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CIRCUIT COURT OF  
ST. CLAIR COUNTY, ALABAMA  
ANNETTE MANNING, CLERK

IN THE CIRCUIT COURT OF ST. CLAIR COUNTY, ALABAMA  
SOUTHERN JUDICIAL DIVISION AT PELL CITY

STEPHEN R. OVERTON,

Plaintiff,

V.

TRAVIS E. BLUE,

Defendant.

CIVIL ACTION NO.: CV-2010-227

**ORDER**

The above-styled matter coming before this Court the 20th day of August, 2012 and there appearing for the Plaintiff, Stephen R. Overton, his attorney, Erskine R. Funderburg and appearing for the Defendant, Travis E. Blue, his attorney, Hugh Holladay. Upon calling this matter for trial the parties stipulated to the Court undisputed facts regarding the Plaintiff's claim and the Defendant's defenses. The Court upon consideration of the stipulated facts finds that the Plaintiff is the owner of the following described real property located in Shelby County, Alabama, to-wit:

The West half of the Northwest Quarter of Section 3, Township 18, Range 2 East, situated in Shelby County, Alabama.

Less and Except the following real property: Beginning at the Northwest corner of the Northwest Quarter of Section 3, Township 18, Range 2 East; thence South along the West line of said Section 3 a distance of 466.69 feet to a point; thence East and parallel with the North line of said Section 3 a distance of 466.69 feet to a point; thence North parallel with the West line of said Section 3 a distance of 466.69 feet to a point on the North line of said section; thence North 466.69 feet, more or less, to the point of beginning, being the five (5) square acres in the Northwest corner of the West half of the Northwest Quarter of Section 3, Township 18, Range 2, Shelby County, Alabama.

Also Less and Except:

(1) Commencing at the Northeast corner of the Northwest Quarter of the Northwest Quarter of Section 3, Township 18 South, Range 2 East, Shelby County, Alabama, said point being the point of beginning; thence South 89 degrees 21 minutes 34 seconds West along the north line of said quarter-quarter section a distance of 665.55 feet; thence south 25 degrees 49 minutes 18

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seconds West a distance of 453.60 feet; thence South 00 degrees 10 minutes 35 seconds West a distance of 60.91 feet; thence South 86 degrees 09 minutes 02 seconds West a distance of 98.41 feet to a point on the east boundary of a gravel drive; thence along said drive the following courses: South 04 degrees 59 minutes 19 seconds East a distance of 81.78 feet; thence South 04 degrees 00 minutes 21 seconds East a distance of 130.60 feet; thence South 17 degrees 15 minutes 48 seconds East a distance of 137.10 feet; thence South 46 degrees 37 minutes 32 seconds East a distance of 29.55 feet; thence South 58 degrees 56 minutes 20 seconds East a distance of 98.25 feet; thence leaving said drive go North 89 degrees 21 minutes 00 seconds East a distance of 796.45 feet to a point on the east line of said quarter-quarter section; thence North 00 degrees 09 minutes 41 seconds East a distance of 887.90 feet to the point of beginning, said described tract containing 17.3 acres, more or less.

That the Defendant, Travis E. Blue, is the owner of the following described real property located in Shelby County, Alabama, to-wit:

Beginning at the Northwest corner of the Northwest Quarter of Section 3, Township 18, Range 2 East; thence South along the West line of said Section 3 a distance of 466.69 feet to a point; thence East and parallel with the North line of said Section 3 a distance of 466.69 feet to a point; thence North parallel with the West line of said Section 3 a distance of 466.69 feet to a point on the North line of said Section; thence North 466.69 feet, more or less, to the point of beginning, being the five (5) square acres in the Northwest corner of the West half of the Northwest Quarter of Section 3 Township 18, Range 2, Shelby County, Alabama.

It is the finding of this Court that the Plaintiff does not have a reasonably adequate means of access to his property by public means. The Court finds that the Plaintiff and Defendant are each entitled in the use of the easement which is described as;

#### **EASEMENT #1**

An easement for ingress and egress described as follows: Commencing at a point on the east line of Section 4, Township 18, Range 2 East, said point being 20 feet South of the Northeast corner of said Section and being the point of beginning of the herein described easement; thence north along the east line of Section 4 a distance of 20 feet to the Northeast corner of said section; thence continuing north 03 degrees 00 minutes west 776.3 feet to the center of a gravel road (Old Eason Road); thence on and along said road north 71 degrees 32 minutes West 50 feet; thence South 3 degrees 00 minutes east parallel to the above referenced section lines a distance of 796.3 feet, more or less, to a point which is 50 feet west of the above referenced point of beginning; thence east 50 feet to the point of beginning. Lying, situated and being in St. Clair and Shelby Counties, Alabama.

and Plaintiff is also entitled to an easement of necessity over the property of the Defendant, said property being adjacent to the property of the Plaintiff and that said easement would provide the



nearest most convenient access to the Plaintiff without incurring expense disproportionate to the value of his land.

The Court finds that based on the parties' stipulations that nearest most convenient easement for ingress and egress to Plaintiff's property would be as follows:

**EASEMENT #1**

Use of an easement for ingress and egress presently owned by the Defendant described as follows: Commencing at a point on the east line of Section 4, Township 18, Range 2 East, said point being 20 feet South of the Northeast corner of said Section and being the point of beginning of the herein described easement; thence north along the east line of Section 4 a distance of 20 feet to the Northeast corner of said section; thence continuing north 03 degrees 00 minutes west 776.3 feet to the center of a gravel road (Old Eason Road); thence on and along said road north 71 degrees 32 minutes West 50 feet; thence South 3 degrees 00 minutes east parallel to the above referenced section lines a distance of 796.3 feet, more or less, to a point which is 50 feet west of the above referenced point of beginning; thence east 50 feet to the point of beginning. Lying, situated and being in St. Clair and Shelby Counties, Alabama.

Also an easement for ingress and egress described as follows:

**EASEMENT #2**

An **Ingress-Egress Easement** in the Northwest Quarter of the Northwest Quarter of Section 3, Township 18 South, Range 2 East in Shelby County, Alabama and being more particularly described as follows: Commence at an existing pine knot at the Northwest corner of said Quarter-Quarter of Section and run South 00 degrees 37 minutes 20 seconds East along the West line of said Quarter-Quarter Section for 10.81 feet to a 5/8" rebar set in the centerline of an existing dirt drive and the Point of beginning of a 25 foot wide easement lying 12½ feet left and 12½ feet right of the following described centerline; thence South 22 degrees 55 minutes 55 seconds East along said centerline for 238.54 feet to a 5/8" rebar set, thence South 25 degrees 47 minutes 05 seconds East along said centerline for 259.89 feet to a 5/8" rebar set and the end of said easement.

**IT IS THEREFORE ORDERED AND DECREED** that the Plaintiff, his heirs and assigns shall have the above described easement number 1 and number 2 for ingress and egress over the property of the Defendant as described above. It is **FURTHER ORDERED** that the Plaintiff shall compensate the Defendant the sum of One-Thousand Five-Hundred and No/100

DOLLARS (\$1,500.00) for the right-of-way across the easement and disturbance to the lands of the Defendant.

**IT IS ORDERED** that all parties using such easements shall be equally responsible for the upkeep and maintenance of the right-of-way easement running across the land of Defendant.

The cost shall be taxed as paid.

DONE this the 5 day of August, 2013.

  
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PHIL K. SEAY  
CIRCUIT JUDGE

**FILED**

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