

AGREEMENT AND CONVEYANCE
OF A NON-EXCLUSIVE EASEMENT APPURTENANT

STATE OF ALABAMA)
COUNTY OF SHELBY)

This Agreement is made and entered into this date by and between **William R. Dow, Jr. and Shelly M. Dow**, husband and wife, who are as both the Grantors and Grantees of this instrument.

WHEREAS, **William R. Dow, Jr. and Shelly M. Dow** (“Grantors” herein) acquired the subject property as evidenced by that certain Warranty Deed recorded in Instrument # 20220426000170400. The Grantors are the record of owners of the property described in **Exhibit “A”** and the sole owners of all the property included in this agreement and conveyance of a non-exclusive easement appurtenant;

WHEREAS, William R. Dow, Jr. and Shelly M. Dow wish to subdivide their property and also create an easement for the portion of their property not abutting the public road;

WHEREAS, William R. Dow, Jr. and Shelly M. Dow (Grantors) are the owners of the real property being burdened by this easement which is described as Parcel 1 on the **Attached Exhibit “B”**, which is attached hereto and incorporated herein by reference, (“**Servient Estate**”);

WHEREAS, William R. Dow, Jr. and Shelly M. Dow, Grantees are the record owner of the following described real property benefiting by this easement which is described as Parcel 2 on the Attached **Exhibit “C”**, which is attached hereto and incorporated herein by reference, which is attached hereto and incorporated herein by reference, (“**Dominant Estate**”);

NOW, THEREFORE, for and in consideration of the sum of Ten Dollars (\$10.00), and other good and valuable considerations paid by the Grantees to the Grantors, and in additional consideration of the mutual promises contained in this agreement, the receipt and sufficiency whereof are acknowledged, Grantors do hereby grant, bargain, sell and convey unto Grantees, their heirs, successors and assigns, a perpetual, non-exclusive easement, for non-exclusive Easement for Ingress & Egress and Utilities to and from the real property described above as the “Dominant Estate”, over and across the lands described above as the “Servient Estate”, generally

in an easterly direction. **The legal description and survey of this easement created herein is described in Exhibit “D” attached hereto.**

The easement hereby granted shall be appurtenant to and running with the land described above as the “Dominant Estate” and all subdivisions thereof, and any adjoining land subsequently acquired or subdivided by the Grantees.

The Grantees, their heirs, successors, and assigns, shall have the right of use of the easement hereby granted. The Grantees, their heirs, successors, and assigns shall be responsible to maintain and to repair any damage caused by their use of the easement. The Grantees, their heirs, successors, and assigns shall compensate Grantors, their heirs, successors, and assigns for any damage done to Grantors’ property outside the easement resulting from the Grantees’ use, repair or maintenance of the easement.

Except as to the rights herein granted, the Grantors shall have the full use and control of the above described real estate known as the “Servient Estate”. The Grantors, their heirs, successors, and assigns shall also have full use of the road and the easement thereon which is located on the property described above as the “Servient Estate”.

The Grantees hereby agrees to hold and save the Grantors harmless from any and all claims of third parties arising from Grantees’ use of the rights herein granted. This easement is granted subject to all prior easements or encumbrances of record.

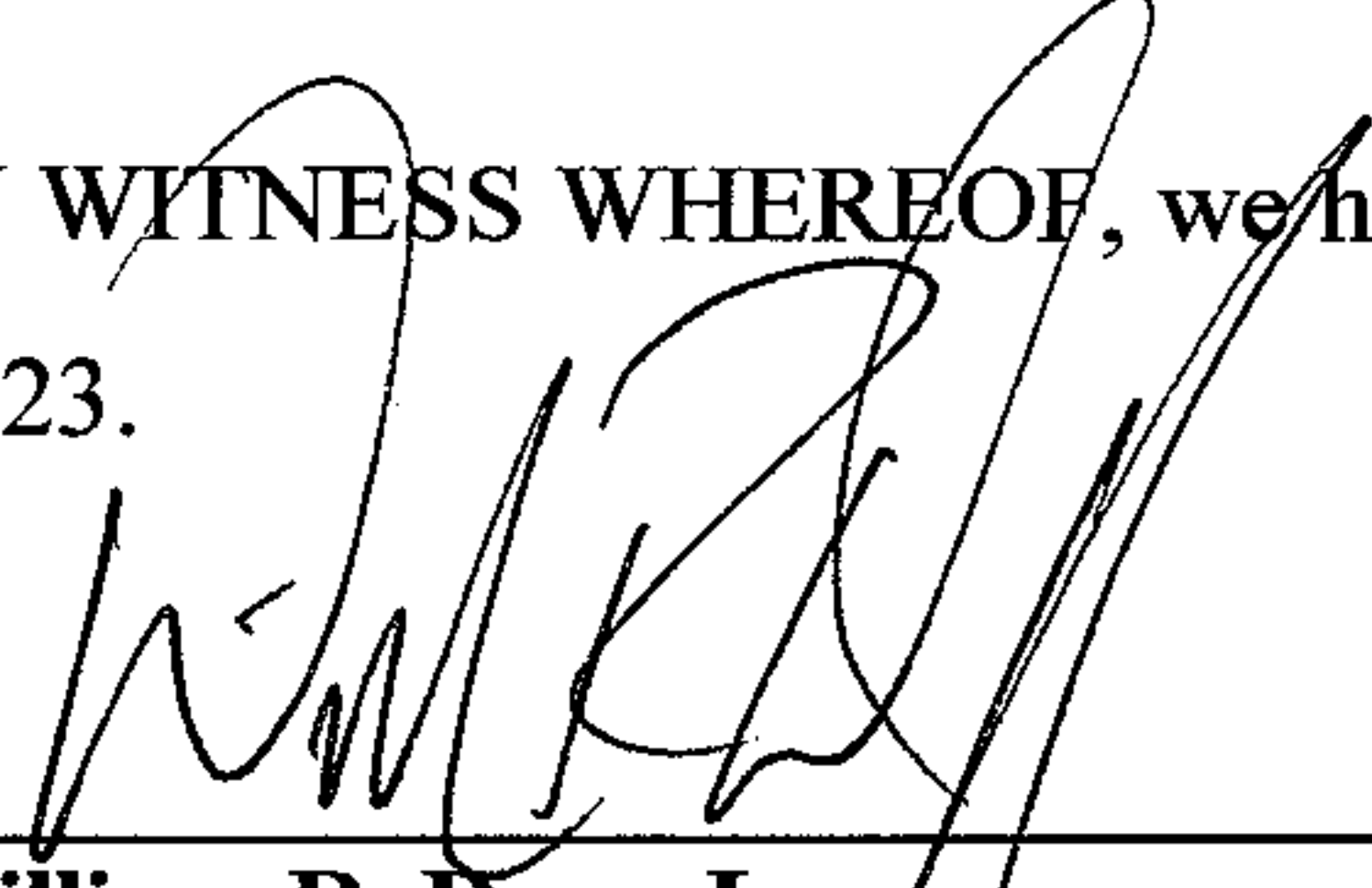
Grantors agree that, in the event of any partition, subdivision, or transfer of any portion of the “Dominant Estate” by Grantees, or their successors or assigns, this easement shall remain appurtenant to any and all of the subdivided or transferred parcels hereinafter created from the “Dominant Estate”, and owners of said parcels into which the “Dominant Estate” may be divided shall have the same rights to use the easement as granted herein.

By the acceptance and recording of this document, the Grantees herein accepts all of the terms of this agreement.

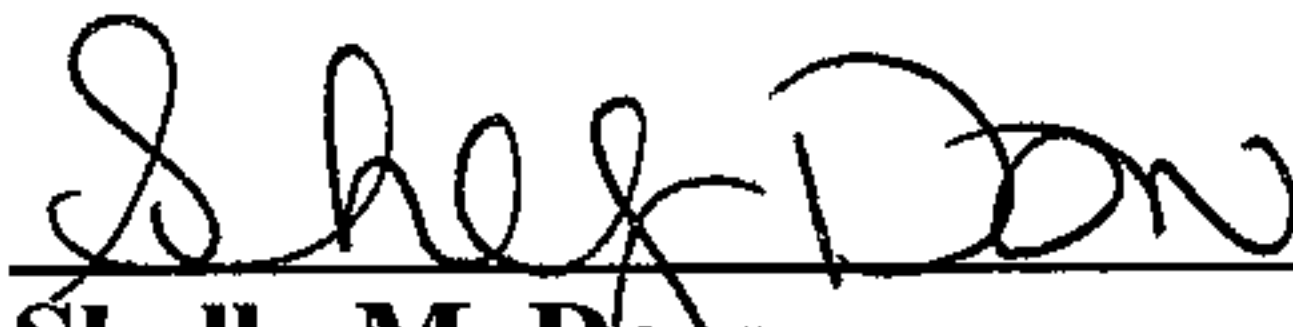
TO HAVE AND TO HOLD the same unto the said Grantees, their heirs,

successors, and assigns, as hereinabove set out, forever. And the Grantors does hereby covenant with the Grantees that they have a good and lawful right to sell and convey the easement as aforesaid.

IN WITNESS WHEREOF, we have hereunto set our hands and seals on this 24th day of February, 2023.



William R. Dow, Jr.

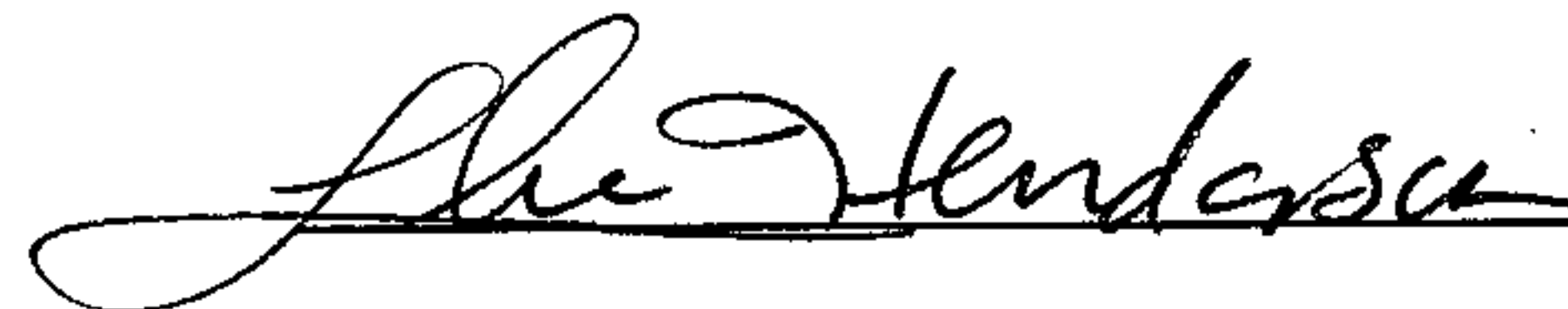


Shelly M. Dow

STATE OF ALABAMA)
COUNTY OF JEFFERSON)

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that William R. Dow, Jr. and spouse, Shelly M. Dow whose names are signed to the foregoing agreement and conveyance of a non-exclusive easement appurtenant, and who are known to me, acknowledged before me on this day that, being informed of the contents of this instrument, they executed the same voluntarily on the day the same bears date.

Given under my hand and official seal, this the 24th day of February, 2023.



Notary Public



This Instrument was Prepared By:

Luke A Henderson, Esq. / 17 Office Park Circle, Ste 150 / Birmingham, AL 35223

EXHIBIT "A"

(Legal Description of Property owned by William R. Dow, Jr. and Shelly M. Dow)

FROM A 1/2" REBAR AT THE NORTHEAST CORNER OF SECTION 11, TOWNSHIP 20 SOUTH, RANGE 2 EAST, BEING THE POINT OF BEGINNING OF HEREIN DESCRIBED PARCEL OF LAND; RUN THENCE WEST ALONG THE NORTH BOUNDARY OF SAID SECTION 11 A DISTANCE OF 1296.26 FEET TO A 1/2" REBAR ON A FENCE LINE; THENCE TURN 89°39'32" LEFT AND RUN 37.85 FEET TO A 1/2" REBAR AT A FENCE CORNER; THENCE TURN 88°14'28" RIGHT AND RUN 1049.80 FEET ALONG A FENCE LINE TO A 1/2" REBAR; THENCE TURN 00°02'25" LEFT AND RUN 241.74 FEET ALONG A FENCE LINE TO A 1/2" REBAR; THENCE TURN 00°10'59" LEFT AND RUN 42.23 FEET ALONG A FENCE LINE TO A 1/2" REBAR ON THE WEST BOUNDARY OF THE NORTHWEST 1/4 - NORTHEAST 1/4 OF SAID SECTION 11, THAT IS 71.19 FEET SOUTH OF THE NORTHWEST CORNER OF SAID NORTHWEST 1/4 - NORTHEAST 1/4; THENCE TURN 88°32'22" LEFT AND RUN 1259.31 FEET TO A 1/2" REBAR AT THE NORTHWEST CORNER OF THE SOUTHWEST 1/4 - NORTHEAST 1/4 OF SAID SECTION 11; THENCE CONTINUE ALONG SAID COURSE A DISTANCE OF 1330.48 FEET TO A 1/2" REBAR AT THE SOUTHWEST CORNER OF SAID SOUTHWEST 1/4 - NORTHEAST 1/4; THENCE TURN 90°11'04" RIGHT AND RUN 276.09 FEET TO A 1/2" REBAR ON THE EAST BOUNDARY OF SHELBY COUNTY HIGHWAY #79 (60' R.O.W.); THENCE TURN 122°15'15" LEFT AND RUN 69.95 FEET ALONG SAID HIGHWAY BOUNDARY TO A 1/2" REBAR ON THE WEST BOUNDARY TO A 1/2" REBAR; THENCE TURN 57°32'37" LEFT AND RUN 238.95 FEET TO A 1/2" REBAR ON THE WEST BOUNDARY OF THE NORTHWEST 1/4 - SOUTHEAST 1/4 OF SAID SECTION 11; THENCE TURN 18°36'00" LEFT AND RUN 105.27 FEET ALONG A FENCE LINE TO A 1/2" REBAR; THENCE TURN 18°37'28" RIGHT AND RUN 1222.25 FEET ALONG SAID FENCE LINE TO A 1/2" REBAR ON THE WEST BOUNDARY OF THE NORTHEAST 1/4 - SOUTHEAST 1/4 OF SAID SECTION 11; THENCE TURN 90°33'52" LEFT AND RUN 31.61 FEET TO A 1/2" REBAR AT THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 - NORTHEAST 1/4 OF SAID SECTION 11; THENCE TURN 90°20'16" RIGHT AND RUN 1322.14 FEET TO A 1/2" REBAR AT THE SOUTHWEST CORNER OF THE SOUTHWEST 1/4 - NORTHWEST 1/4 OF SECTION 12, TOWNSHIP 20 SOUTH, RANGE 2 EAST; THENCE TURN 00°42'31" LEFT AND RUN 1331.58 FEET ALONG A FENCE LINE TO A 1/2" REBAR AT THE SOUTHEAST CORNER OF SAID SOUTHWEST 1/4 - NORTHWEST 1/4; THENCE TURN 89°34'31" LEFT AND RUN 1329.99 FEET TO A 1/2" REBAR AT THE SOUTHEAST CORNER OF THE NORTHWEST 1/4 - NORTHWEST 1/4 OF SAID SECTION 12; THENCE CONTINUE ALONG SAID COURSE A DISTANCE OF 1314.18 FEET TO A 1/2" REBAR THAT IS 15.80 FEET SOUTH OF THE NORTHEAST CORNER OF SAID NORTHWEST 1/4 - NORTHWEST 1/4; THENCE TURN 90°06'30" LEFT AND RUN 475.65 FEET ALONG A FENCE LINE TO A 2" PIPE; THENCE TURN 00°11'47" RIGHT AND RUN 494.37 FEET ALONG A FENCE LINE TO A 2" PIPE; THENCE TURN 01°02'31" RIGHT AND RUN 371.20 FEET ALONG A FENCE LINE TO THE POINT OF BEGINNING OF HEREIN DESCRIBED PARCEL OF LAND, SITUATED IN THE NORTHEAST 1/4 - SOUTHWEST 1/4 AND THE NORTHWEST 1/4 - SOUTHEAST 1/4 AND THE NORTHEAST 1/4 OF SECTION 11, TOWNSHIP 20 SOUTH, RANGE 2 EAST AND THE WEST 1/2 - NORTHWEST 1/4 OF SECTION 12, TOWNSHIP 20 SOUTH, RANGE 2 EAST, SHELBY COUNTY, ALABAMA.

LESS AND EXCEPT ANY PORTION OF THE SUBJECT LAND LYING NORTH AND/OR WEST OF THE BOUNDARY LINE ESTABLISHED IN THE AGREEMENTS RECORDED IN INSTRUMENT 1996-39728 AND INSTRUMENT 20081030000421460, IN THE PROBATE OFFICE OF SHELBY COUNTY, ALABAMA.

EXHIBIT "B"

(Legal Description of Servient Estate)

PARCEL 1

(AS SURVEYED)

COMMENCE AT A FOUND 5/8" REBAR LOCALLY ACCEPTED AS THE NORTHEAST CORNER OF SECTION 11, TOWNSHIP 20 SOUTH, RANGE 2 EAST, SHELBY COUNTY, ALABAMA; THENCE RUN S 89°44'29" W ALONG THE NORTH LINE OF SAID SECTION FOR A DISTANCE OF 758.21 FEET TO THE **POINT OF BEGINNING** OF THE PROPERTY HEREIN DESCRIBED, SAID POINT BEING A FOUND 1-1/2" OPEN TOP PIPE; THENCE CONTINUE ALONG SAID NORTH LINE S 89°39'45" W A DISTANCE OF 539.85 FEET TO A FOUND 5/8" REBAR; THENCE LEAVING SAID NORTH LINE, S 00°03'11" W A DISTANCE OF 37.80 FEET TO A FOUND 1/2" SMOOTH IRON; THENCE RUN S 88°17'36" W A DISTANCE OF 1049.75 FEET TO A FOUND 1/2" REBAR; THENCE RUN S 88°14'34" W A DISTANCE OF 241.76 FEET TO A FOUND 5/8" REBAR IN ROCK PILE LOCALLY ACCEPTED AS THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 11, SAID POINT BEING THE NORTHEAST CORNER OF INSTRUMENT NUMBER: 20081030000421460; THENCE RUN S 00°23'54" W ALONG THE EASTERN LINE OF SAID INSTRUMENT NUMBER A DISTANCE OF 2591.33 FEET TO A SET 5/8" REBAR STAMPED "CLINKSCALES", SAID POINT BEING THE SOUTHERNMOST CORNER OF SAID INSTRUMENT NUMBER; THENCE RUN S 89°53'28" W A DISTANCE OF 279.10 FEET TO A FOUND 3/4" REBAR ON THE NORTHEASTERN RIGHT OF WAY LINE OF SUN VALLEY ROAD (60' R.O.W.); THENCE CONTINUE ALONG SAID RIGHT OF WAY S 32°30'53" E A DISTANCE OF 69.55 FEET TO A FOUND 5/8" REBAR; THENCE LEAVING SAID RIGHT OF WAY, RUN N 89°55'13" E A DISTANCE OF 239.42 FEET TO A FOUND 5/8" REBAR; THENCE RUN N 71°29'37" E A DISTANCE OF 105.16 FEET TO A FOUND 5/8" REBAR; THENCE RUN N 89°57'35" E A DISTANCE OF 1222.33 FEET TO A FOUND 1/2" REBAR; THENCE RUN N 00°03'10" W A DISTANCE OF 31.43 FEET TO A FOUND 3/4" REBAR; THENCE RUN N 89°44'13" E A DISTANCE OF 802.91 FEET TO A SET 5/8" REBAR STAMPED "CLINKSCALES"; THENCE RUN N 05°52'34" W A DISTANCE OF 2674.47 FEET TO THE **POINT OF BEGINNING**. SAID PARCEL BEING 120.40 ACRES, MORE OR LESS.

EXHIBIT "C"

(Legal Description of Dominant Estate)

PARCEL 2

(AS SURVEYED)

BEGIN AT A FOUND 5/8" REBAR LOCALLY ACCEPTED AS THE NORTHWEST CORNER OF SECTION 12, TOWNSHIP 20 SOUTH, RANGE 2 EAST, SHELBY COUNTY, ALABAMA; THENCE RUN S 89°21'42" E A DISTANCE OF 371.47 FEET TO A FOUND 2" OPEN TOP PIPE; THENCE RUN N 89°31'51" E A DISTANCE OF 492.42 FEET TO A FOUND 2" OPEN TOP PIPE; THENCE RUN N 89°22'14" E A DISTANCE OF 465.62 FEET TO A FOUND 3" X 3" CONCRETE MONUMENT LOCALLY ACCEPTED AS THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION; THENCE RUN S 00°47'50" E ALONG THE EASTERN LINE OF SAID 1/4 - 1/4 SECTION A DISTANCE OF 2644.51 FEET TO A FOUND 5/8" REBAR LOCALLY ACCEPTED AS THE SOUTHEAST CORNER OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION; THENCE RUN S 89°02'39" W ALONG THE SOUTHERN LINE OF SAID 1/4 - 1/4 SECTION A DISTANCE OF 1331.66 FEET TO A FOUND 5/8" REBAR LOCALLY ACCEPTED AS THE SOUTHWEST CORNER OF NORTHWEST 1/4 OF SAID SECTION; THENCE RUN S 89°44'13" W ALONG THE SOUTHERN LINE OF THE NORTHEAST 1/4 OF SECTION 11, TOWNSHIP 20 SOUTH, RANGE 2 EAST FOR A DISTANCE OF 519.17 FEET TO A SET 5/8" REBAR STAMPED "CLINKSCALES"; THENCE LEAVING SAID SOUTHERN LINE, RUN N 05°52'34" W A DISTANCE OF 2674.47 FEET TO A FOUND 1-1/2" OPEN TOP PIPE ON THE NORTHERN LINE OF THE NORTHEAST 1/4 OF SECTION 11; THENCE RUN N 89°44'29" E ALONG SAID NORTHERN 1/4 - 1/4 LINE A DISTANCE OF 758.21 FEET TO THE **POINT OF BEGINNING**. SAID PARCEL BEING 119.97 ACRES, MORE OR LESS.

EXHIBIT "D"

(LEGAL DESCRIPTION OF THE EASEMENT CREATED)

COMMENCE AT A FOUND 5/8" REBAR IN A ROCK PIPE LOCALLY ACCEPTED AS THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 11, TOWNSHIP 20 SOUTH, RANGE 2 EAST, SHELBY COUNTY, ALABAMA, SAID POINT BEING THE NORTHEAST CORNER OF INSTRUMENT NUMBER: 20081030000421460; THENCE RUN SOUTH ALONG THE EASTERN LINE OF SAID INSTRUMENT NUMBER S 00°23'54" W FOR A DISTANCE OF 2567.17 FEET TO THE POINT OF BEGINNING OF AN INGRESS, EGRESS, AND UTILITY EASEMENT, SAID EASEMENT VARYING IN WIDTH; THENCE CONTINUE ALONG SAID EASTERN LINE S 00°23'54" W A DISTANCE OF 24.15 FEET TO A SET 5/8" REBAR STAMPED "CLINKSCALES", SAID POINT BEING THE SOUTHERNMOST POINT OF SAID INSTRUMENT NUMBER; THENCE S 89°53'28" W A DISTANCE OF 279.10 FEET TO A FOUND 3/4" REBAR ON THE NORTHEASTERN RIGHT OF WAY LINE OF SUN VALLEY ROAD (60' R.O.W.); THENCE CONTINUE ALONG SAID RIGHT OF WAY, RUN S 32°30'53" E A DISTANCE OF 69.55 FEET TO A FOUND 5/8" REBAR; THENCE LEAVING SAID RIGHT OF WAY RUN N 89°55'13" E A DISTANCE OF 239.42 FEET TO A FOUND 5/8" REBAR; THENCE RUN N 71°29'37" E A DISTANCE OF 105.16 FEET TO A FOUND 5/8" REBAR; THENCE RUN N 89°57'35" E A DISTANCE OF 1222.33 FEET TO A FOUND 1/2" REBAR; THENCE RUN N 00°03'10" W A DISTANCE OF 31.43 FEET TO A FOUND 3/4" REBAR; THENCE RUN N 89°44'13" E A DISTANCE OF 802.91 FEET TO A SET 5/8" REBAR STAMPED "CLINKSCALES"; THENCE RUN N 05°52'34" W A DISTANCE OF 94.58 FEET TO A POINT ; THENCE RUN S 85°08'04" W A DISTANCE OF 216.65 FEET TO A POINT; THENCE RUN N 78°54'51" W A DISTANCE OF 179.66 FEET TO A POINT; THENCE RUN N 41°27'33" W A DISTANCE OF 110.75 FEET TO A POINT; THENCE RUN S 89°17'34" W A DISTANCE OF 75.83 FEET TO A POINT; THENCE RUN S 31°55'50" W A DISTANCE OF 101.48 FEET TO A POINT; THENCE RUN S 86°31'11" W A DISTANCE OF 813.37 FEET TO A POINT; THENCE RUN S 86°30'03" W A DISTANCE OF 707.22 FEET TO THE POINT OF BEGINNING.

SAID EASEMENT CONTAINING 5.17 ACRES, MORE OR LESS.

