

### **PERMISSIVE USE EASEMENT AGREEMENT**

This Permissive Use Easement Agreement is made and entered into by Collier Swecker and Amanda Swecker (hereinafter referred to as "Grantors") and Alan Franklin Rogers and Jennifer Jones Rogers (hereinafter referred to as "Grantees");

Whereas, Grantors, are the record title owners of the following described real property:

**Lot 36, according to the Survey of Heritage Oaks, as recorded in Map Book 11, Page 23 A & B, in the Probate Office of Shelby County, Alabama.**

Whereas, Grantees, are the record title owners of the following described real property:

**Lot 35, according to the Survey of Heritage Oaks, as recorded in Map Book 11, Page 23 A & B, in the Probate Office of Shelby County, Alabama.**

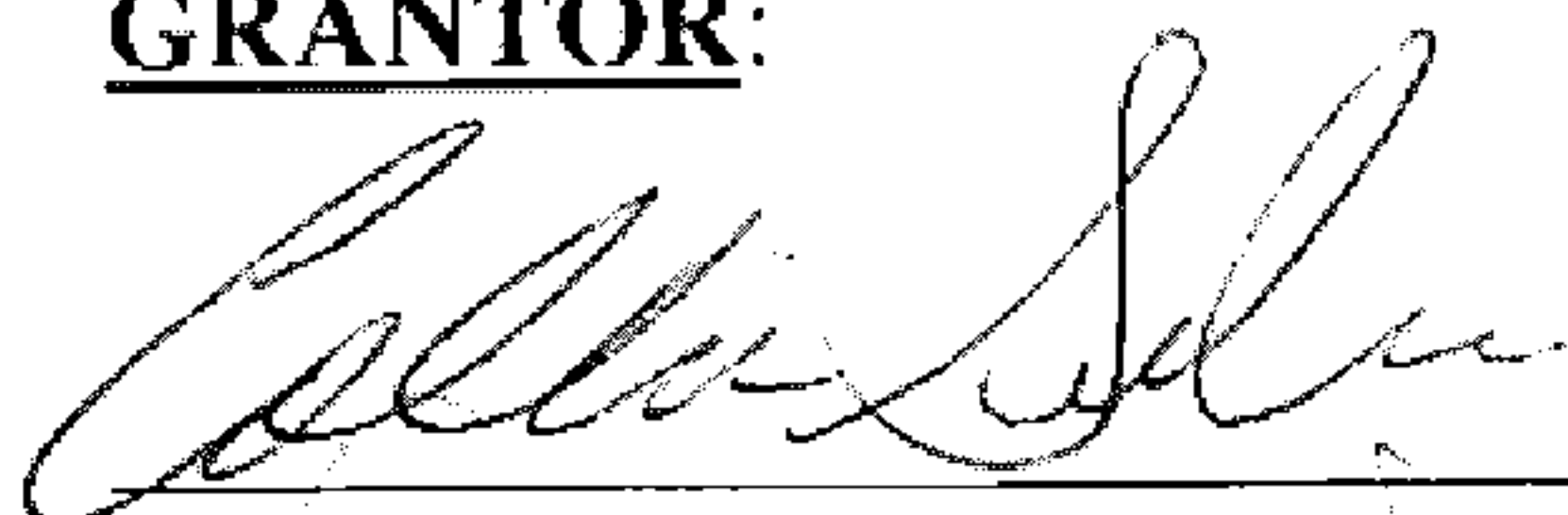

Whereas, a survey prepared by Ray Weygand dated July 3, 2019, (attached hereto), shows an encroachment of a fence along the northwest lot line of the Grantee's real property onto on the Grantor's real property. Whereas, no easement or other variance is of record relating to said encroachment.

Therefore, for and in consideration of Ten and No/100 (\$10.00) Dollars and other good and valuable consideration in hand paid, Grantors hereby grant and convey to Grantees, and Grantees' successors and/or assigns, the perpetual, and non-exclusive permissive use of said encroachment on Grantors' real property as shown per said survey. This perpetual, non-exclusive agreement shall be a covenant running with the land. The easement conveyed is further described as follows:

An easement for a fence, lying across a portion of Lot 36, Heritage Oaks, as recorded in Map Book 11, Page 23, in the Office of the Judge of Probate, Shelby County, Alabama as more particularly described as follows: Commence at a capped rebar found stamped "Weygand" at the Northeast corner of said Lot 36, said point being located on the south right of way of Heritage View Rad, being a point on a curve concave to the Northwest, having a radius of 55.00 feet, a central angle of 51 degrees 13 minutes 40 seconds, and arc length of 49.18 feet; thence radial to said curve and leaving said right of way, run in a Southeasterly direction along the Northeasterly line of said Lot 36 for a distance of 90.58 feet to the Point of Beginning of the easement herein described; thence continuing along said North line for a distance of 104.56 feet to a point; thence leaving said Northeast line, turn an angle to the right of 95 degrees 07 minutes 37 seconds and run in a Southwesterly direction for a distance of 11.81 feet to a point; thence turn right 90 degrees 00 minutes 00 seconds and run in a Northwesterly direction for a distance of 104.14 feet to a point; thence turn right 90 degrees 00 minutes 00 seconds and run in a Northeasterly direction for a distance of 2.46 feet to the Point of Beginning.

**IN WITNESS WHEREOF**, the said Grantors have hereunto signed and sealed said Permissive Use Agreement on this the 31 day of August, 2019.

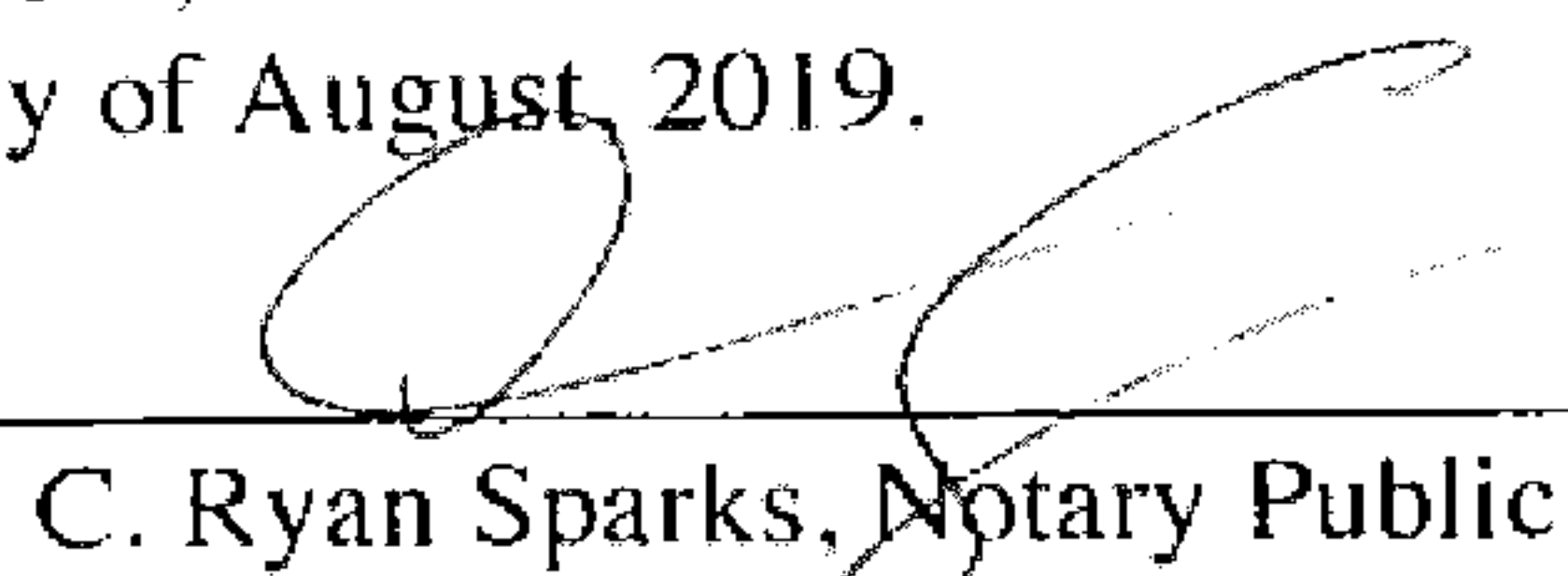
**GRANTOR:**

  
Collier Swecker  
  
Amanda Swecker

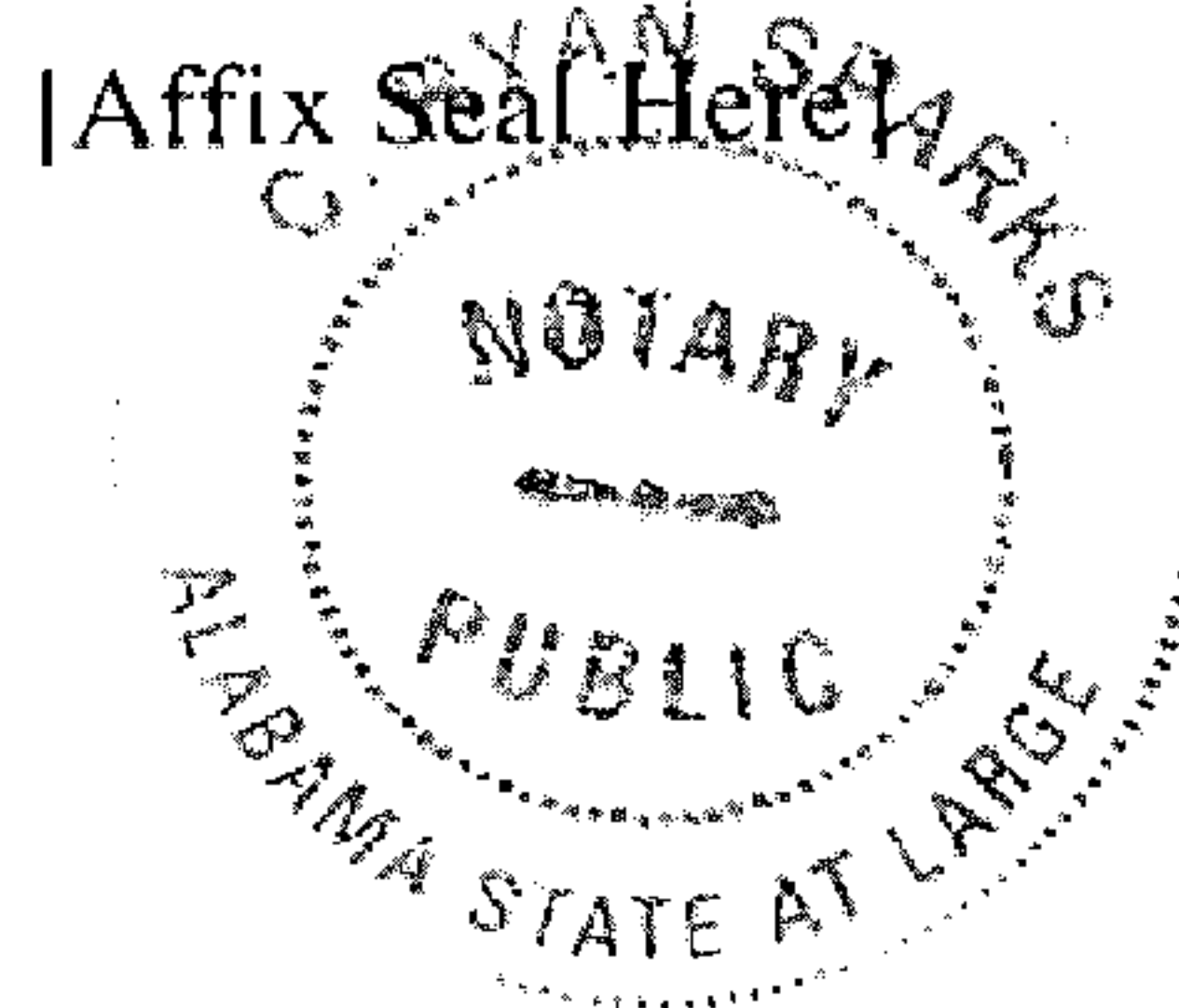
**STATE OF ALABAMA  
COUNTY OF JEFFERSON**

I, the undersigned, a Notary Public, in and for said State and County, do hereby certify that Collier Swecker and Amanda Swecker, whose names are each signed to the above and foregoing conveyance, and who are each known to me, acknowledged before me on this day that, being informed of the contents of this instrument, Collier Swecker and Amanda Swecker each executed the same voluntarily with full authority, on the day the same bears date.

**IN WITNESS WHEREOF**, the said Grantors have hereunto set Grantor's respective hands and seals on this 31 day of August, 2019.

  
C. Ryan Sparks, Notary Public

My Commission Expires: December 14, 2019



**This Instrument Prepared By:**

C. Ryan Sparks, Attorney  
Sparks Law Firm, LLC  
2635 Valleydale Road, Suite 200  
Birmingham, Alabama 35244  
DIRECT: 205-215-8433



Filed and Recorded  
Official Public Records  
Judge of Probate, Shelby County Alabama, County  
Clerk  
Shelby County, AL  
01/09/2020 02:29:49 PM  
\$26.00 CHERRY  
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*Allen S. Bayl*