence run S 33°49'06" W for 17.03'; thence run S 56°39'35" W for 14.51'; thence run S 43°15'25" W for 22.79'; thence run S 37°25'50" W for 19.92'; thence run S 37°26'13" W for 14.74'; thence run S 50°21'53" W for 5.71'; thence run N 63°16'45" W for 10.04'; thence run S 2°20'17" E for 10.64'; thence run S 16°04'42" W for 12.15'; thence run S 22°31'12" W for 9.61'; thence run S 14°34'54" W for 7.89'; thence run S 28°24'36" W for 8.98' to its intersection with a property line and the end of said easement.

(B) Description for five foot underground power line easement:

Commence at the NE corner of the NE 1/4 of the NW 1/4 of Section 18, Twp 20 South, Range 2 West; thence run N 90°00'00" W along thence north line of said 1/4-1/4 for 84.04' to the east line of Shelby County Road 35; thence run S 27°08'39" W along said right of way line for 195.35'; thence run S 77°09'48" E for 389.93'; thence run N 89°26'34" E for 445.52'; thence run S 12°29'20" W for 7.10' the point of beginning of a 5' easement for an underground power line, said easement lying 2.5 feet on either side of the following described centerline; thence run S 12°29'20" W for 10.02'; thence run S 32°44'25" W for 14.39'; thence run S 29°33'41" W for 17.59'; thence run S 27°44'10" W for 16.42'; thence run S 29°11'23" W for 23.85'; thence run S 32°11'01" W for 10.87'; thence run S

27°48'57" W for 16.23'; thence run S 27°19'56" W for 24.39' to its intersection with a property line and the end of said easement.

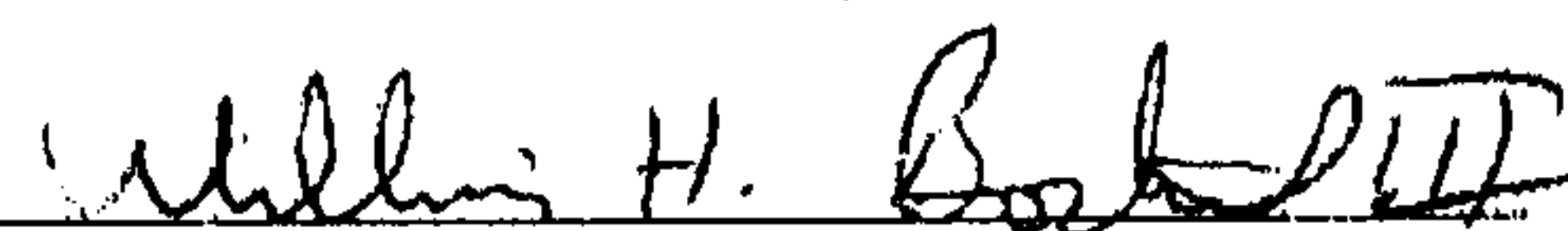
Both descriptions according to survey dated March 31, 2016, as revised June 17, 2016, of Steven M. Allen, P.L.S. No. 12944, a copy of which is attached hereto as Exhibit "B".

Plaintiffs acknowledge that they shall in good faith employ best efforts to conduct all activity related to the aforesaid utility easements with care, and in a manner that will minimize interference with Defendant's use of such areas.

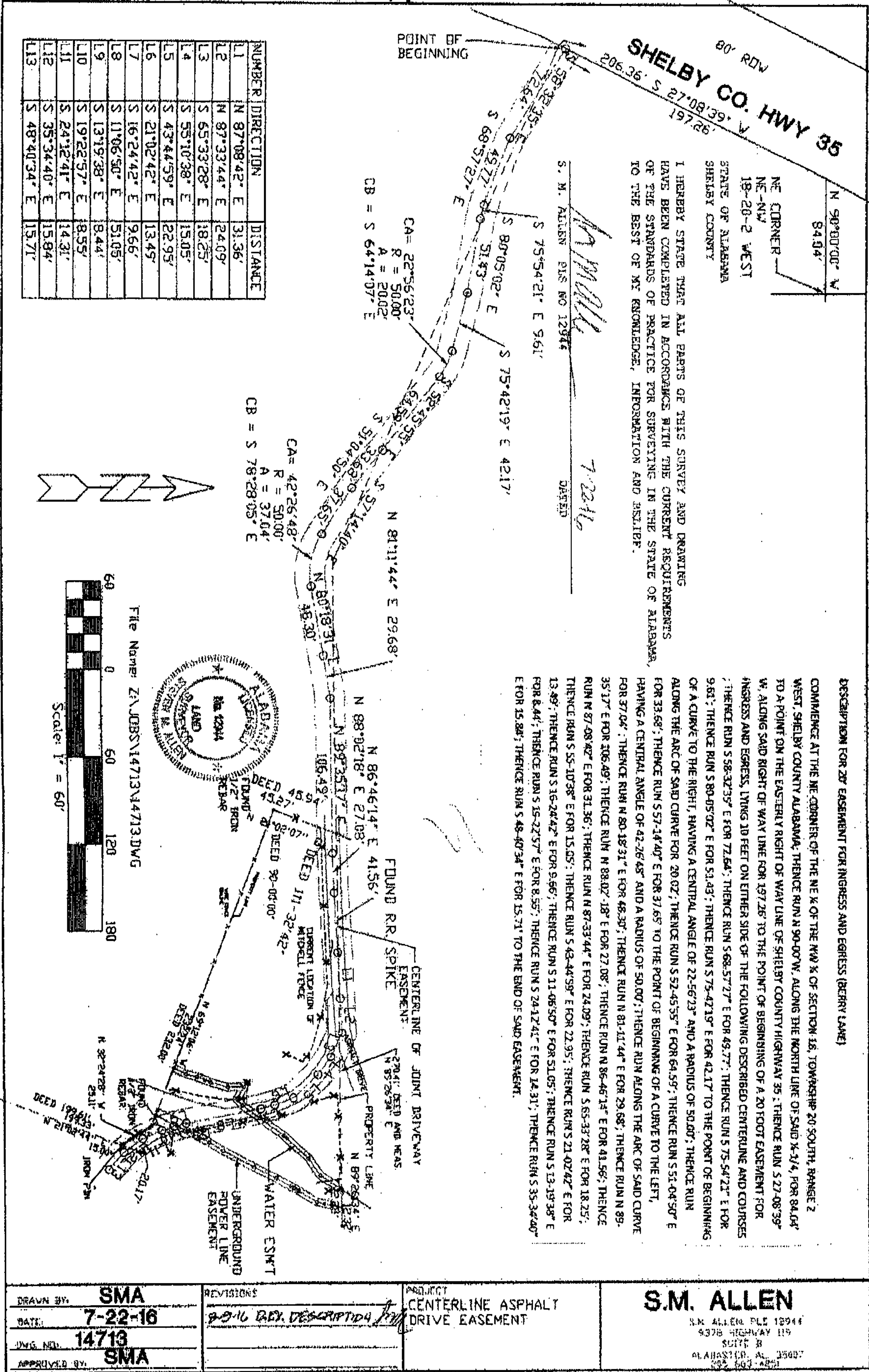
3. That all remaining provisions of the Order of Court entered on January 28, 2016, which are not modified herein, shall remain in full force and effect.

4. That costs of Court are taxed one-half (1/2) to the Plaintiffs, and one-half (1/2) to the Defendant, and shall include the cost of the surveys dated April 6, 2016, in the amount of \$625.00, May 5, 2016, in the amount of \$300.00, and July 22, 2016, in the amount of \$450.00, for a total survey expense of \$1,375.00, all of which has been paid by the Plaintiffs. The Defendant shall directly reimburse the Plaintiffs one-half (1/2) of said survey expense, in the amount of \$687.50, for which let execution issue.

DONE and ORDERED this 1st day of November, 2016.

  
William H. Bostick, III  
Circuit Judge









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