

STATE OF ALABAMA)
SHELBY COUNTY)

20201208000561540
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ESMTAROW 1/13

DECLARATION OF EASEMENTS

Albert L. Scott, Jr. (Al) , a married man, is the owner of all that real property located in Shelby County, Alabama more particularly described on Exhibit Z and Exhibit Z-1 attached hereto and incorporated by reference herein (Scott Property). The Scott Property is not the homestead of Al or his spouse.

I. Al intends to divide the Scott Property into parcels for resale (the Resulting Parcels) and desires to establish nonexclusive easements to benefit and encumber the Scott Property for vehicular and pedestrian ingress and egress and for drainage and utilities (above or underground). Accordingly, Al does hereby grant, bargain, sell, convey, declare and establish the following non exclusive Easements 1 and 2 (non-personal) across the Scott Property to Al, his heirs, successors and assigns (unless limited) of the Scott Property which are intended to be perpetual and run with the land.

A. EASEMENT 1. Easement 1 is described on Exhibit A attached hereto and incorporated by reference herein. Easement 1 is subject to those matters described on Exhibit A-1 attached hereto and incorporated by reference herein which matters include, but are not limited to the right of an owner of the Servient or Dominant estates in Easement 1 to convert Easement 1 to a public roadway. The southwesterly access from Easement 1 as shown on the attached Exhibit B-2 can be at any location so long as such access is not less than 170 feet southeasterly of the northwesterly line of Easement 1 notwithstanding the depiction of such access on Exhibit B-2.

B. EASEMENT 2. Easement 2 is described on Exhibit B attached hereto and incorporated by reference herein. Easement 2 is not intended to benefit that real property previously sold to Fred J. Molz IV and Laura A. Molz as set forth in deed recorded in Instrument No. 20200508000181100 in the Office of the Judge of Probate of Shelby County, Alabama.

II. ROADWAYS: Any owner of a Resulting Parcel which includes Easement 2 or who is benefitted by Easement 2 shall be entitled to construct a road, at their expense, on Easement 2 to access their Resulting Parcel, except as may be limited in any conveyance from Al to an owner of a Resulting Parcel. No owner of a Resulting Parcel can be forced to pay for costs of any road unless they agree. The road constructed in Easement 2 must be at least 22' in width with a minimum of a four foot shoulders on each side of road and ditches on each side of roadway for drainage. Drainage pipe must be installed where needed. The road must be compacted to a 95 % compaction rate and constructed according to the Road Profile attached hereto as Exhibit C The surface of any roadway constructed will require a minimum of a layer of stone on top of the subgrade. If there is any question concerning the construction of road(s) the parties will agree to hire Jeremy Taylor, P.E. Birmingham, Alabama (or in his absence, a qualified professional engineer) to inspect the roadway and render an opinion as to proper road construction. The fee of the P.E. will be divided equally between the owners involved in the dispute. Any owner who has built a road shall comply with the decision of the P.E. at such owners expense.

III. MAINTENANCE. Unless the use of Easement 2 is limited in the conveyance of a Resulting Parcel, in the event any constructed roadway is located on a Resulting Parcel or benefits and runs to a Resulting Parcel, the owners of such Resulting Parcels shall share in maintenance of such

roadway in percentages wherein ²/₁₃ the numerator is the number of acres in each Resulting Parcel and the denominator is the number of acres in all Resulting Parcels benefited by Easement 2.

IV. DAMAGE. If any owner along any constructed portion of the road or their invitees damage the road in any way they are responsible to repair the road as soon as possible but no longer than ten days from notice of damage from any owner within the Scott Property. Any notice of damage will be delivered to owner in writing. If the damage is not repaired timely the owner who filed the claim for damage can record a lien against the owner who is responsible for damage to the road. The lien will be recorded in Shelby County, Alabama and an action may be brought in the appropriate court in Shelby county to enforce the lien for the cost of repairing the road together with costs and attorney fees.

V. Al, at his expense shall construct a double wooden gate 14 feet in length across the westerly end of Easement 2 within 30 days of the first sale of a Resulting Parcel.

VI. FORMATION OF ASSOCIATION. If unanimously agreed to by all owners of Resulting Parcels benefited by Easement 2 an association may be formed for the maintenance of the roads constructed. This association is intended to be the same association referred to in Exhibit A-1, paragraph D attached hereto.

VII. Al, or his heirs (so long as they own a portion of the Scott Property) shall be entitled to grant the Easements on a non exclusive basis to the future owners of the Resulting Parcels

TO HAVE AND TO HOLD unto Albert L. Scott Jr. his heirs, successors and assigns (except as limited) forever.

Done this 7 day of December, 2020.

SIGNATURE AND ACKNOWLEDEMENT APPEAR ON THE FOLLOWING PAGE

3/13
SIGNATURE PAGE DECLARATION OF EASEMENTS

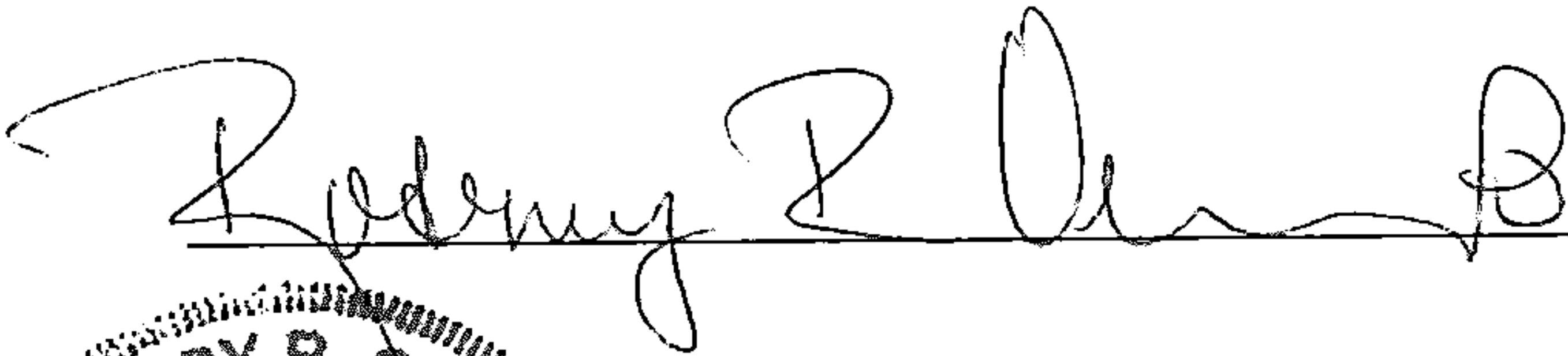


Albert L. Scott, Jr

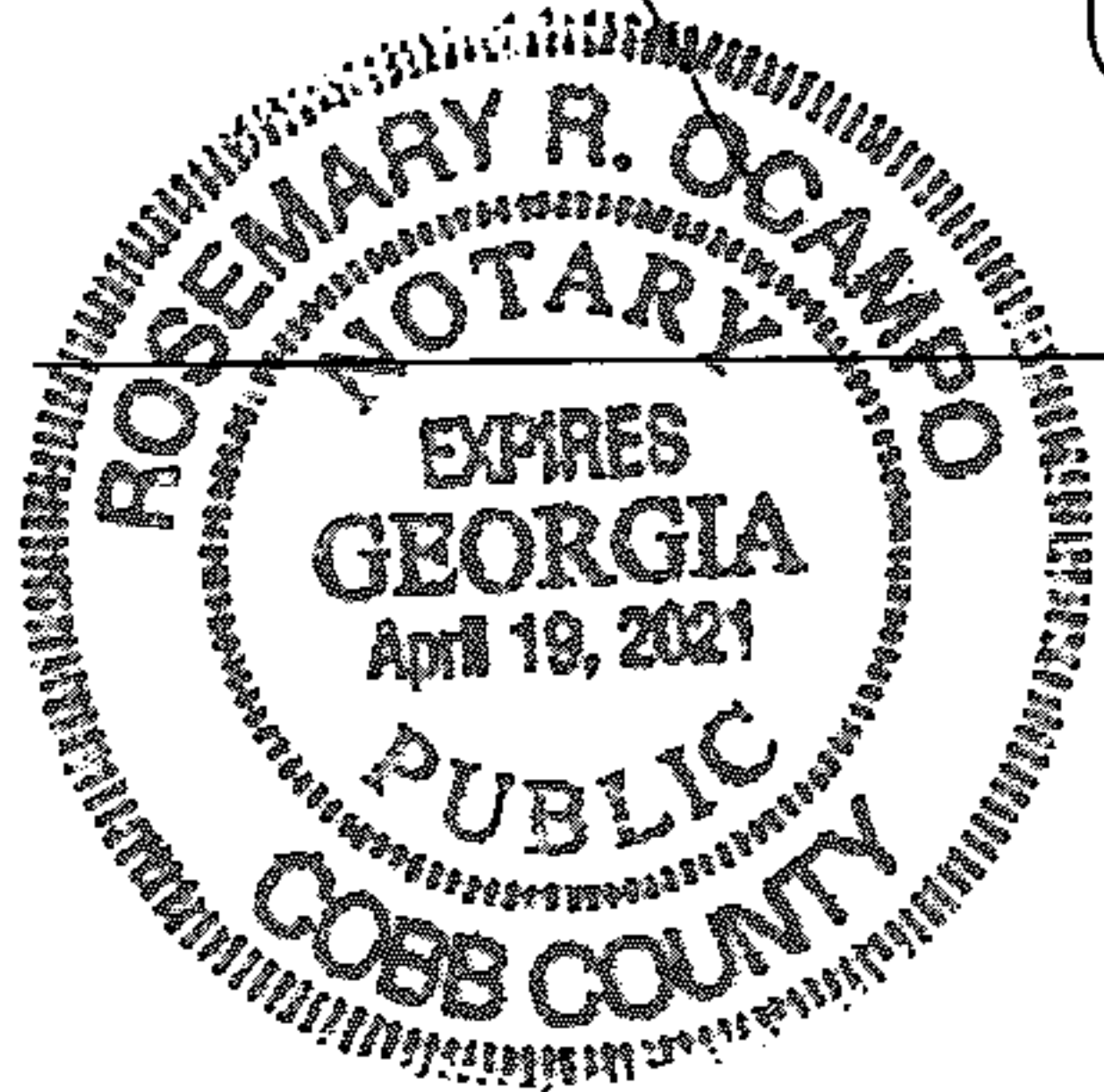
STATE OF *Georgia*,
Fulton COUNTY)

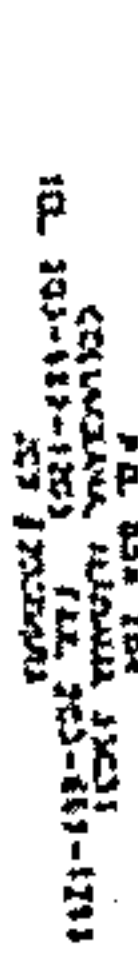
I, the undersigned, a Notary Public in and for said County and State do hereby certify that Albert L. Scott Jr., whose name is signed to the foregoing conveyance, and who is known to me, acknowledged before me this day that, being informed of the contents of said conveyance, he executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 7th day of December, 2020.



Notary Public
My Commission Exp.





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EXHIBIT Z-1

LEGAL DESCRIPTION OF THE SUTT PROPERTY

STATE OF ALABAMA
SHELBY COUNTY

I, Rodney Shiflett, a Registered Professional Land Surveyor in the State of Alabama do hereby certify that this is a true and correct plat of my survey as shown hereon. That there are no visible encroachments of any kind upon the subject lot except as shown hereon, excluding utility service lines, wires or pipes that serve the subject lot only that are within dedicated easements or rights of way. That steel corners have been found or installed at all lot corners. 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, the correct legal description being as follows:

Commence at the NW Corner of Section 14, Township 22 South, Range 3 West, Shelby County, Alabama; thence S88°43'52"E for a distance of 662.52' to the POINT OF BEGINNING; thence continue S88°43'52"E for a distance of 322.56'; thence N00°27'13"W for a distance of 1317.52'; thence S89°22'16"E for a distance of 350.90'; thence S00°27'16"W for a distance of 1320.59'; thence S01°10'33"W for a distance of 1322.02'; thence S01°01'02"W for a distance of 1316.62'; thence N88°50'11"W for a distance of 1313.81'; thence N88°14'45"W for a distance of 1399.86'; thence N88°17'06"W for a distance of 1236.59'; thence N00°15'38"E for a distance of 2279.19' to the Southeasterly R.O.W. line of Shelby County Highway 119, R.O.W. Varies; thence N52°04'25"E and along said R.O.W. line for a distance of 529.97'; thence S37°55'35"E and leaving said R.O.W. line for a distance of 340.00'; thence S52°04'25"W for a distance of 10.00'; thence S37°55'35"E for a distance of 328.03' to a curve to the right, having a radius of 351.68', and subtended by a chord bearing S26°05'01"E, and a chord distance of 144.35'; thence along the arc of said curve for a distance of 145.38' to a reverse curve to the left, having a radius of 132.52', and subtended by a chord bearing S54°03'26"E, and a chord distance of 169.71'; thence along the arc of said curve for a distance of 184.18'; thence N86°07'34"E for a distance of 168.51' to a curve to the right, having a radius of 624.03', and subtended by a chord bearing S83°56'59"E, and a chord distance of 215.09'; thence along the arc of said curve for a distance of 216.17' to a reverse curve to the left, having a radius of 251.74', and subtended by a chord bearing S85°04'02"E, and a chord distance of 96.43'; thence along the arc of said curve for a distance of 97.03'; thence N83°53'28"E for a distance of 583.02' to a curve to the right, having a radius of 871.83', and subtended by a chord bearing S66°01'04"E, and a chord distance of 874.23'; thence along the arc of said curve for a distance of 915.75'; thence N24°16'44"E for a distance of 1114.57' to the POINT OF BEGINNING.

Said Parcel containing 205.49 acres, more or less.

EXHIBIT A
EASEMENT 1

EASEMENT 2

[REDACTED] is legally described as follows; Commence at the NE Corner of Section 15, Township 22 South, Range 3 West, Shelby County, Alabama; thence N88°44'10"W for a distance of 1317.71'; thence N39°11'51"W for a distance of 625.94' to the Southeasterly R.O.W. line of Alabama Highway 119, R.O.W. varies, and a curve to the right, having a radius of 5779.69, and subtended by a chord which bears S48°51'21"W, and a chord distance of 652.10'; thence along the arc of said curve and along said R.O.W. line for a distance of 652.44'; thence S52°04'25"W and along said R.O.W. line for a distance of 65.96' to the POINT OF BEGINNING; thence continue S52°04'25"W and along said R.O.W. line for a distance of 80.00'; thence S37°55'35"E and leaving said R.O.W. line for a distance of 340.00'; thence N52°04'25"E for a distance of 80.00'; thence N37°55'35"W for a distance of 340.00' to the POINT OF BEGINNING.

EXHIBIT ~~S~~ A-1
NON EXCLUSIVE EASEMENT

The Easement referred to on Exhibit A is legally described as follows; Commence at the NE Corner of Section 15, Township 22 South, Range 3 West, Shelby County, Alabama; thence N88°44'10"W for a distance of 1317.71'; thence N39°11'51"W for a distance of 625.94' to the Southeasterly R.O.W. line of Alabama Highway 119, R.O.W. varies, and a curve to the right, having a radius of 5779.69, and subtended by a chord which bears S48°51'21"W, and a chord distance of 652.10'; thence along the arc of said curve and along said R.O.W. line for a distance of 652.44'; thence S52°04'25"W and along said R.O.W. line for a distance of 65.96' to the POINT OF BEGINNING; thence continue S52°04'25"W and along said R.O.W. line for a distance of 80.00'; thence S37°55'35"E and leaving said R.O.W. line for a distance of 340.00'; thence N52°04'25"E for a distance of 80.00'; thence N37°55'35"W for a distance of 340.00' to the POINT OF BEGINNING.

Grantor owns an undivided interest in the certain real property described on the attached Exhibit B-1 (the Servient Estate). The Easement is located on a portion of the Servient Estate. Grantor reserves the perpetual right to use the Easement for vehicular and pedestrian ingress and egress and for utilities and such right may be conveyed to any subsequent owner of any portion of the Servient Estate

There may be three access points on the Easement where roads can be constructed running off the Easement as shown on Exhibit B-2 attached hereto. Furthermore, In the future, the Easement and the now existing road from Highway 119 can be utilized by any owner of the Property conveyed in this deed, and their heirs, successors or assigns or any owner of the Servient Estate and their heirs, successors or assigns desiring to make improvements in the Easement to upgrade the now existing road and the cost will be borne by the party proposing the improvements. Collectively herein, any owner of the Property conveyed in this deed, and their heirs, successors or assigns or any owner of the Servient Estate and their heirs, successors or assigns are referred to as a Party or Parties.

- A. At the present time the existing gate will remain on the now existing road located approximately 60' off Highway 119 as shown on Exhibit B-2 and the Parties will agree to locking method for ease of access.
- B. Any of the Parties who have use of the Easement can make improvements to the now existing road at any time in order to handle residential traffic and the costs thereof shall be the responsibility of the Party making such improvements. All Parties shall share the maintenance of any such improvements in an amount equaling a fraction wherein the numerator is 1 and the denominator is the number of Parties.. Any cost associated with damage to the roadway caused by a Party to this agreement or persons using the road with permission by a Party, will be the responsibility of the Party who caused the damage to the road.
- C. It is anticipated in the future that the Easement might be used for upgrading the road to a public roadway and in this case the Party initiating the change will be responsible for the engineering and road costs. If a public road is constructed in the easement the work shall be completed within 90 days from the beginning of work in the Easement and shall not adversely interfere with the access to the property of any Party. Any public road improvements must be approved by the municipality and ALDOT.
- D. The Grantor or their heirs, successors and assign retain the right to organize an owners association for the Easement and the Easement may be deeded to the owners association subject to the rights of Grantees herein.

Exhibit B-1
Attachment to Exhibit A-1

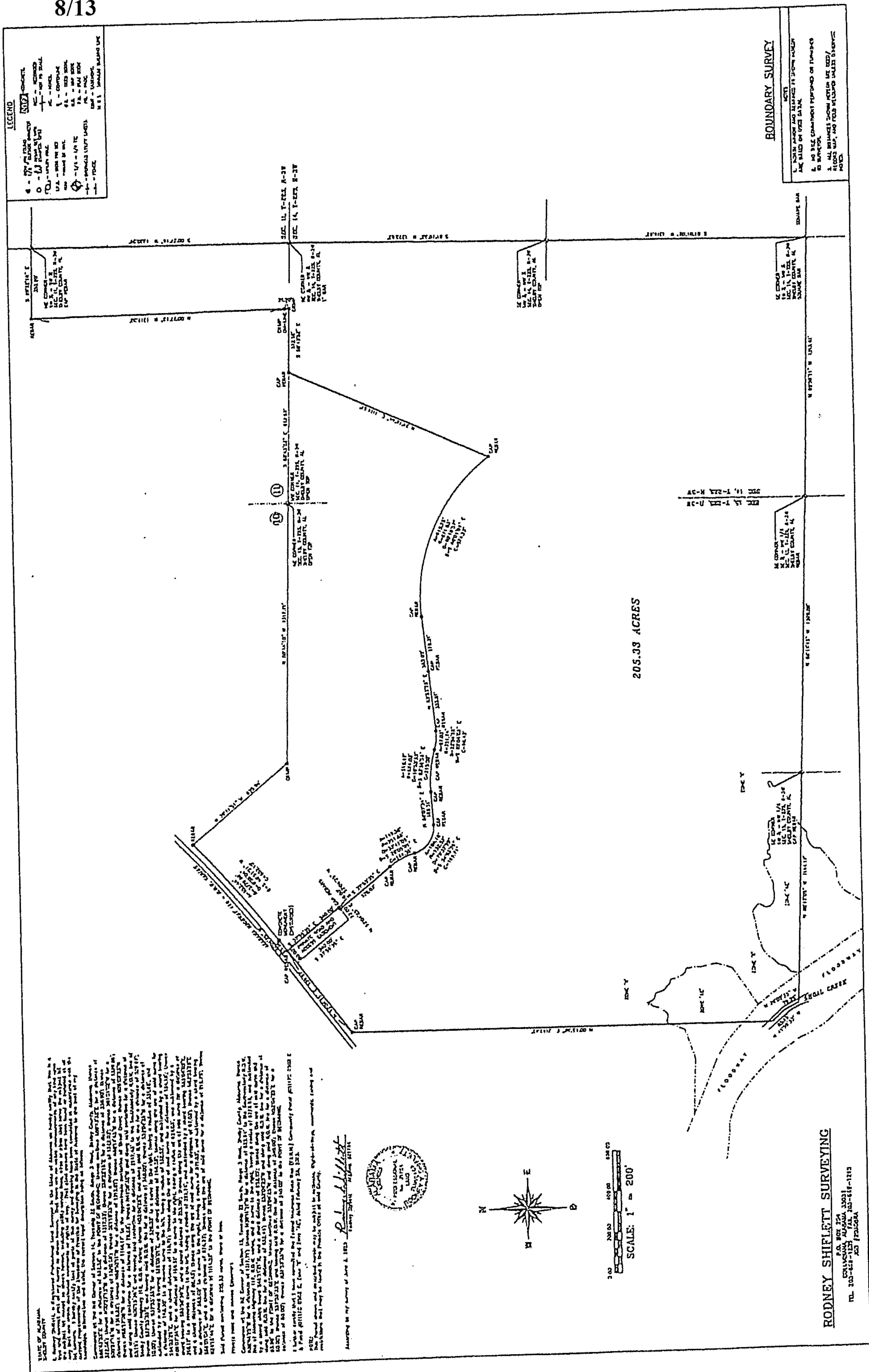


EXHIBIT B-1 PAGE 1
SERVIENT ESTATE~~RECORDED~~

LEGAL DESCRIPTION OF PROPERTY

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9/13

Parcel "C"

A Parcel of land located in the west 1/2 of the southwest 1/4 of Section 11, and in the northwest 1/4 of the northwest 1/4 of Section 14, Township 22 South, Range 03 West, Shelby County, Alabama, being more particularly described as follows: COMMENCING at a found 1 inch open pipe at the Southeast Corner of the southwest 1/4 of the northwest 1/4 of said Section 11, thence South 02°26'17" East along east line of the northwest 1/4 of the southwest 1/4 of said Section 11 for a distance of 510.50 feet to a set iron, said point being the POINT OF BEGINNING of the Parcel herein described; thence continue along said 1/4-1/4 line South 02°26'17" East for a distance of 2132.77 feet to a found 1 inch square iron, said point being the northeast corner of the northwest 1/4 of the northwest 1/4; thence South 01°45'02" East along the east line of the northwest 1/4 of the northwest 1/4 of said Section 14 for a distance of 1042.21 feet to a set iron, thence leaving said east line South 88°52'14" West for a distance of 329.96 feet to a set iron; thence North 01°45'02" East for a distance of 1039.32 feet to a found 1 inch clamp pipe; thence North 03°21'05" West for a distance of 2128.92 feet to a 1 inch open pipe; thence North 87°40'12" East for a distance of 363.84 feet to the POINT OF BEGINNING of the parcel herein described. Said Parcel containing 24.85 Acres, more or less.

LESS AND EXCEPT:

Property described in Instrument No. 20140923000299310 in the Probate Office of Shelby County, Alabama.

Parcel "D"

A Parcel of land located in the west 1/2 of the northwest 1/4 of Section 14, and in the northeast 1/4 of Section 15, Township 22 South, Range 03 West, Shelby County, Alabama, being more particularly described as follows: BEGINNING at the southeast corner of the northeast 1/4 of said Section 15, said point being a found rebar, thence South 88°53'14" West along the south line of the northeast 1/4 of Section 15 for a distance of 1399.96 feet to a set iron; thence leaving said 1/4-1/4 line North 01°06'46" West for a distance of 1610.17 feet to a set iron; thence North 88°53'14" East for a distance of 2365.88 feet to a set iron; thence continue North 88°53'14" East for a distance of 329.96 feet to a set iron on the east line of the west 1/2 of the northwest 1/4 of said Section 14; thence South 01°45'02" East along said 1/4-1/4 line for a distance of 1597.04 feet to a set iron at the southeast corner of said west 1/2 of the northwest 1/4 of Section 14; thence South 88°18'37" West along the south line of the west 1/2 of the northwest 1/4 of said Section 14 for a distance of 1313.72 feet to the POINT OF BEGINNING of the Parcel herein described. Said Parcel containing 99.78 Acres, more or less.

Parcel "E"

A Parcel of land located in the west 1/2 of the northeast 1/4 of Section 15, and in the southwest 1/4 of the southeast 1/4 of Section 10, Township 22 South, Range 03 West, Shelby County, Alabama, being more particularly described as follows: COMMENCING at the southeast corner of the northeast 1/4 of said Section 15, said point being a found rebar, thence South 88°53'14" West along the south line of the northeast 1/4 of Section 15 for a distance of 1399.96 feet to the POINT OF BEGINNING of the Parcel herein described, said point being a set iron; thence continue South 88°53'14" West for a distance of 1236.12 feet to a capped rebar set; thence North 02°36'29" West along the west line of the northeast 1/4 of Section 15 for a distance of 2278.75 feet to a set iron on the southeastern right-of-way of Alabama State Highway No. 119; thence along said right-of-way North 49°13'00" East for a distance of 595.92 feet to a curve to the left having a delta of 00°16'47" and a radius of 5779.69 feet, with a chord bearing of North 49°04'37" East and a chord distance of 28.21 feet; thence along said right-of-way, along said curve for a distance of 28.21 feet; thence leaving said right-of-way South 38°30'44" East for a distance of 1342.21 feet to a set iron; thence South 01°06'46" East for a distance of 1610.17 feet to the POINT OF BEGINNING of the Parcel herein described. Said Parcel containing 65.87 Acres, more or less.

Parcel "F"

A Parcel of land located in the northwest 1/4 of the northwest 1/4 of Section 14, in the north 1/2 of the northeast 1/4 of Section 15, and in the southwest 1/4 of the southeast 1/4 of Section 10, Township 22 South, Range 03 West, Shelby County, Alabama, being more particularly described as follows: BEGINNING at the northwest corner of said Section 14, said point being a 1 inch open pipe, thence North 88°23'05" East along the north line of said Section 14 for a distance of 985.07 feet to a found 1 inch clamp pipe; thence leaving said north line said Section 14 South 01°45'02" East for a distance of 1039.32 feet to a set iron; thence South 88°53'14" West for a distance of 2365.88 feet to a set iron; thence North 38°30'44" West for a distance of 1342.21 feet to a set iron on the southeastern right-of-way of Alabama State Highway No. 119, said point being on a curve to the left having a delta of 06°11'14" and a radius of 5779.69 feet, with a chord bearing of North 45°50'36" East and a chord distance of 623.83 feet; thence along said right-of-way, along said curve for a distance of 624.14 feet to a set iron pin; thence leaving said right-of-way South 42°07'32" East for a distance of 626.14 feet to a found 1 inch open pipe; thence North 88°24'32" East for a distance of 1317.73 feet to the POINT OF BEGINNING of the Parcel herein described. Said Parcel containing 69.73 Acres, more or less.

ALSO LESS AND EXCEPT PARCELS 1 & 2
DESCRIBED ON THE ATTACHED EXHIBIT
B-1 page 2

EXHIBIT ~~A~~
B.1, page 2

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10/13

Parcel 1

Commence at the NE Corner of Section 15, Township 22 South, Range 3 West, Shelby County, Alabama; thence N88°44'10"W for a distance of 869.38' to the POINT OF BEGINNING; thence continue N88°44'10"W for a distance of 448.33'; thence N39°11'51"W for a distance of 625.94' to the Southeasterly R.O.W. line of Alabama Highway 119, R.O.W. varies, and a curve to the right, having a radius of 5779.69, and subtended by a chord which bears S48°51'21"W, and a chord distance of 652.10'; thence along the arc of said curve and along said R.O.W. line for a distance of 652.44'; thence S52°04'25"W and along said R.O.W. line for a distance of 65.96'; thence S37°55'35"E and leaving said R.O.W. line for a distance of 340.00'; thence S52°04'25"W for a distance of 10.00'; thence S37°55'35"E for a distance of 328.03' to a curve to the right, having a radius of 351.68', and subtended by a chord bearing S26°05'01"E, and a chord distance of 144.35'; thence along the arc of said curve for a distance of 145.38' to a reverse curve to the left, having a radius of 132.52', and subtended by a chord bearing S54°03'26"E, and a chord distance of 169.71'; thence along the arc of said curve for a distance of 184.18'; thence N86°07'34"E for a distance of 168.51' to a curve to the right, having a radius of 624.03', and subtended by a chord bearing S83°56'59"E, and a chord distance of 215.09'; thence along the arc of said curve for a distance of 216.17' to a reverse curve to the left, having a radius of 251.74', and subtended by a chord bearing S85°04'02"E, and a chord distance of 96.43'; thence along the arc of said curve for a distance of 97.03'; thence N83°53'28"E for a distance of 303.81'; thence N00°14'55"E for a distance of 724.23' to the POINT OF BEGINNING.

Said Parcel containing 24.00 acres, more or less.

Parcel 2

BEGIN at the NE Corner of Section 15, Township 22 South, Range 3 West, Shelby County, Alabama, said point being the POINT OF BEGINNING; thence N88°44'10"W for a distance of 869.38'; thence S00°14'55"W for a distance of 724.23'; thence N83°53'28"E for a distance of 279.21' to a curve to the right, having a radius of 871.83', and subtended by a chord bearing S66°01'04"E, and a chord distance of 874.23'; thence along the arc of said curve for a distance of 915.75'; thence N24°16'44"E for a distance of 1114.57'; thence N88°43'52"W for a distance of 662.52' to the POINT OF BEGINNING.

Said Parcel containing 24.00 acres, more or less.

11/13

PRIVATE ROAD AND
ACCESS EXHIBIT

611. YAMHAY-119

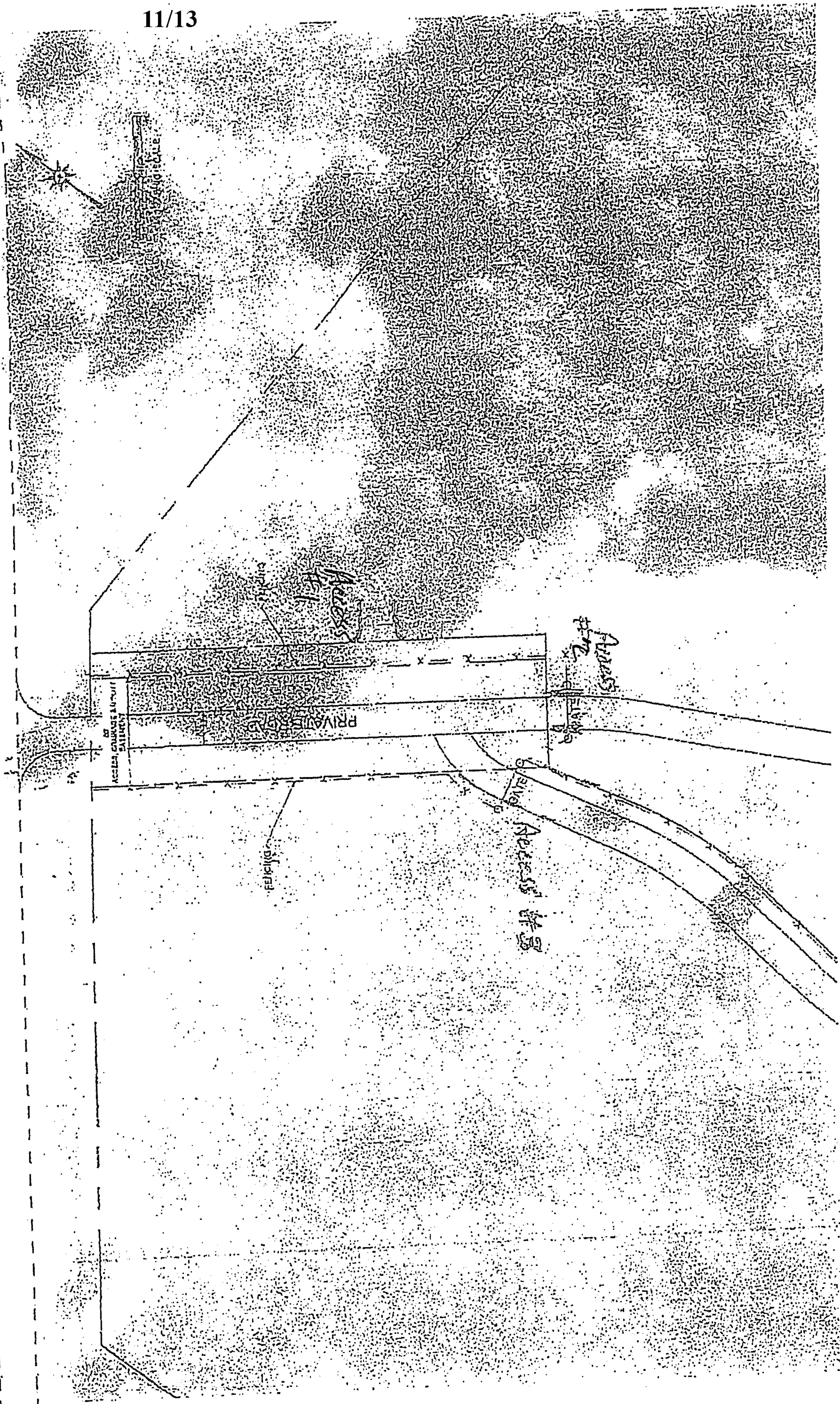


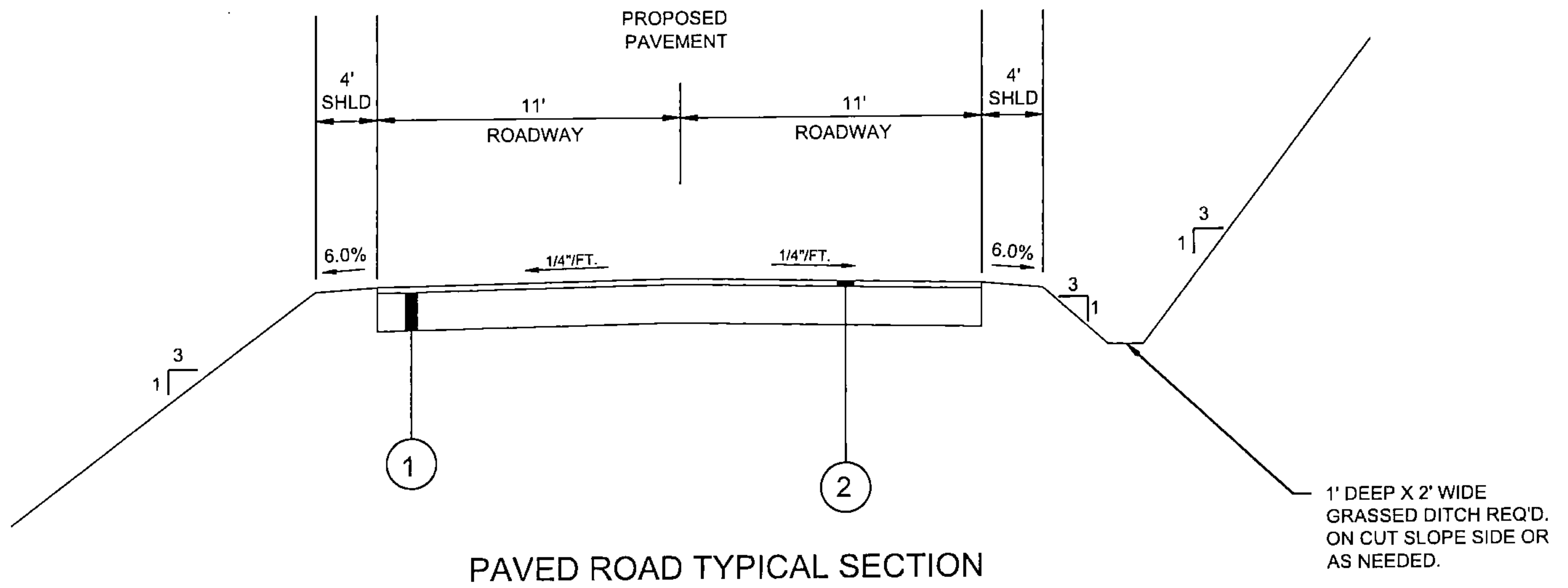
Exhibit "B"
(Easement #2)

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12/13

██████████ 60' Wide Ingress/Egress & Utility Easement, lying 30' either side of and parallel to the following described centerline:

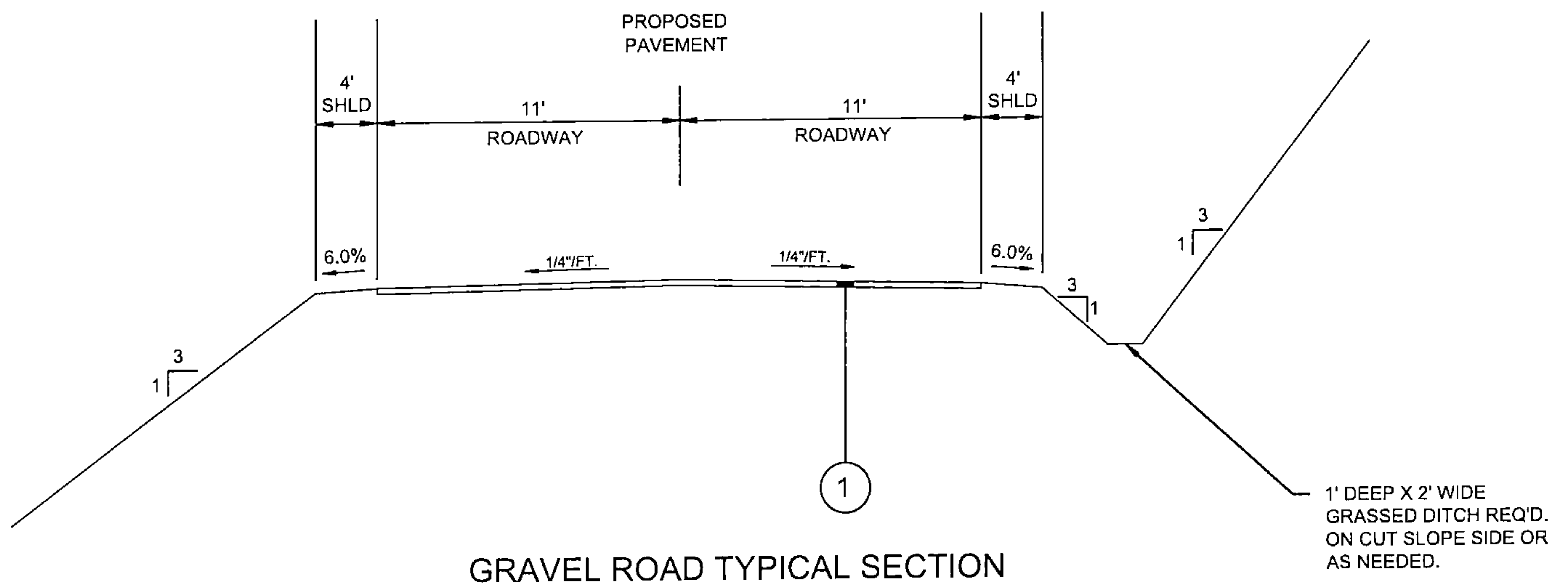
Commence at the SE Corner of the SE 1/4 of the NE 1/4 of Section 14, Township 22 South, Range 3 West, Shelby County, Alabama; thence N88°14'45"W for a distance of 1399.86'; thence N88°17'06"W for a distance of 1236.59'; thence N00°15'38"E for a distance of 2279.19' to the Southeasterly R.O.W. line of Alabama Highway 119; thence N52°04'25"E and along said R.O.W. line for a distance of 529.97'; thence S37°55'35"E and leaving said R.O.W. line for a distance of 340.00'; thence S52°04'25"W for a distance of 40.00' to the POINT OF BEGINNING OF SAID CENTERLINE; thence S37°55'35"E for a distance of 328.03' to a curve to the right, having a radius of 321.68', and subtended by a chord bearing S26°05'01"E, and a chord distance of 132.04'; thence along the arc of said curve for a distance of 132.98' to a reverse curve to the left, having a radius of 162.52', and subtended by a chord bearing S54°03'26"E, and a chord distance of 208.13'; thence along the arc of said curve for a distance of 225.87'; thence N86°07'34"E for a distance of 168.51' to a curve to the right, having a radius of 594.03', and subtended by a chord bearing S83°56'59"E, and a chord distance of 204.75'; thence along the arc of said curve for a distance of 205.78' to a reverse curve to the left, having a radius of 281.74', and subtended by a chord bearing S85°04'02"E, and a chord distance of 107.92'; thence along the arc of said curve for a distance of 108.59'; thence N83°53'28"E for a distance of 583.02' to a curve to the right, having a radius of 841.83', and subtended by a chord bearing S67°28'09"E, and a chord distance of 806.98'; thence along the arc of said curve for a distance of 841.59' to the POINT OF ENDING OF SAID CENTERLINE.

EXHIBIT C ROAD PROFILE



REQUIRED MATERIALS LEGEND

- ① ITEM NO.: 4" COMPACTED THICKNESS OF DENSE GRADED LIMESTONE BASE COURSE PER ALDOT SPEC 301. ALL MATERIALS SHALL BE IN ACCORDANCE WITH ALDOT SECTION 825 TYPE "B" COMPACTED TO 100% MODIFIED PROCTOR
- ② ITEM NO.: 2.5" - ACC SURFACE COURSE PER ALDOT 424-A, 1/2" MAX. AGGREGATE SIZE



REQUIRED MATERIALS LEGEND

- ① ITEM NO.: 4" COMPACTED THICKNESS OF DENSE GRADED LIMESTONE BASE COURSE PER ALDOT SPEC 301. ALL MATERIALS SHALL BE IN ACCORDANCE WITH ALDOT SECTION 825 TYPE "B" COMPACTED TO 100% MODIFIED PROCTOR



Filed and Recorded
Official Public Records
Judge of Probate, Shelby County Alabama, County
Clerk
Shelby County, AL
12/08/2020 03:11:38 PM
\$59.00 CHARITY
20201208000561540

Allen S. Bayl