

This instrument prepared by  
and return after recording to:  
Charles A. J. Beavers, Jr.  
Bradley Arant Boult Cummings LLP  
One Federal Place  
1819 Fifth Avenue North  
Birmingham, AL 35203-2119

  
20191226000476450 1/11 \$57.00  
Shelby Cnty Judge of Probate, AL  
12/26/2019 09:53:10 AM FILED/GERT

### DECLARATION OF UTILITIES EASEMENT

THIS DECLARATION OF UTILITIES EASEMENT is made as of the 19<sup>th</sup> day of December, 2019, by Allison Morrow Stephens, as Personal Representative of the Estate of Michael E. Stephens, Deceased, Circuit Court for Collier County, Florida, Probate Division File No. 2017-CP-1610, whose Will dated January 20, 2012 was filed for Ancillary Probate in Shelby County, Alabama, Probate Case No. PR-2017-000541; Allison Morrow Stephens, as a Trustee of the Michael E. Stephens Revocable Trust, as amended by that certain First Amended and Restated Trust Agreement dated January 20, 2012, and as a Trustee of the Reverse QTIP Trust and the Marital Trust, each governed by Article IX of such Amended and Restated Trust Agreement dated January 20, 2012; Gerard J. Kassouf, as a Trustee of the Michael E. Stephens Revocable Trust, as amended by that certain First Amended and Restated Trust Agreement dated January 20, 2012, and as a Trustee of the Reverse QTIP Trust and the Marital Trust, each governed by Article IX of such Amended and Restated Trust Agreement dated January 20, 2012; and Allison Morrow Stephens, an unmarried woman (hereinafter, "Declarant").

### WITNESSETH

Declarant is the owner of that certain real property (the "Cabin Parcel") situated in Shelby County, Alabama, and more particularly described on ***Exhibit A*** attached hereto, and depicted on ***Exhibit A-1*** attached hereto.

Declarant is also the owner of that certain parcel of land (the "Utilities Parcel") situated in Shelby County, Alabama, and more particularly described on ***Exhibit B*** attached hereto, and depicted on ***Exhibits B-1 and B-2*** attached hereto.

Declarant desires to hereby establish, create, and declare a utility easement across the Utilities Parcel to serve the Cabin Parcel, as more particularly described hereinbelow.

NOW, THEREFORE, Declarant hereby establishes, creates, and declares an exclusive and perpetual easement in, under, over, and across the Utilities Parcel for the exclusive use and benefit of the owners of the Cabin Parcel and their heirs and assigns, for the installation, maintenance and repair of such utilities as Declarant or Declarant's successors in interest in the Cabin Parcel shall determine, including but not limited to, water, power, sewer, gas, telephone, and communications, together with all lines, wires, pipes and other facilities associated therewith, together with the right of the providers of any such utilities to enter the Utilities Easement for the installation, maintenance and repair thereof.

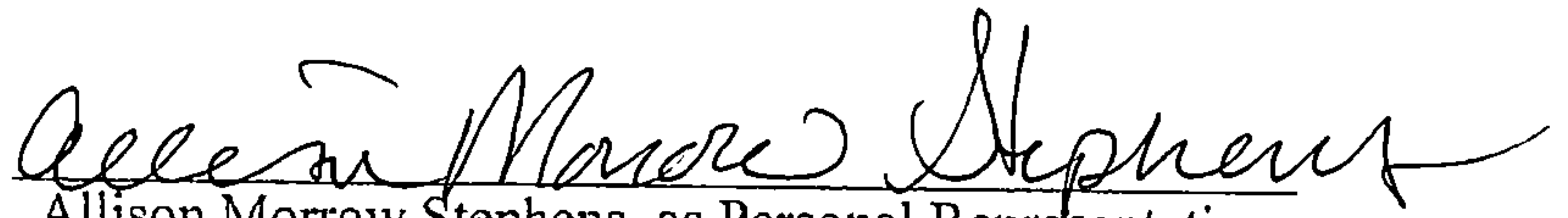
The Utilities Easement herein established shall be a covenant running with the land and shall inure to the benefit of, and shall be exclusive to the owners and occupants of, the Cabin Parcel, their heirs and assigns, and all future owners of the Cabin Parcel, shall constitute an obligation on the Utilities Parcel regardless of title or ownership thereof and regardless of any future changes which may take place therein, and may be relied and acted upon by the providers of utility services which serve the Cabin Parcel through the Utilities Parcel.

Declarant and any successor owners of the lands subject to the Utilities Easement (the "Fee Owners") shall have the right, at their expense, to relocate the Utilities Easement and any utility lines, wires, pipes or other facilities located thereon, to such other location (the "New Easement Area") as the Fee Owners shall determine, in their sole discretion. Upon any such relocation and connection of the Cabin Parcel to any utilities then installed within the Utilities Easement, the Fee Owners shall have the right to record in the Office of the Judge of Probate of Shelby County, Alabama, an amendment to this Declaration (the "Amendment"), which releases the lands currently within the Easement Parcel from this Declaration, and subjects the lands within the New Easement Area to the provisions of this Declaration. The Amendment must be executed only by the Fee Owners and such other parties as own any interest in the New Easement Area. Provided, at least ten (10) days prior written notice of the commencement of the relocation of utilities to the New Easement Area and of the recordation of the Amendment must be provided to the owners of the Cabin Parcel, as ownership is shown in the Shelby County, Alabama Tax Assessor's records (the "Tax Records"), by Certified U.S. Mail or Federal Express to the address shown in the Tax Records; and further provided, there shall be no interruption in utility service to the Cabin Parcel resulting from the relocation to the New Easement Area, except minor, momentary interruption upon connection to the relocated utility lines in the New Easement Area.

***[SIGNATURES ON FOLLOWING PAGES]***

  
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IN WITNESS WHEREOF, Declarants have hereunto set their hands and seals on the day and year first above written.

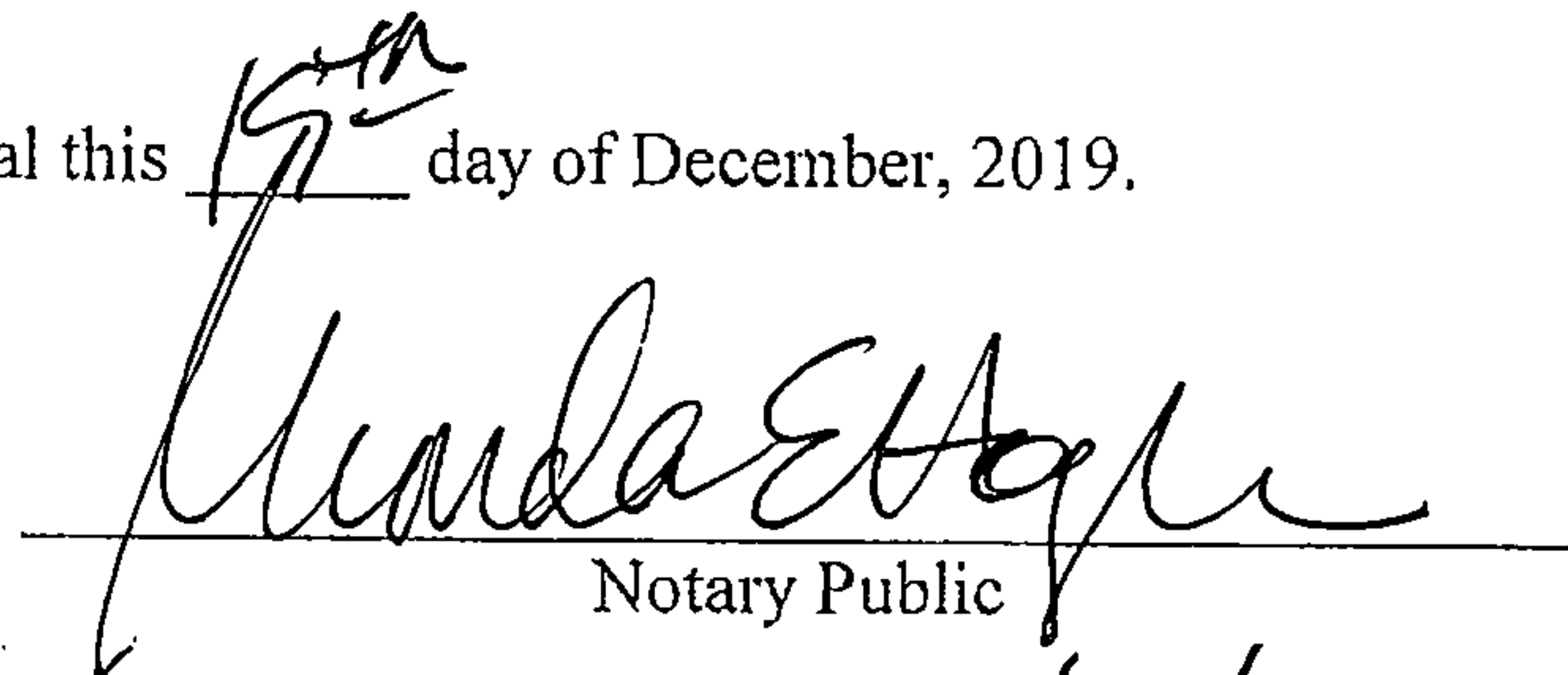


Allison Morrow Stephens, as Personal Representative  
of the Estate of Michael E. Stephens, Deceased,  
Circuit Court for Collier County, Florida,  
Probate Division File No. 2017-CP-1610,  
whose Will dated January 20, 2012 was filed for  
Ancillary Probate in Shelby County, Alabama,  
Probate Case No. PR-2017-000541

STATE OF ALABAMA     )  
                                  :  
SHELBY COUNTY         )

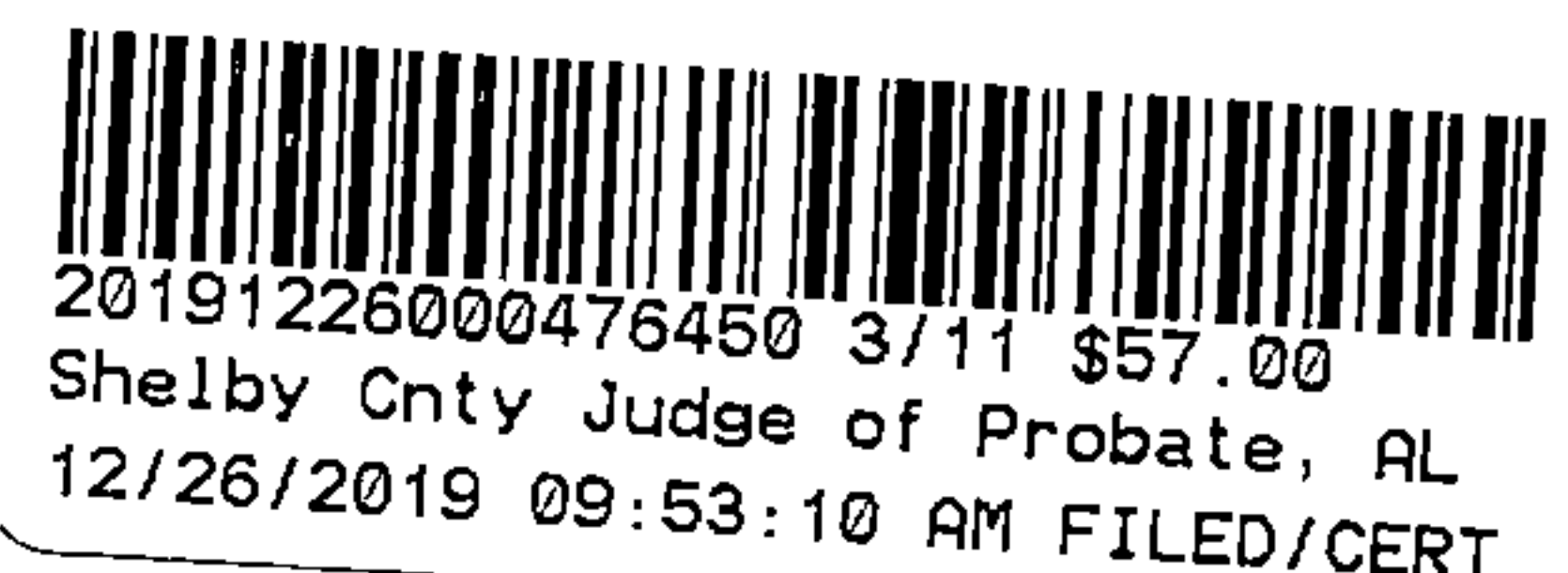
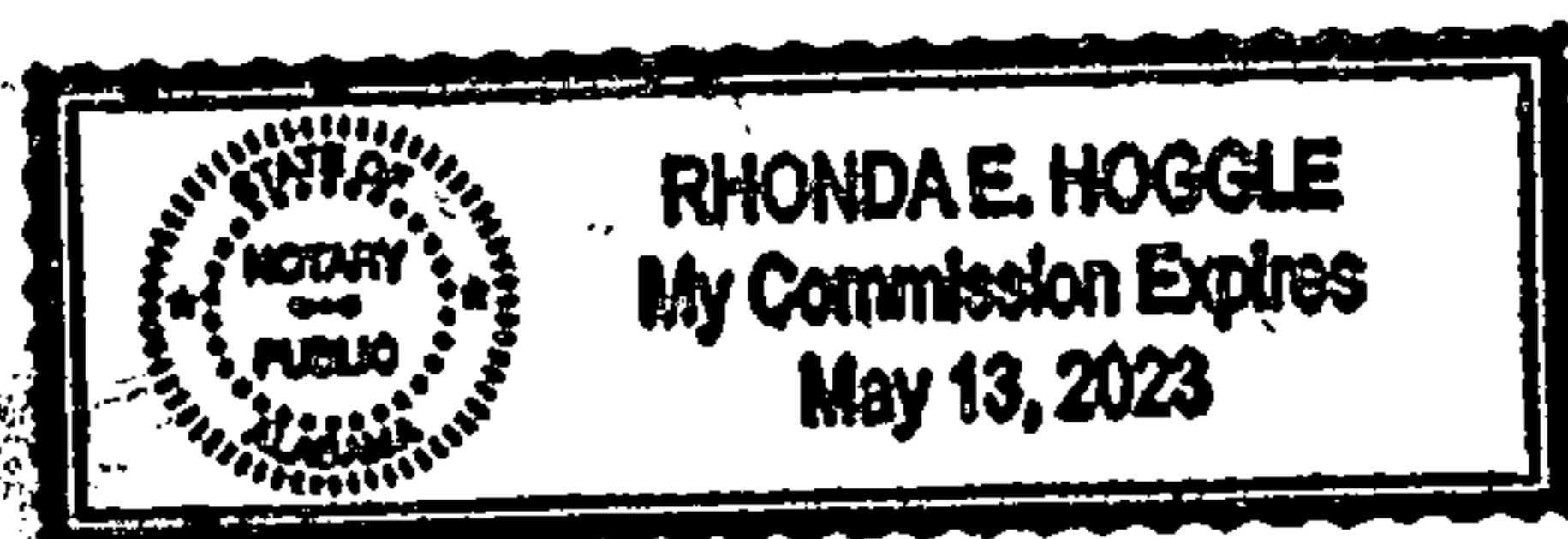
I, the undersigned, a notary public in and for said county in said state, hereby certify that Allison Morrow Stephens, whose name as Personal Representative of the Estate of Michael E. Stephens, Deceased, Circuit Court for Collier County, Florida, Probate Division File No. 2017-CP-1610, whose Will dated January 20, 2012 was filed for Ancillary Probate in Shelby County, Alabama, Probate Case No. PR-2017-000541, 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, in her capacity as such Personal Representative, executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 19<sup>th</sup> day of December, 2019.

  
Notary Public

[NOTARIAL SEAL]

My commission expires: 5/13/23



Allison Morrow Stephens

Allison Morrow Stephens, as a Trustee of the Michael E. Stephens Revocable Trust, as amended by that certain First Amended and Restated Trust Agreement dated January 20, 2012, and as a Trustee of the Reverse QTIP Trust and the Marital Trust, each governed by Article IX of such Amended and Restated Trust Agreement dated January 20, 2012

STATE OF ALABAMA     )  
                                      :  
SHELBY COUNTY         )

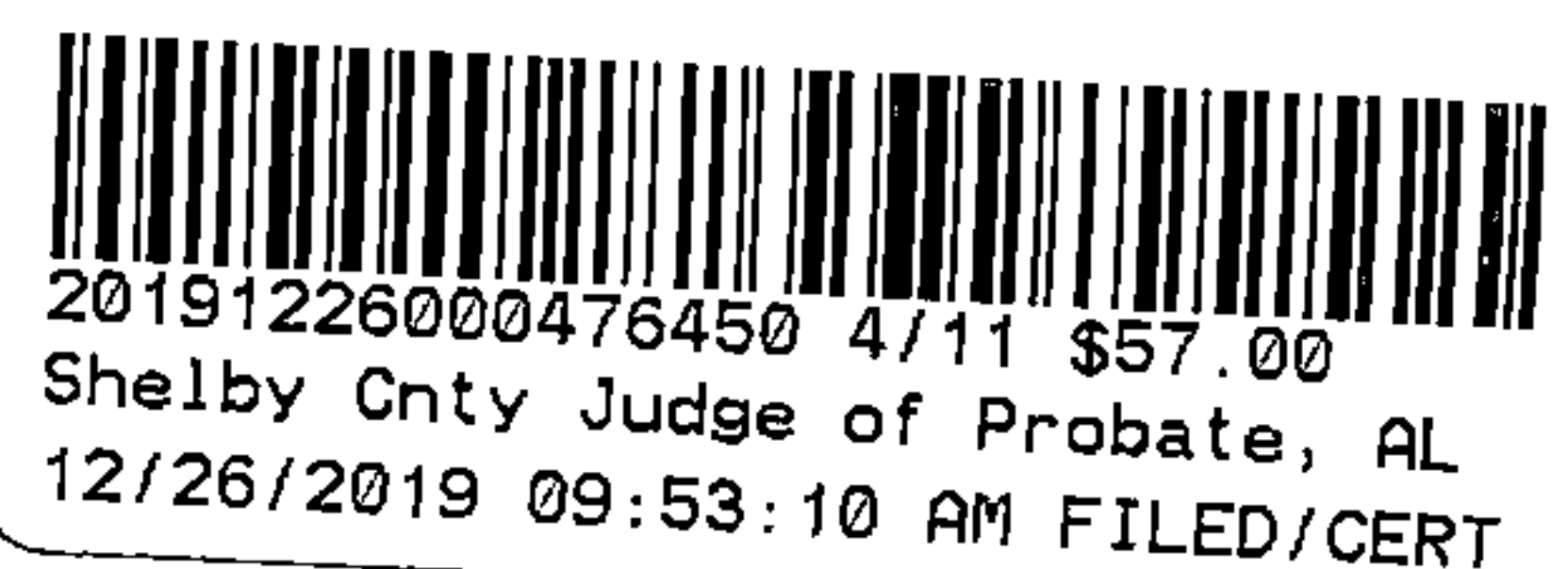
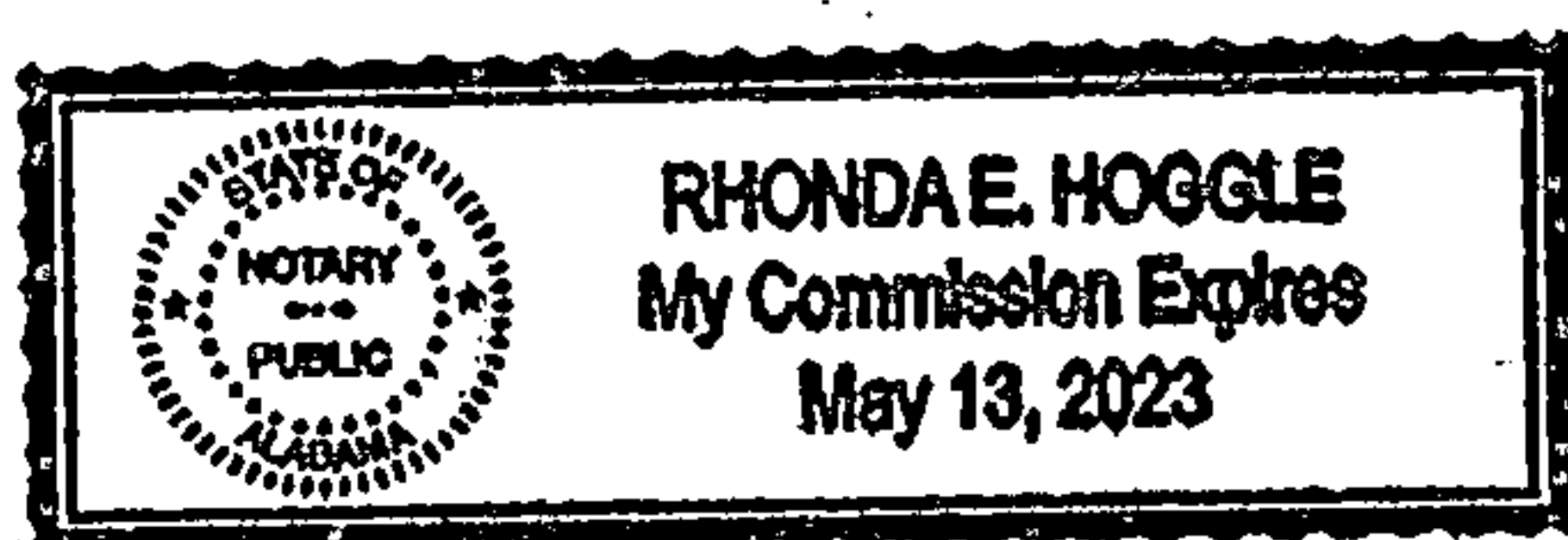
I, the undersigned, a notary public in and for said county in said state, hereby certify that Allison Morrow Stephens, whose name as a Trustee of Michael E. Stephens Revocable Trust as amended by that certain First Amended and Restated Trust Agreement dated January 20, 2012, and as a Trustee of the Reverse QTIP Trust and the Marital Trust, each governed by Article IX of such Amended and Restated Trust Agreement dated January 20, 2012, 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, in such capacities, executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 19<sup>th</sup> day of December, 2019.

Rhonda E. Hoggle  
Notary Public

[NOTARIAL SEAL]

My commission expires: 5/13/23



Gerard J. Kassouf, as a trustee  
Gerard J. Kassouf, as a Trustee of the  
Michael E. Stephens Revocable Trust, as amended by  
that certain First Amended and Restated Trust  
Agreement dated January 20, 2012, and as a Trustee of  
the Reverse QTIP Trust and the Marital Trust, each  
governed by Article IX of such Amended and Restated  
Trust Agreement dated January 20, 2012

STATE OF ALABAMA     )  
                                     :  
JEFFERSON COUNTY     )

I, the undersigned, a notary public in and for said county in said state, hereby certify that Gerard J. Kassouf, whose name as a Trustee of Michael E. Stephens Revocable Trust as amended by that certain First Amended and Restated Trust Agreement dated January 20, 2012, and as a Trustee of the Reverse QTIP Trust and the Marital Trust, each governed by Article IX of such Amended and Restated Trust Agreement dated January 20, 2012, 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, he, in such capacities, executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 14<sup>th</sup> day of December, 2019.

Ellen A. Tipton  
Notary Public

[NOTARIAL SEAL]

My commission expires: 5-15-23

**ELLEN A TIPTON**  
**NOTARY PUBLIC, ALABAMA STATE AT LARGE**  
**MY COMMISSION EXPIRES MAY. 15, 2023**

  
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Allison Morrow Stephens  
Allison Morrow Stephens

STATE OF ALABAMA     )  
                                      :  
SHELBY COUNTY         )

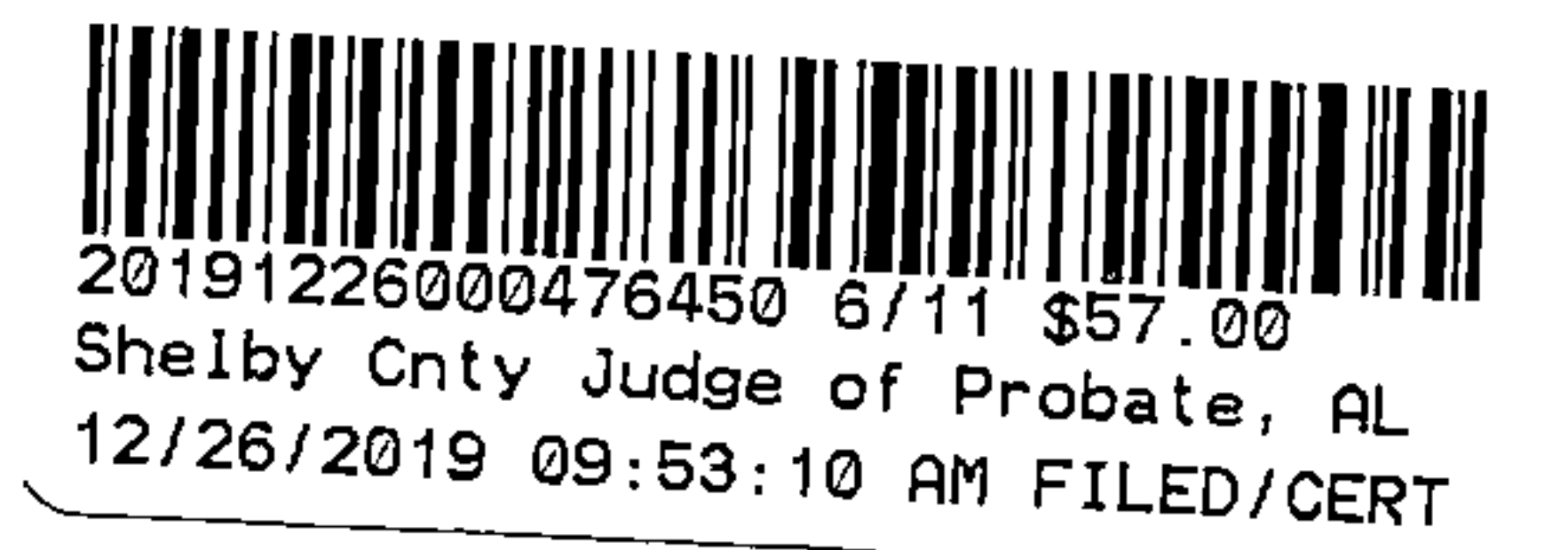
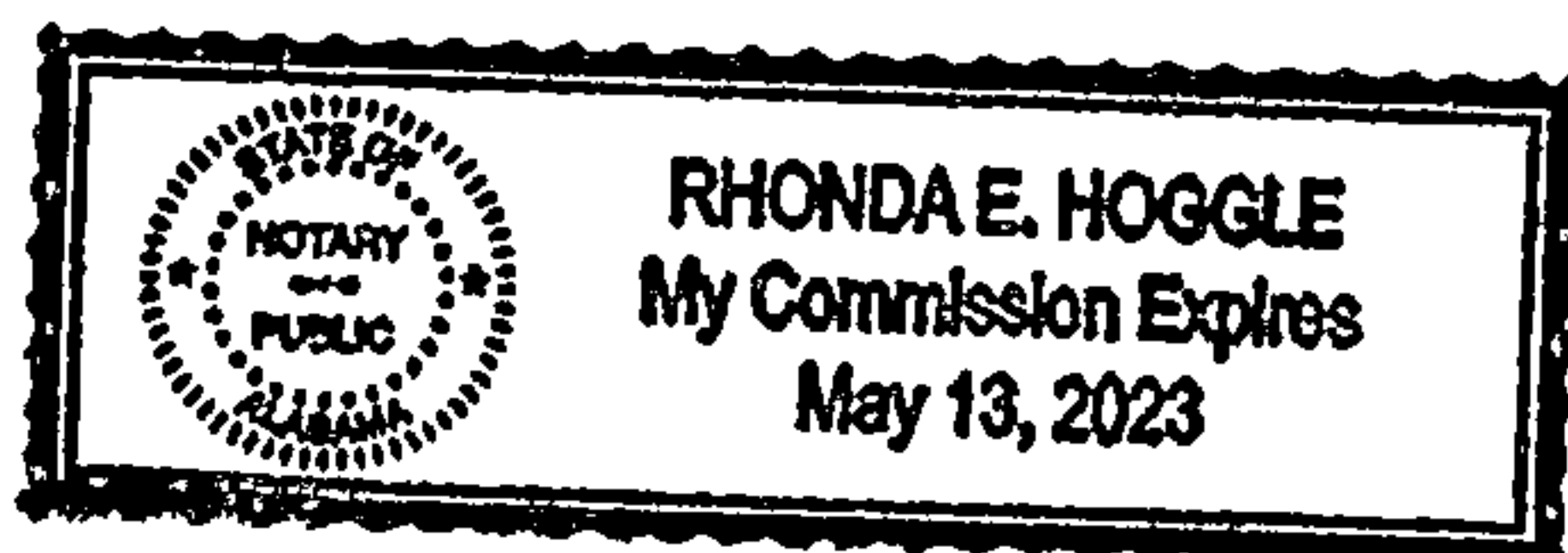
I, the undersigned, a notary public in and for said county in said state, hereby certify that Allison Morrow Stephens, whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of said instrument, she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 19<sup>th</sup> day of December, 2019.

Rhonda E. Hoggle  
Notary Public

[NOTARIAL SEAL]

My commission expires: 5/13/23



## EXHIBIT A

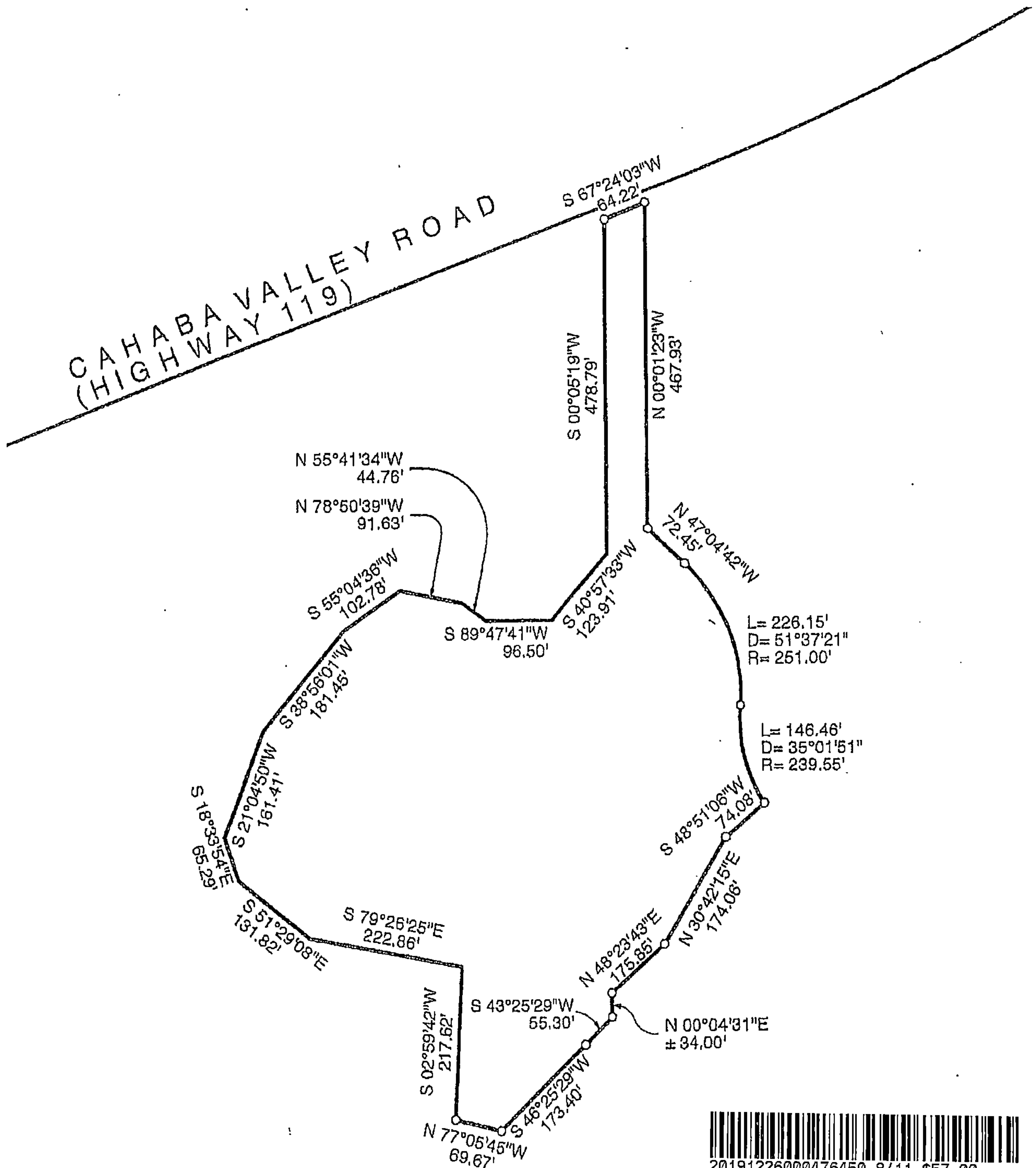
### **Cabin Parcel**

A Parcel of Land in the Northeast Quarter of Section 28, and the Northwest Quarter of Section 27, Township 19 South, Range 2 West, Shelby County, Alabama, being more particularly described as follows:

Commence at an iron pin found locally accepted to be the Northeast corner of the Northeast Quarter of said Section 28 and the Northwest corner of the Northwest Quarter of said Section 27; thence run South 00° 05' 19" East (an assumed bearing) along the East line of said Northeast Quarter Section for a distance of 975.47 feet to an iron pin found on the South Right-of-Way line of Cahaba Valley Road at the Point of Beginning; thence run North 67° 24' 03" East along said South Right-of-Way line for a distance of 64.02 feet to an iron pin found; thence run South 00° 01' 23" East for a distance of 467.93 feet to an iron pin found on the bank of Bishop Creek; thence run South 47° 04' 42" East for a distance of 72.45 feet to an iron pin set with SSI cap on a curve to the right having a radius of 251.00 feet and a central angle of 51° 37' 21"; thence run in a Southeasterly to Southwesterly direction along the arc of said curve for a distance of 226.15 feet to an iron pin set with SSI cap on a reverse curve to the left having a radius of 239.55 feet and a central angle of 35° 01' 51"; thence run in a Southwesterly to Southeasterly direction along the arc of said curve for a distance of 146.46 feet to an iron pin set with SSI cap; thence run South 48° 51' 06" West for a distance of 74.08 feet to an iron pin set with SSI cap; thence run South 30° 42' 15" West for a distance of 174.06 feet to an iron pin set with SSI cap; thence run South 48° 23' 43" West for a distance of 175.85 feet to an iron pin set with SSI cap; thence run South 00° 04' 31" West for a distance of 33.85 feet to an iron pin set with SSI cap; thence run South 43° 25' 29" West for a distance of 55.30 feet to an iron pin set with SSI cap on the bank of Bishop Creek; thence run South 46° 25' 29" West for a distance of 173.40 feet to an iron pin set with SSI cap on the bank of Bishop Creek; thence run North 77° 05' 45" West for a distance of 69.67 feet to an 5/8" open top iron found on the bank of Bishop Creek; thence run North 02° 59' 42" East for a distance of 217.62 feet to the center line of Bishop Creek; thence run North 79° 26' 25" West along said center line for a distance of 222.86 feet to a point; thence run North 51° 29' 08" West along said center line for a distance of 131.82 feet to a point; thence run North 18° 33' 54" West along said center line for a distance of 65.29 feet to a point; thence run North 21° 04' 50" East along said center line for a distance of 161.41 feet to a point; thence run North 38° 56' 01" East along said center line for a distance of 181.45 feet to a point; thence run North 55° 04' 36" East along said center line for a distance of 102.78 feet to a point; thence run South 78° 50' 39" East along said center line for a distance of 91.63 feet to a point; thence run South 55° 41' 34" East along said center line for a distance of 44.76 feet to a point; thence run North 89° 47' 41" East along said center line for a distance of 96.50 feet to a point; thence run North 40° 57' 33" East along said center line for a distance of 123.91 feet to a point; thence run North 00° 05' 19" East for a distance of 478.79 feet to the Point of Beginning. Said Parcel of Land containing 9.41 acres more or less.

  
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**EXHIBIT A-1**



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## **EXHIBIT B**

### **Utilities Parcel**

A parcel of land located in the Northeast  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of Section 28, Township 19 South, Range 2 West, Shelby County, Alabama, and being more particularly described as follows:

Commence at the Northeast Corner of the Northeast  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of Section 28, Township 19 South, Range 2 West; thence run S  $00^{\circ}04'21''$  E along the east line of said section 28 for a distance of 975.47 feet to a found 1" open pipe lying on the South Right of Way of State Route 119 (Cahaba Valley Road); thence run S  $69^{\circ}48'34''$  W along said right of way for a distance of 267.23 feet to the POINT OF BEGINNING of the herein described easement; thence leaving said right of way run S  $00^{\circ}04'21''$  E for a distance of 10.65 feet to a point; thence run S  $69^{\circ}48'34''$  W for a distance of 54.18 feet to a point; thence run N  $20^{\circ}11'26''$  W for a distance of 10.00 feet to a point lying on the South Right of Way of State Route 119 (Cahaba Valley Road); thence run N  $69^{\circ}48'34''$  E along said right of way for a distance of 57.85 feet to the POINT OF BEGINNING; said parcel containing 0.013 acres,

Together with and including the parcel more particularly described as follows:

A parcel of land located in the Northeast Quarter of Section 28, Township 19 South, Range 2 West, Shelby County, Alabama, being more particularly described as follows:

Commence at an iron pin found locally accepted to be the Northeast corner of the Northeast Quarter of said Section 28; thence run South 00 degrees 05 minutes, 19 seconds East (an assumed bearing) along the East line of said Quarter Section for a distance of 975.47 feet to an iron pin found on the South Right-of-Way line of Cahaba Valley Road; thence run South 70 degrees, 58 minutes, 04 seconds West along said South Right-of-Way line for a distance of 247.21 feet to an iron pin found at the Point of Beginning; thence run South 00 degrees, 03 minutes, 29 seconds East for a distance of 459.70 feet to the center line of Bishop Creek; thence run North 78 degrees, 50 minutes, 39 seconds West along said center line for a distance of 18.87 feet to a point; thence run North 00 degrees, 04 minutes, 08 seconds West for a distance of 447.76 feet to an iron found on the South Right-of-Way line of Cahaba Valley Road; thence run North 65 degrees, 58 minutes, 04 seconds West along said South Right-of-Way line for a distance of 20.35 feet to the Point of Beginning.

  
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# EXHIBIT B-1

120 60 0 120 240 360



SCALE IN FEET  
1" = 100'

21 22  
28 27

NORTHEAST CORNER  
N.E. 1/4 - N.E. 1/4  
SEC. 28, T 19 S, R 2 W  
SHELBY COUNTY, ALABAMA

## NOTES:

1. This is not a boundary survey.
2. Field work was completed November 14, 2019

## SURVEYOR'S STATEMENT

I 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 Surveying in the State of Alabama to the best of my knowledge information and belief.

*Roger V. Joiner*  
Roger Vess Joiner, PLS  
SAIN ASSOCIATES, INC.  
Alabama Reg. No. 23343  
Dated: November 14, 2019.



POINT OF BEGINNING  
OF 10' WATER LINE  
EASEMENT

N 69° 48' 34" E  
57.85'

N 20° 11' 26" W  
10.00'

CAHABA VALLEY ROAD  
(ALABAMA HIGHWAY NO. 119)  
R.O.W.

S 69° 48' 34" W  
54.18'

OWNER  
STEPHENS  
INST. NO. 1994-20512

S 69° 48' 34" W  
267.23'

S 00° 04' 21" E  
10.65'

5' HIGH  
PLASTIC FENCE

OWNER  
STEPHENS  
INST. NO. 2001-04350

OWNER: STEPHENS  
NOT SOLD TO KINNEBREW

S 00° 04' 21" E 975.47'

OPEN  
TOP FOUND

10' WATER LINE EASEMENT EXHIBIT



**SAIN**  
ASSOCIATES

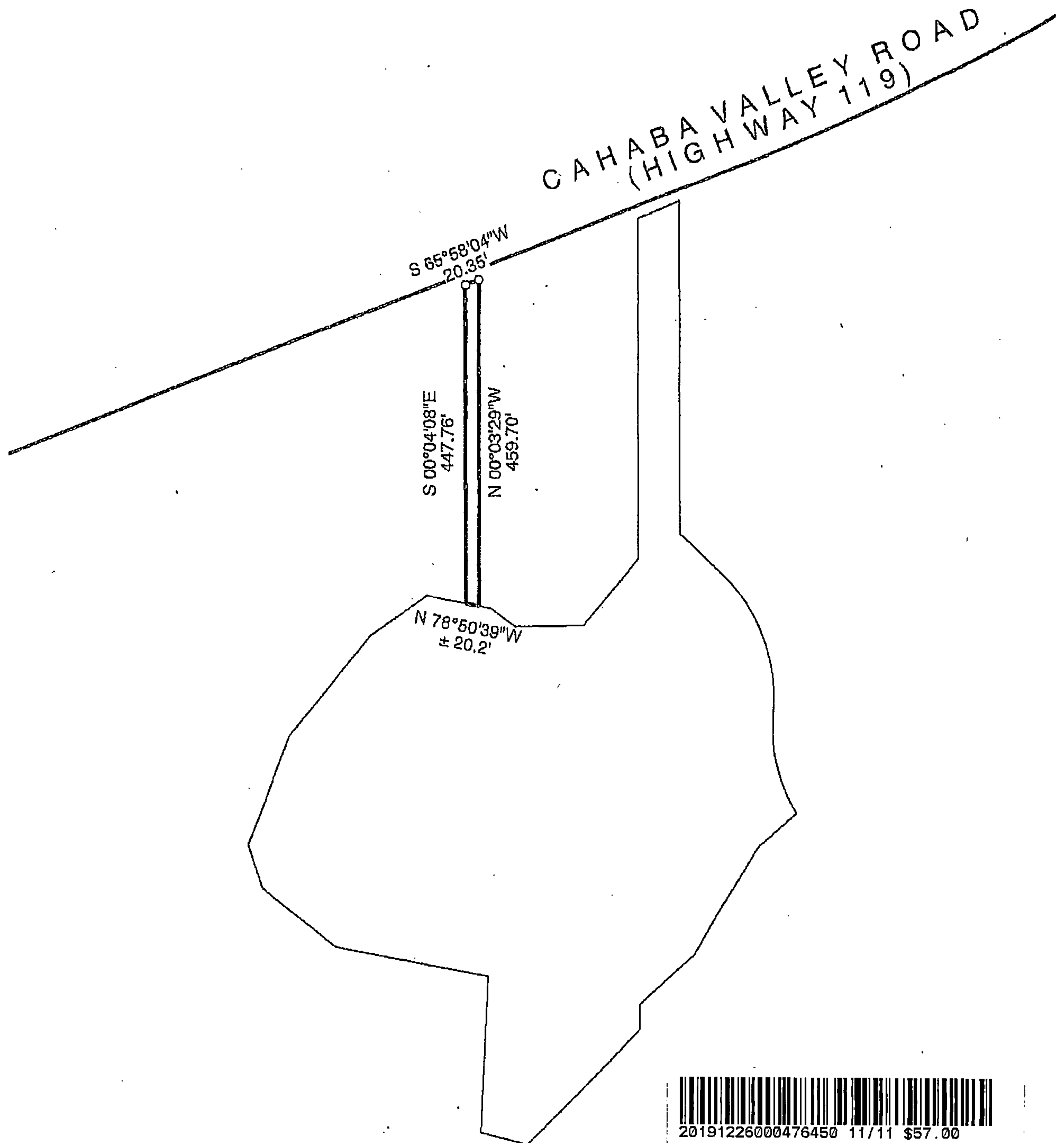
Two Perimeter Park South  
Suite 500 East  
Birmingham, Alabama 35243  
Phone: (205) 840-6420  
Website: www.sain.com

RESTING "S" RANCH  
SHELBY COUNTY, ALABAMA



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EXHIBIT B-2



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