

This Instrument Prepared by:
David P. Condon
David P. Condon, P.C.
100 Union Hill Drive, Suite 200
Birmingham, Alabama 35209

20180308000075270
03/08/2018 10:00:42 AM
AGREEMNT 1/3

ENCROACHMENT AGREEMENT

STATE OF ALABAMA
SHELBY COUNTY

The undersigned Delia S. Kell and her husband Raymond E. Kell, Jr. are the fee simple owners of the real property described as Lot 44, according to the Survey of Glen at Greystone, Sector 1, as recorded in Map Book 15, Page 97, in the Probate Office of Shelby County, Alabama which has a street address of 300 Fairfax Way, Birmingham, Alabama 35242 ("Kell Property"). This property is currently under contract for sale to prospective purchasers Lann M. Moore and Vair C. Moore

The undersigned James F. Ehl and his wife Wanda M. Ehl are the fee simple owner of the real property described as Lot 45, according to the Survey of Glen at Greystone, Sector 1, as recorded in Map Book 15, Page 97, in the Probate Office of Shelby County, Alabama which has a street address of 304 Fairfax Way, Birmingham, Alabama 35242 ("Ehl Property").

The Kell Property and Ehl Property are adjoining properties as shown on the survey which is attached to this Encroachment Agreement as Exhibit "A." There is a "Flume" located on the northern border of the Kell Property and the adjoining southern border of the Ehl Property that is divided by the common property line in places and also lies partially on both properties. The parties to this Encroachment Agreement desire to leave the Flume in its current location serving both Lots 44 and 45 and therefore agree to the following.

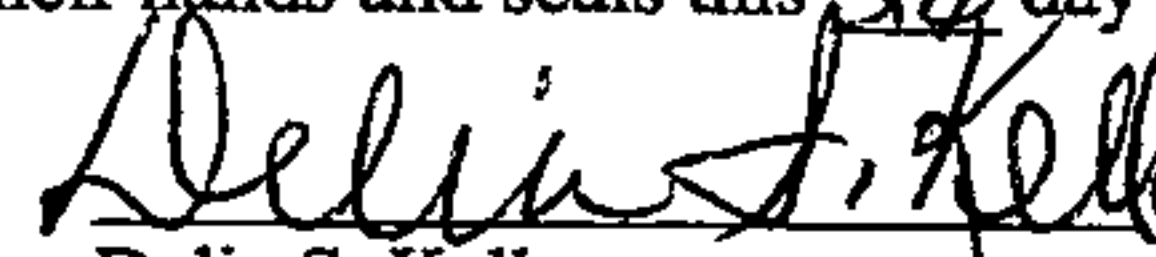
For value received, the sufficiency of which is hereby acknowledged, the undersigned Grantors Delia S. Kell and her husband Raymond E. Kell, Jr. do hereby grant, bargain, sell and convey unto James F. Ehl and Wanda M. Ehl their personal representatives, heirs, successors and assigns, a permanent easement over, across and upon the Kell Property for the purpose of maintaining the Flume in the exact location that such Flume exists on the date this Encroachment Agreement is signed below and as shown on the attached Exhibit "A."

Likewise, for value received, the sufficiency of which is hereby acknowledged, the undersigned Grantors James F. Ehl and his wife Wanda M. Ehl do hereby grant, bargain, sell and convey unto Delia S. Kell and Raymond E. Kell, Jr. their personal representatives, heirs, successors and assigns, a permanent easement over, across and upon the Ehl Property for the purpose of maintaining the Flume in the exact location that such Flume exists on the date this Encroachment Agreement is signed below and as shown on the attached Exhibit "A."

As part of the consideration for this reciprocal Encroachment Agreement, the undersigned grantors/grantees agree to equally divide all costs incurred in maintaining and repairing the Flume.

This Encroachment Agreement shall serve as permanent reciprocal easements, running with the land, binding the undersigned grantors/grantees, their personal representatives, heirs, successors and assigns, and inuring to the benefit of all subsequent owners of both the Kell Property and the Ehl Property.

In witness whereof, the undersigned have hereunto affixed their hands and seals this 26 day of February, 2018

 (Seal)
Delia S. Kell
 (Seal)
Raymond E. Kell, Jr.

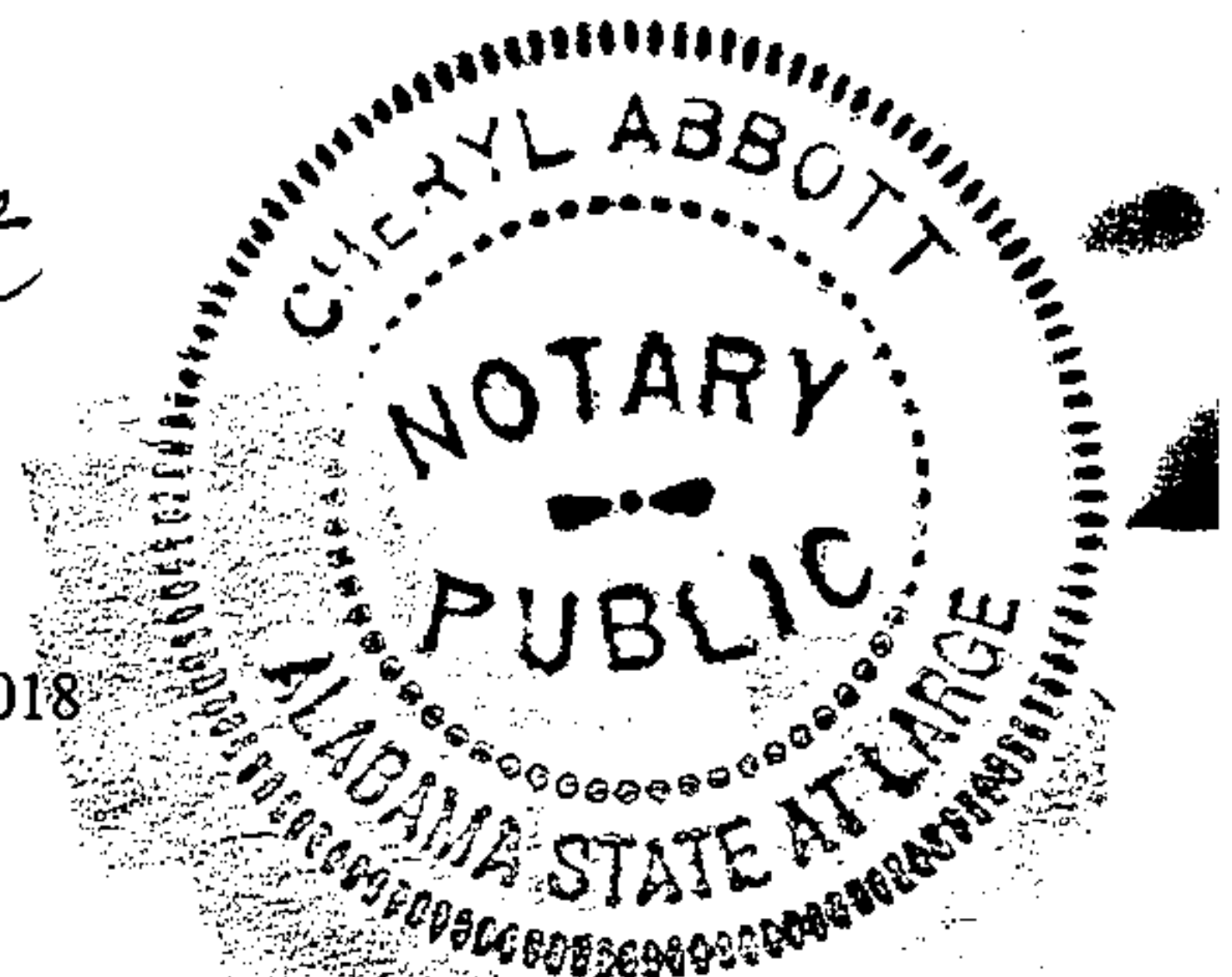
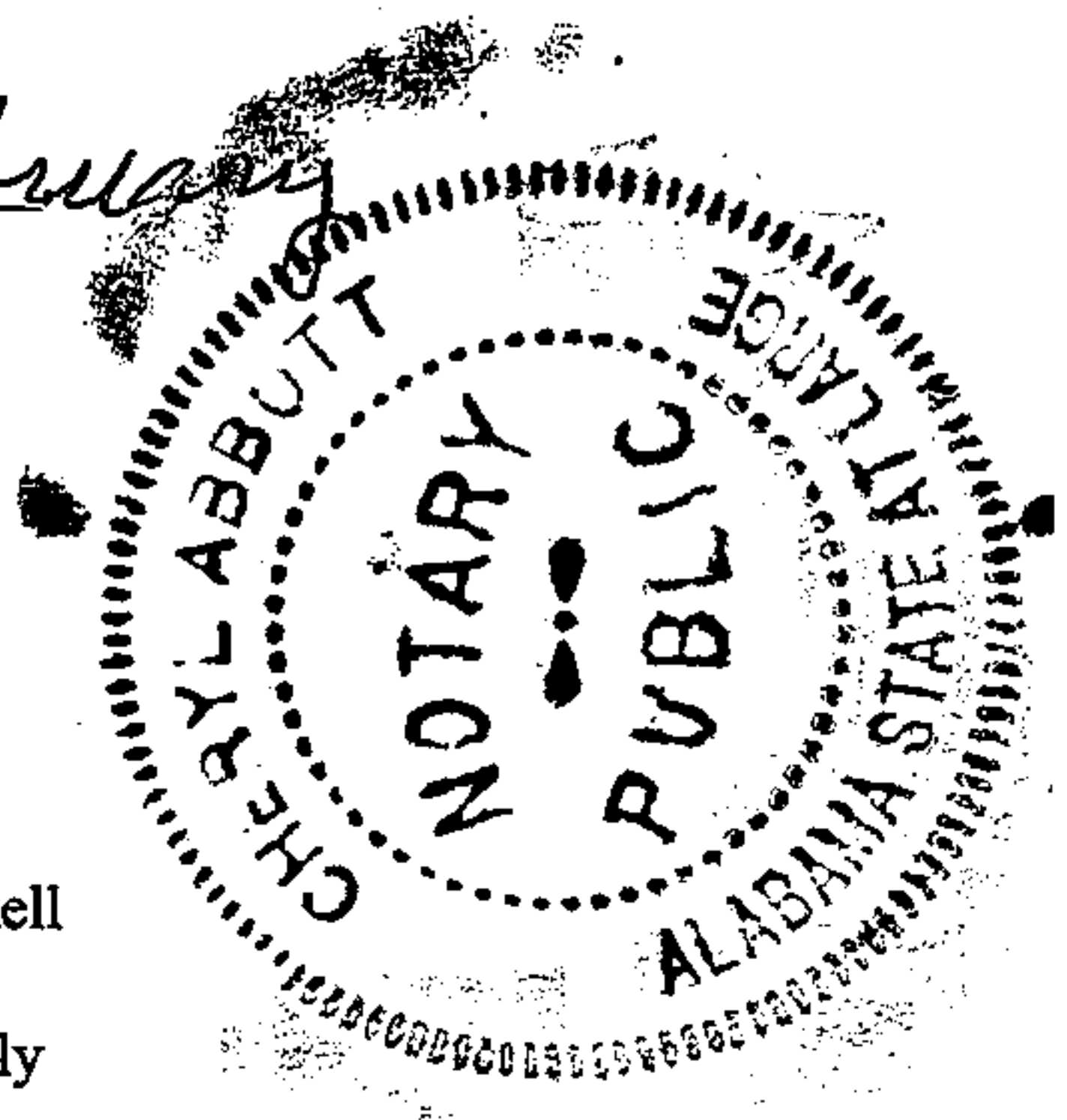
STATE OF ALABAMA
Shelby COUNTY

I, the undersigned, a Notary Public in and for said county and in said state, hereby certify that Delia S. Kell and Raymond E. Kell, Jr. whose names are signed to the foregoing instrument, and who are known to me, acknowledged before me that, being informed on the contents of the instrument, they executed the same voluntarily and on the day the same bears date.

Given under my hand and seal of office this the 26 day of February 2018.

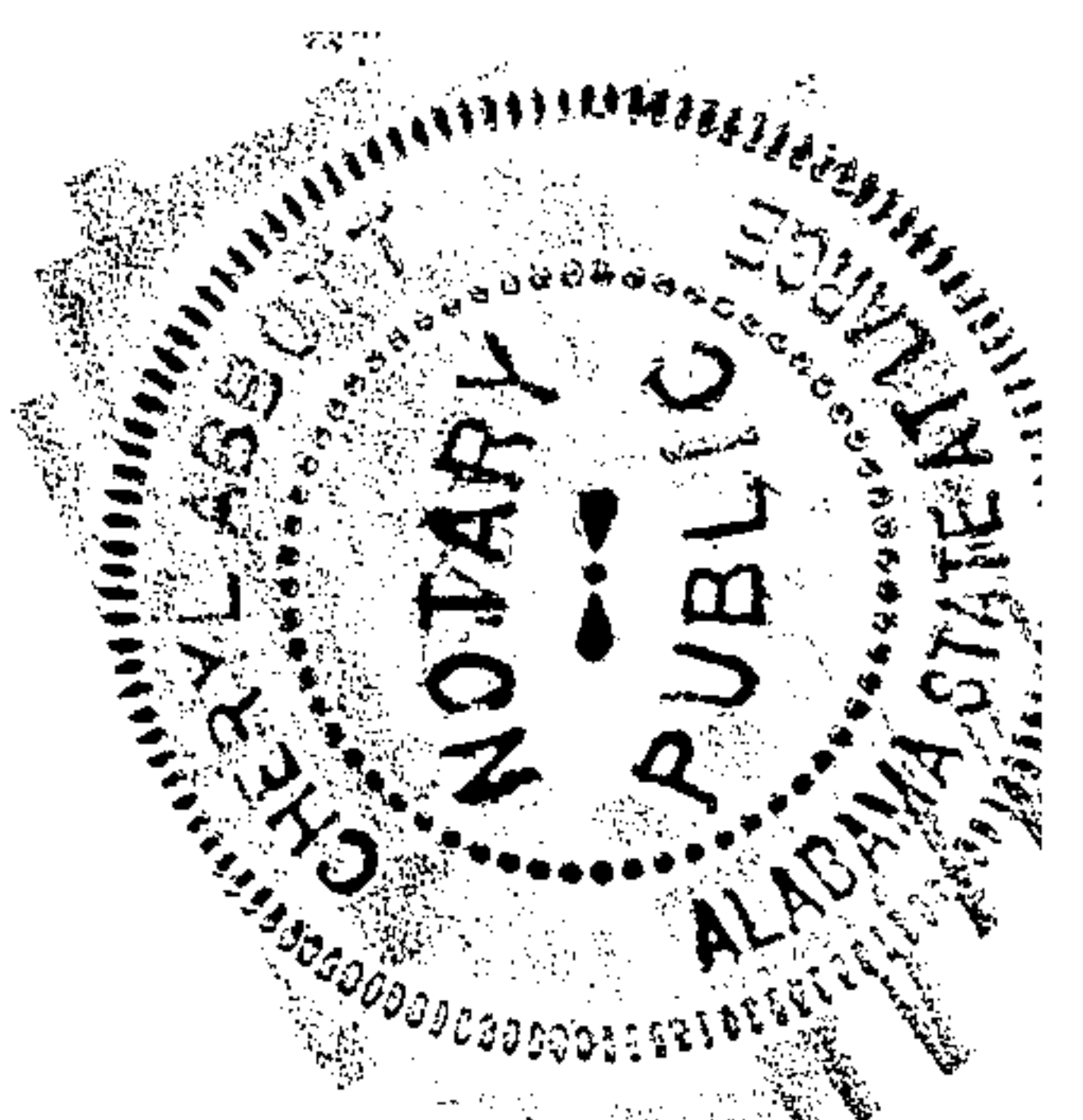

Notary Public
My Commission expires:
1/26/2019

In witness whereof, the undersigned have hereunto affixed their hands and seals this 26 day of Feb., 2018



James F. Ehl (Seal)
James F. Ehl

Wanda M. Ehl (Seal)
Wanda M. Ehl

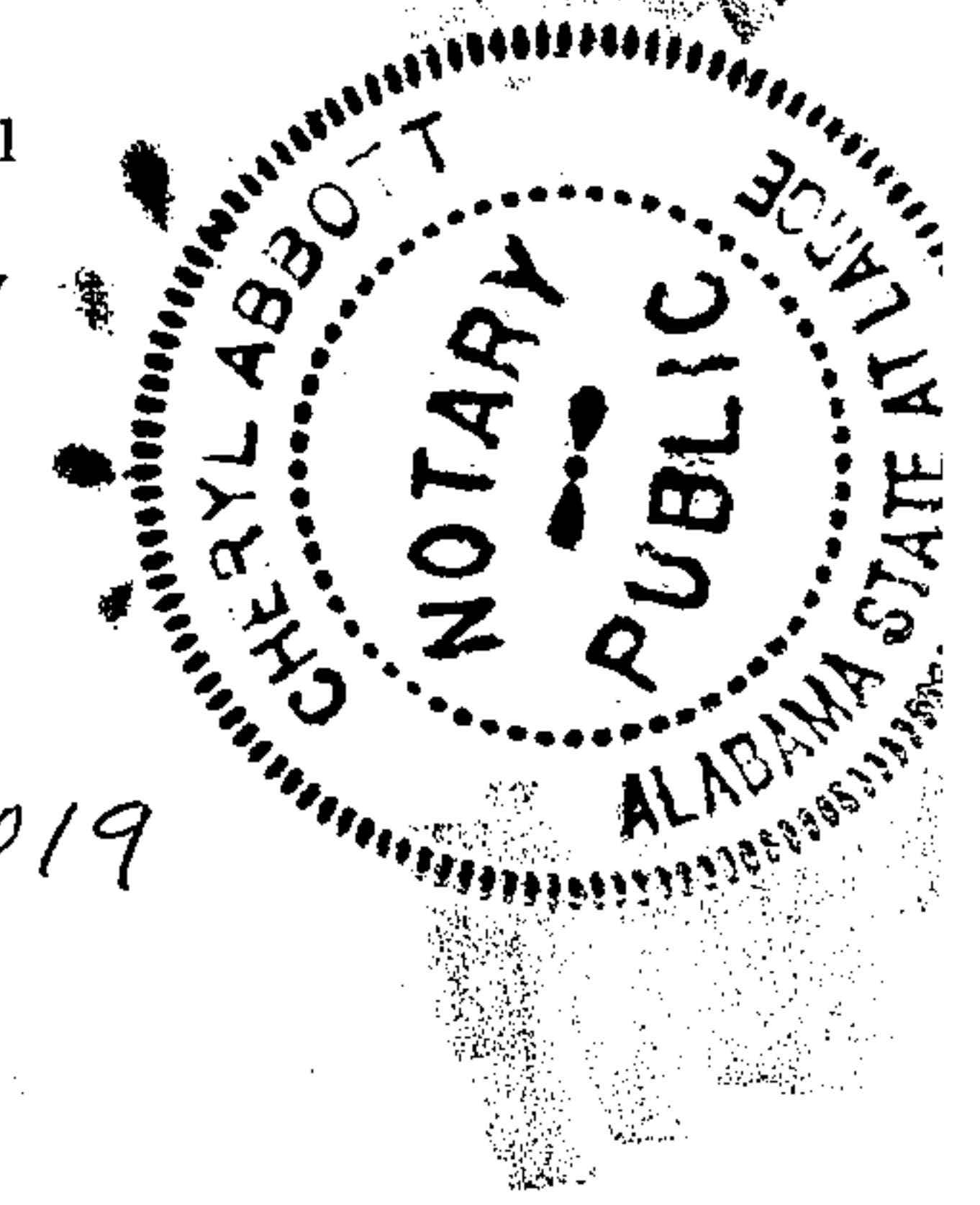


STATE OF ALABAMA
Shelby COUNTY

I, the undersigned, a Notary Public in and for said county and in said state, hereby certify that James F. Ehl and Wanda M. Ehl whose names are signed to the foregoing instrument, and who are known to me, acknowledged before me that, being informed on the contents of the instrument, they executed the same voluntarily and on the day the same bears date.

Given under my hand and seal of office this the 26 day of February, 2018.

Cheryl Abbott
Notary Public
My Commission expires: 1/26/2019

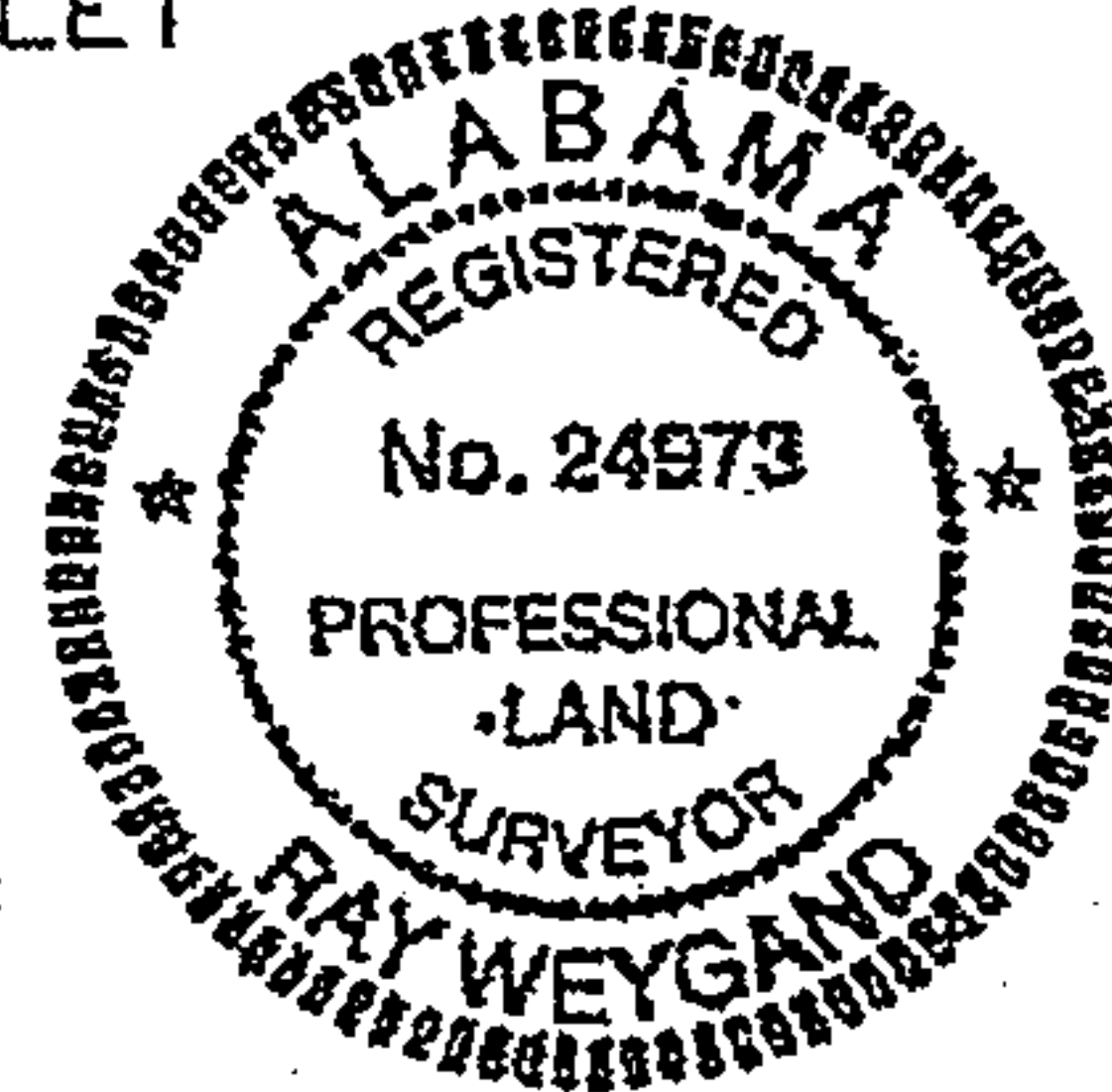
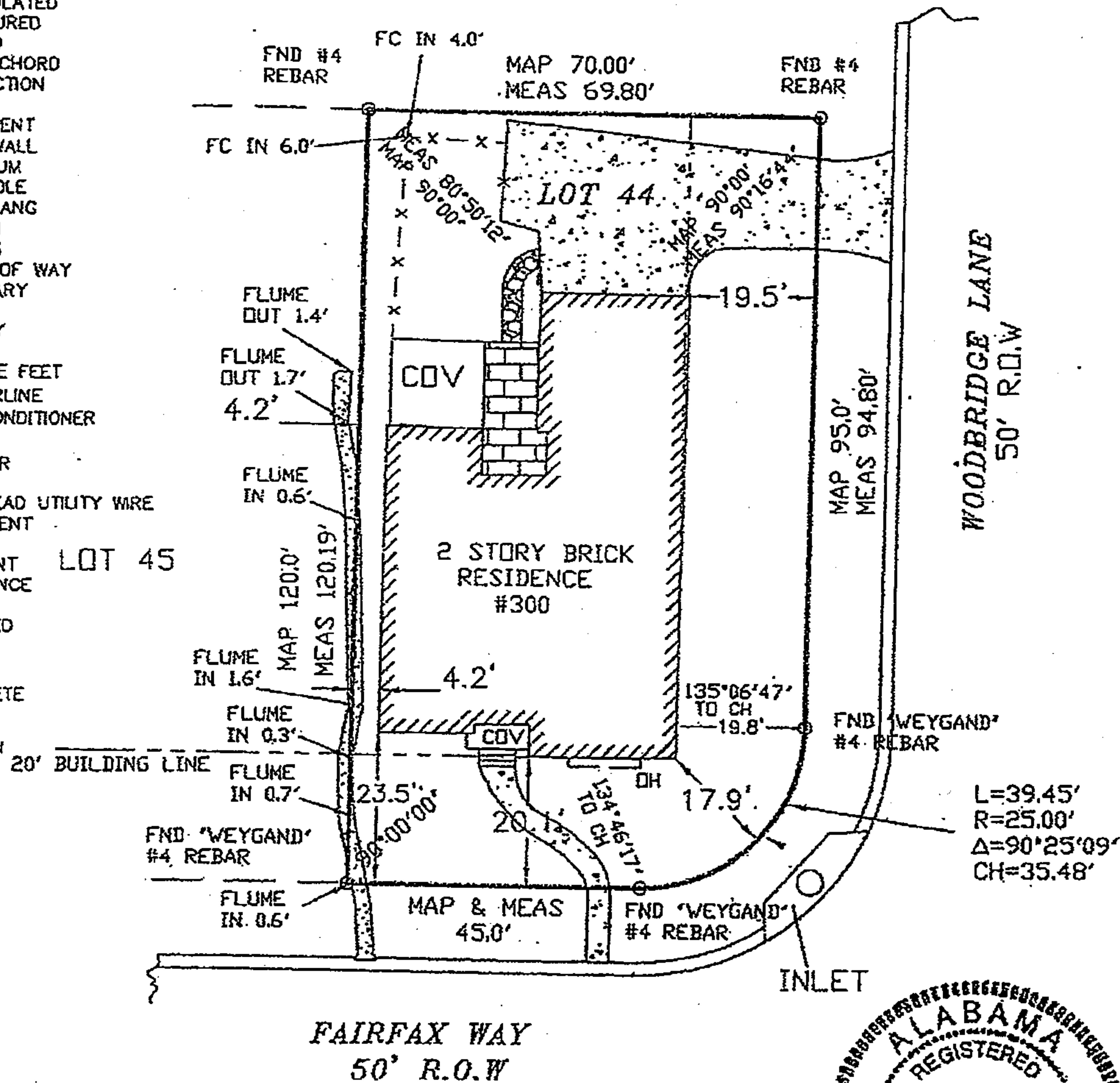


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Exhibit "A"

LEGEND

ASP	ASPHALT
BLDG	BUILDING
CALC.	CALCULATED
MEAS	MEASURED
CH	CHORD
LNC	LONG CHORD
d	DEFLECTION
Δ	DELTA
ESMT	EASEMENT
HW	HEADWALL
MIN	MINIMUM
MH	MANHOLE
OH	OVERHANG
POR	PORCH
R	RADIUS
R.O.W.	RIGHT OF WAY
SAN	SANITARY
STM	STORM
UTIL	UTILITY
AC	ACRES
S.F.	SQUARE FEET
Q	CENTERLINE
A/C	AIR CONDITIONER
○	POLE
—X—	ANCHOR
—X—	FENCE
—X—	OVERHEAD UTILITY WIRE
PVMT	PAVEMENT
W/	WITH
TAN	TANGENT
RES	RESIDENCE
LGHT	LIGHT
COV	COVERED
▨	DECK
○	CONCRETE
▨	WALL
□	COLUMN



SCALE: 1"=30'

STATE OF ALABAMA
JEFFERSON COUNTY)

"Closing Survey"

I, Ray Weygand, a Registered Land Surveyor, hereby certify to the purchaser of this property at this time, that I have surveyed Lot 44, THE GLEN AT GREYSTONE, as recorded in Map Volume 15, Page 97, in the Office of the Judge of Probate, Jefferson County, Alabama. I hereby state 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, according to my survey of FEBRUARY 14, 2018. Survey invalid if not sealed in red.

Order No.: 71376

Purchaser:

Address: 300 FAIRFAX WAY

Ray Weygand, Reg. L.S. #24973
169 Oxmoor Road, Homewood, AL 35209
Phone: (205) 942-0086 Fax: (205) 942-0087
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WEYGAND
SURVEYORS

Note: (a) No title search of the public records has been performed by this firm and land shown hereon was not abstracted for easements and/or rights-of-way, 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 and/or city. (b) All bearings and/or angles, are deed/record map and actual unless otherwise noted. (c) Underground portions of foundations, footings, and/or other underground structures, utilities, cemeteries or burial sites were not located unless otherwise noted. (d) The shown north arrow is based on deed/record map. (e) This survey is not transferable. (f) Easements not shown on recorded map are not shown above.