

This instrument prepared by:

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505 20th Street North, Suite 800
Birmingham, AL 35203
205-725-6411

STATE OF ALABAMA)

COUNTY OF SHELBY)

ACCESS EASEMENT AGREEMENT

THIS ACCESS EASEMENT AGREEMENT (this "Agreement") is made and entered into as of the 13th day of May, 2020, by and among **FIRST US BANK**, an Alabama bank ("**FUSB**"), **ROBERT B. FRANKLIN** and **AMANDA M. FRANKLIN**, husband and wife (collectively, the "**Franklins**"), **OVERTON GAP, LLC**, an Alabama limited liability company ("**Overton**"), and **KERRY R. NIVENS** ("**Nivens**"). FUSB, the Franklins, Overton Gap, and Nivens are referred to collectively herein as the "**Parties**".

RECITALS:

A. FUSB is the owner of the real property described in Exhibit A attached hereto and incorporated herein by reference (the "FUSB Property").

B. The Franklins are the owners of the real property described in Exhibit B attached hereto and incorporated herein by reference (the "Franklin Property").

C. Overton Gap is the owner of the real property described in Exhibit C attached hereto and incorporated herein by reference (the "Overton Gap Property").

D. Nivens is the owner of the real property situated in Shelby County, Alabama, described as Tax Parcel ID No. 09 8 27 0 001 017.000 (the "Nivens Property").

E. The Nivens Property is adjacent to the Franklin Property.

F. Nivens previously owned the FUSB Property and the Franklin Property and reserved an easement which provides access from Old U.S. Highway 280 to the Nivens Property across the FUSB Property and the Franklin Property, and which is recorded at Instrument No. 20030902000582580 in the Office of the Judge of Probate of Shelby County, Alabama (the "Original Easement").

F. The Parties desire to terminate the Original Easement and grant a new easement for the purpose of accessing the Nivens Property from Old U.S. Highway 280.

H. Nivens is willing to terminate the Original Easement, and FUSB, the Franklins, and Overton Gap are willing to grant a new easement for the purpose of accessing the Nivens Property from Old U.S. Highway 280, upon the terms provided for in this Agreement.

NOW, THEREFORE, in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

AGREEMENT:

1. Termination of Original Easement.

Nivens hereby releases, cancels, and terminates the Original Easement recorded at Instrument No. 20030902000582580 in the Office of the Judge of Probate of Shelby County, Alabama. None of the property described herein constitutes any part of the homestead of Nivens or Nivens' spouse.

2. Grant of New Access Easement.

FUSB, the Franklins, and Overton Gap do hereby grant, bargain, sell, convey and assign unto Nivens an easement for ingress, egress and utilities over and across the property described on Exhibit D attached hereto and incorporated herein by reference (the "Easement"). Nivens and his successors in title shall repair any damage caused by their use of the Easement.

[signature pages to follow]

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

FIRST US BANK:

By: Parrish Argo v.p.
Parrish Argo
Its: Vice President

STATE OF ALABAMA)
)
COUNTY OF JEFFERSON)

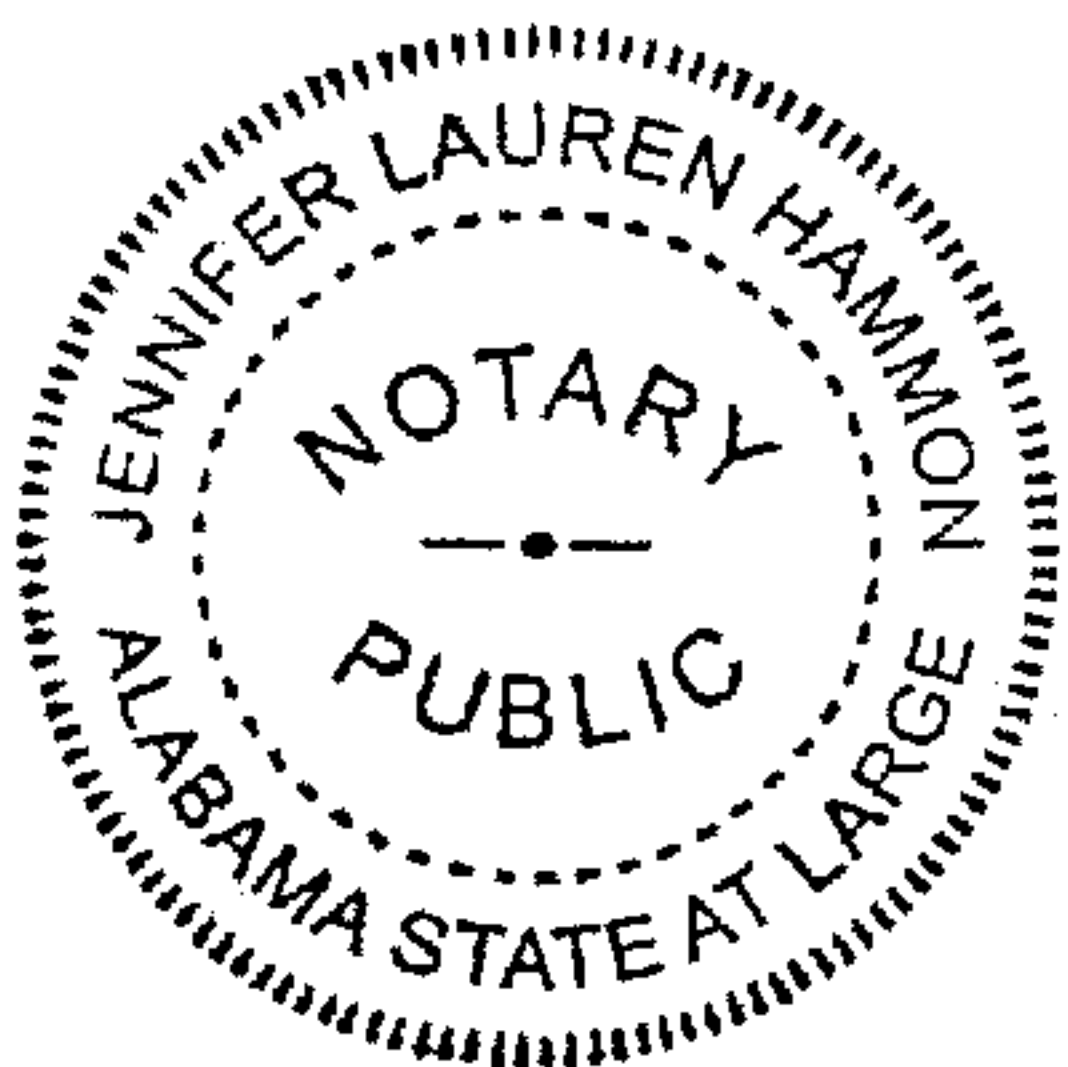
I, the undersigned, a notary public in and for said county in said state, hereby certify that Parrish Argo, whose name as Vice President of **First US Bank**, an Alabama bank, is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of said instrument, he/she as such officer and with full authority executed the same voluntarily for an as the act of said bank.

Given under my hand and official seal this 24th day of January, 2020.

Jennifer L. Hammon
NOTARY PUBLIC

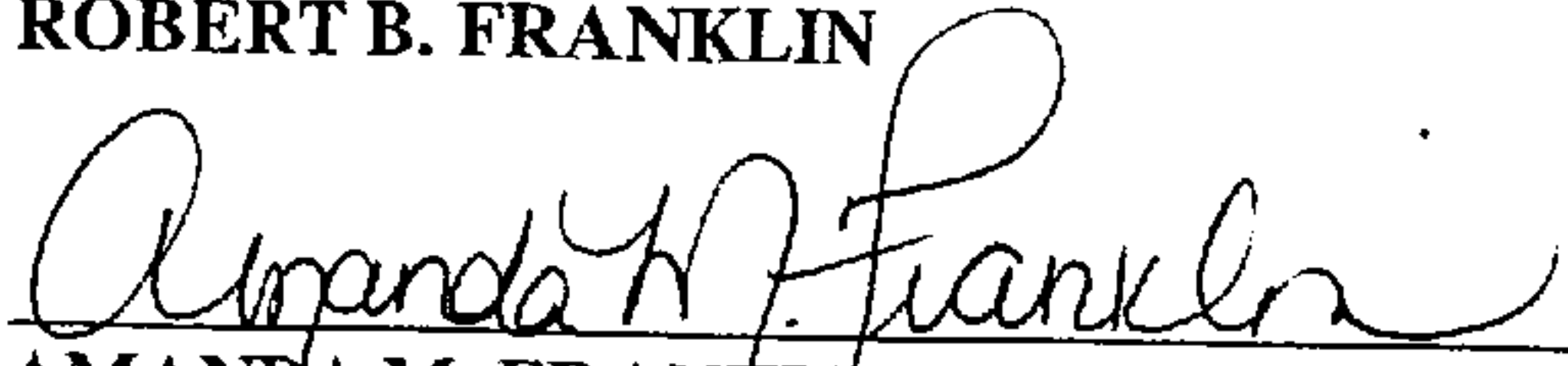
My commission expires: 6/07/2020

[NOTARIAL SEAL]





ROBERT B. FRANKLIN



AMANDA M. FRANKLIN

STATE OF ALABAMA

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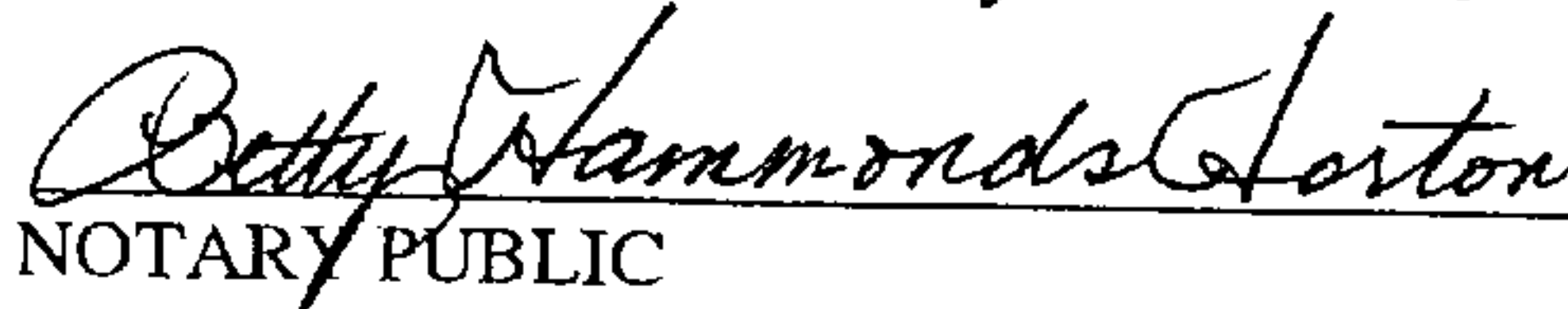
COUNTY OF SHELBY

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I, the undersigned, a notary public in and for said county in said state, hereby certify that Robert B. Franklin and Amanda M. Franklin, husband and wife, whose names are signed to the foregoing instrument, and who are known to me, acknowledged before me on this day that, being informed of the contents of said instrument, they executed the same voluntarily.

Given under my hand and official seal this 23rd day of January, 2020.


NOTARY PUBLIC

My commission expires: 5/29/2022

[NOTARIAL SEAL]

OVERTON GAP, LLC:

By: Connie R. Ponder
Connie R. Ponder
Member

By: PONDER PROPERTIES, L.L.C.
By: Terry Ponder
Terry Ponder
Sole Managing Member of Ponder Properties, L.L.C.

STATE OF ALABAMA)
COUNTY OF SHELBY)

I, the undersigned, a notary public in and for said county in said state, hereby certify that Connie R. Ponder, whose name as Member of **Overton Gap, LLC**, an Alabama limited liability company, 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, as such Member and with full authority executed the same voluntarily for an as the act of said company.

Given under my hand and official seal this 21st day of January, 2020.

Betty Hammonds Horton
NOTARY PUBLIC
My commission expires: 5/29/2022

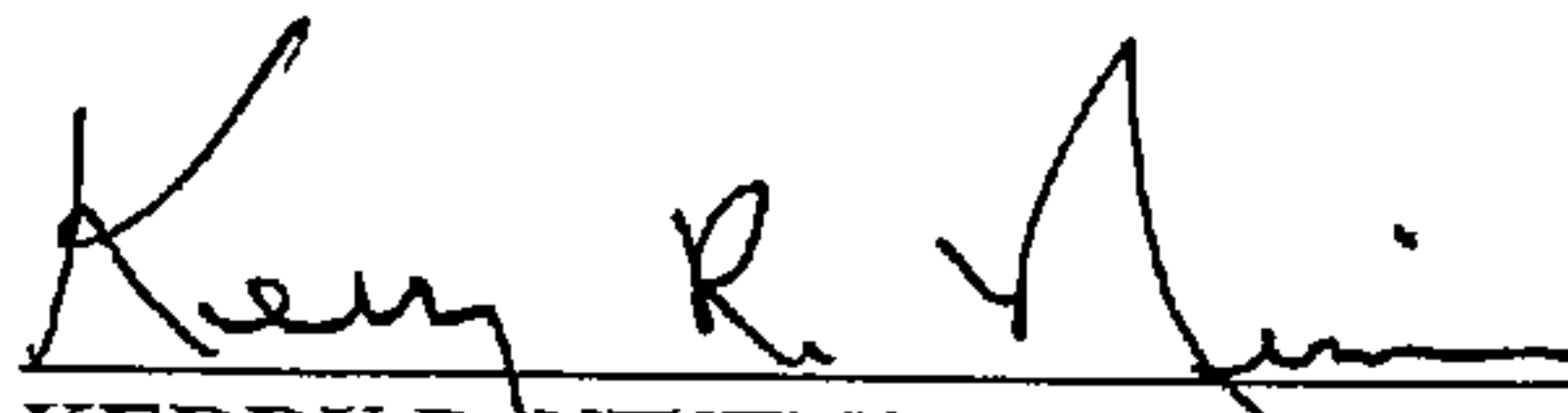
[NOTARIAL SEAL]

STATE OF ALABAMA)
COUNTY OF SHELBY)

I, the undersigned, a notary public in and for said county in said state, hereby certify that Terry Ponder, whose name as Sole Managing Member of Ponder Properties, L.L.C., as member of **Overton Gap, LLC**, 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, as such member, and with full authority executed the same voluntarily for an as the act of said company.

Given under my hand and official seal this 21st day of January, 2020.


Betty Hammonds Horton
NOTARY PUBLIC
My commission expires: 5/29/2022


KERRY R. NIVENS

STATE OF ALABAMA)
)
COUNTY OF SHELBY)

I, the undersigned, a notary public in and for said county in said state, hereby certify that Kerry R. Nivens, 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, he executed the same voluntarily.

Given under my hand and official seal this 18th day of May, 2020.


NOTARY PUBLIC

My commission expires: 5/29/2022

[NOTARIAL SEAL]

EXHIBIT A

Legal description of FUSB Property

STATE OF ALABAMA
SHELBY COUNTY

Commence at a pole in place being the Northeast corner of the Southwest one-fourth of the Southwest one-fourth of Section 27, Township 19 South, Range 1 West, Shelby County, Alabama, said point being South 01° 18' 37" East of and 2.83 feet from the Southeast corner of Lot No. 1 of The Shoppes At the Narrows Phase 1 as shown by map of said subdivision on record in the Office of the Judge of Probate of Shelby County, Alabama, in Map book 25 at Page 32; thence proceed South 01° 18' 37" East along the East boundary of said Southwest one-fourth of the Southwest one-fourth for a distance of 179.87 feet; thence proceed South 89° 44' 22" West for a distance of 908.41 feet to a point on the Southwesterly boundary of the CSX Railroad 100 foot right-of-way; thence proceed North 50° 57' 16" West along the Southwesterly boundary of said railroad right-of-way for a distance of 230.29 feet to a ½" rebar in place, said point being the point of beginning. From this beginning point proceed South 46° 57' 06" West for a distance of 138.94 feet; thence proceed North 43° 30' 06" West for a distance of 269.15 feet to a point on the Southerly right-of-way of Old U. S. Highway 280 to a ½" rebar in place; thence proceed North 60° 46' 34" East along the Southerly right-of-way of said highway for a distance of 110.56 feet to a ½" rebar in place, said point being located on the Southwesterly boundary of the CSX Railroad 100 foot right-of-way; thence proceed South 50° 57' 16" East along the Southwesterly boundary of said railroad right-of-way for a distance of 245.08 feet to the point of beginning.

The above described land is located in the Northwest one-fourth of the Southwest one-fourth and the Southwest one-fourth of the Southwest one-fourth of Section 27 Township 19 South, Range 1 West, Shelby County, Alabama and contains 1.39 acres.

EXHIBIT B

Legal description of Franklin Property

: Commence at a pole in place being the Northeast corner of the Southwest one-fourth of the Southwest one-fourth of Section 27, Township 19 South, Range 1 West, Shelby County, Alabama, said point being South 01° 18' 37" East of and 2.83 feet from the Southeast corner of Lot No. 1 of The Shoppes At the Narrows Phase 1 as shown by map of said subdivision on record in the Office of the Judge of Probate of Shelby County, Alabama, in Map book 25 at Page 32; thence proceed South 01° 18' 37" East along the East boundary of said Southwest one-fourth of the Southwest one-fourth for a distance of 179.87 feet; thence proceed South 89° 44' 22" West for a distance of 908.41 feet to a point on the Southwesterly boundary of the CSX Railroad 100 foot right-of-way, said point being the point of beginning. From this beginning point proceed North 50° 57' 16" West along the Southwesterly boundary of said railroad right-of-way for a distance of 230.29 feet (set 1/2" rebar); thence proceed South 46° 57' 06" West for a distance of 233.39 feet (set 1/2" rebar); thence proceed South 26° 08' 41" East for a distance of 177.57 (set 1/2" rebar) to the bank of a creek; thence continue South 26° 08' 41" East for a distance of 47.60 feet to the center of said creek; thence proceed North 57° 52' 15" East along the center of said creek for a distance of 99.50 feet; thence North 68° 51' 11" East along the center of said creek for a distance of 80.82 feet; thence proceed North 33° 59' 16" East along the center of said creek for a distance of 161.98 feet to the point of beginning.

The above described land is located in the Southwest one-fourth of the Southwest one-fourth of Section 27 Township 19 South, Range 1 West, Shelby County, Alabama.

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EXHIBIT C

Legal description of Overton Gap Property

Lot 4, according to the Final Plat of Chelsea Village, as recorded at Map Book 47, Page 63,
in the Office of the Judge of Probate of Shelby County, Alabama.

EXHIBIT D

Legal description of New Access Easement

AND ALSO GRANTED A 30 FOOT INGRESS AND EGRESS EASEMENT being 15 feet in equal width on each side of the following described line: Commence at a pole in place being the Northeast corner of the Southwest one-fourth of the Southwest one-fourth of Section 27, Township 19 South, Range 1 West, Shelby County, Alabama, said point being South 01° 18' 37" East of and 2.83 feet from the Southeast corner of Lot No. 1 of The Shoppes At the Narrows Phase 1 as shown by map of said subdivision on record in the Office of the Judge of Probate of Shelby County, Alabama, in Map book 25 at Page 32; thence proceed South 01° 18' 37" East along the East boundary of said Southwest one-fourth of the Southwest one-fourth for a distance of 179.87 feet; thence proceed South 89° 44' 22" West for a distance of 908.41 feet to a point on the Southwesterly boundary of the CSX Railroad 100 foot right-of-way; thence proceed South 33° 59' 16" West for a distance of 7.53 feet to the centerline of said 15 foot ingress and egress and easement, said point being the point of beginning. From this beginning point proceed North 50° 57' 16" West along the centerline of said easement for a distance of 231.99 feet; thence proceed South 46° 57' 04" West along the centerline of said easement for a distance of 146.37 feet; thence proceed North 43° 08' 34" West along the centerline of said easement for a distance of 272.63 feet to its point of intersection with the Southerly right-of-way of Old U. S. Highway 280 and the termination of said easement.



Filed and Recorded
Official Public Records
Judge of Probate, Shelby County Alabama, County
Clerk
Shelby County, AL
05/27/2020 07:58:05 AM
\$52.00 CHERRY
20200527000210090

Allen S. Bayl