

**MEMORANDUM OF UNDERSTANDING**

WHEREAS, Patrick Hassler and Sherry Hassler, husband and wife ("Hassler"), with an address of 10412 Old Preston Hwy, Louisville, KY 40229, are the owners of real estate lying to the North and West and contiguous to said real estate of The Skaggs Family Trust, James Mark Skaggs and Jon Skaggs, Co-Trustees, by virtue of a deed September 12, 1994, and recorded in Deed Book 6500, Page 739, of record in the office of the Clerk for Jefferson County, Kentucky (the "Hassler Property"), and

WHEREAS, The Skaggs Family Trust, James Mark Skaggs and Jon Skaggs, Co-Trustees ("Skaggs") has entered into a Real Estate Purchase and Sale Agreement, as amended from time-to-time, with T Big Ventures Inc. ("T Big"). for the sale and purchase of their property located at 10410 and 10414 Old Preston Hwy., Louisville, Kentucky (the "Skaggs' Property"), and

WHEREAS, in anticipation of said sale and transfer of the Skagg's Property to T Big, T Big and Hassler desire to establish and define the location of a future easement across the Skaggs' Property for the benefit of the Hassler Property for ingress and egress.

NOW, therefore, subject to the terms set forth hereinbelow, T Big does hereby agree to grant to Hassler, their heirs and assigns, a perpetual, non-exclusive easement over the that portion of Skaggs' Property and contiguous to the Hasslers' property as shown on the Access Easement Plat (the "Plat") by Mindel Scott and Associates, Inc. attached hereto and marked as Exhibit "A". Said easement is limited to the hatched area, as shown on the attached Plat as shown as "30' ACCESS ESMT GRANTED".

Said easement shall be in the form set forth hereto as Exhibit A, except that the grantor therein may be altered to Joseph Waldman or any other entity owned by him, in part or in whole, or otherwise under the control of Joseph Waldman pursuant to an assignment of the Purchase Agreement on or before closing.

However, in the event T Big (i) does not receive all permits and approvals necessary for its intended use of the property as an apartment complex, or (ii) does not consummate its conveyance pursuant to the Purchase Agreement, T Big's obligation to execute and grant the easement contemplated herein shall terminate and neither party shall have any further obligation to the other.

IN TESTIMONY WHEREOF, witness the authorized signature of the T Big and Hasslers the day and date set forth below.

**GRANTOR: T Big Ventures Inc.,**

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Its: \_\_\_\_\_

## DEED OF ACCESS EASEMENT

Know all men by these presents that, whereas **T Big Ventures Inc.**, hereinafter called the Grantor, is the owner of the following described real estate, to wit:

### 10410 Old Preston Hwy.

BEGINNING at a point in the center of Preston Highway, f/k/a Louisville & Shepherdsville Pike, 196.8 feet Northwardly from the Southeast corner of Lot 2, Issac Brooks Division, said corner of Joseph Logsdon; thence with the center line of said Preston Highway North 14° 07' West 100 feet, South 77° 46' West 621.27 feet; thence with North 14° 07' West 140.30 feet; thence North 28° 17' West 258.20 feet; thence South 78° West 608 feet to the center of a Branch; thence with a center of said Branch and with its meanders South 18° 45' East 89 feet; East 89 feet; South 50° East 240 feet, South 19-1/4 ° East 142 feet, more or less, to a corner of the 1-2/3 acres conveyed to Robert F. Flora by deed dated December 30, 1937, of record in Deed Book 1660, Page 648, in the Office of the County Clerk of Jefferson County, Kentucky; thence leaving said Branch and with the North line of said 1-2/3 acres, North 81° 43' East 370 feet, more or less; thence South 85° 07' East 272 feet; thence North 74° 46' East 603.3 feet to the beginning.

Being that same property conveyed to **T Big Ventures Inc.**, by Deed dated \_\_\_\_\_ and recorded on \_\_\_\_\_ in Deed Book \_\_\_\_\_, Page \_\_\_\_\_, of record in the office of the Clerk for Jefferson County, Kentucky.

AND

### 10414 Old Preston Hwy.

BEGINNING at a point in the center line of Preston Street, or Highway, North 14° 07' West 30 feet from the Southeast corner of Lot 2 of the Isaacs Brooks Division recorded in Deed Book 552, Page 335, in the Office of the Clerk of the County Court of Jefferson County, Kentucky; thence with the center line of Preston Highway, North 14° 07' West

166.80 feet to a point in the center line of said Highway; thence South 74° 44' West passing a pipe at 40 feet, continuing on same line to a railroad spike at the Northwest corner of property, in all 604.64 feet; thence South 14° 07' East 120.00 feet to a pin and property corner; thence North 79° 10' East passing a pipe at 565.46 feet, continuing on the same line to the point of beginning, in all 605.50 feet, containing 1.99 acres; said above described property being subject to a 10 foot easement along the entire North line, for ingress and egress to the property conveyed to Joseph E. Hassler and wife as set out in Deed recorded in Deed Book

3615, Page 47, in the Office of the Clerk aforesaid; and being the remaining portion of the property conveyed to Charles W. Brooks and Wilma Lee Brooks, his wife, for their joint lives with remainder in fee simple to the survivor of them by deed dated February 9, 1951, and recorded in Deed Book 2719, Page 465, in the Office of the Clerk aforesaid, the said Charles W. Brooks, having died February, 1975, thereby vesting the fee simple title to said property in Wilma Lee Brooks, party of the first part.

Being that same property conveyed to **T Big Ventures Inc.**, by Deed dated \_\_\_\_\_ and recorded on \_\_\_\_\_ in Deed Book \_\_\_\_\_, Page \_\_\_\_\_, of record in the office of the Clerk for Jefferson County, Kentucky.

WHEREAS, **PATRICK HASSLER and SHERRY HASSLER**, husband and wife, with an address of 10412 Old Preston Hwy, Louisville, KY 40229, herein called the Grantees, are the owners of real estate lying to the North and West and contiguous to said real estate of Grantor by virtue of a deed September 12, 1994, and recorded in Deed Book 6500, Page 739, of record in the office of the Clerk for Jefferson County, Kentucky, and

WHEREAS, the Grantor and Grantees desire to establish and define an easement across Grantor's property for the benefit of Grantees' property for ingress and egress.

NOW, therefore, in consideration of the sum of One Dollar (\$1.00) received to the full satisfaction of the Grantees, the Grantor does hereby grant to the Grantees, their heirs and assigns, a perpetual, non-exclusive easement over the that portion of Grantor's property and contiguous to the Grantees' property as shown on the Access Easement Plat (the "Plat") by Mindel Scott and Associates, Inc. attached hereto and marked as Exhibit "A". Said easement is limited to the hatched area, as shown on the attached Plat as shown as "30' ACCESS ESMT GRANTED".

Said easement includes the right of ingress and egress over Grantor's property to and from the easement for access to Grantee's real estate for its current use as a single-family residence. These presents shall not be deemed to include or grant any right, title, interest, claim or demand in or to said real estate of the Grantor other than the right granted herein. Excepting any damages specifically caused by the Grantee, the Grantor shall have the sole authority and responsibility for the maintenance and upkeep of the easement. This easement shall run with the land and shall bind and inure to the benefit of the Grantor and Grantees, and their successors, assigns, heirs and personal representatives.

This Access Easement is not and shall not be dedicated for public use and cannot be dedicated to or maintained by the public except by agreement of the parties, and only with the approval of the Louisville Metro Planning Commission after finding that it meets all standards for a newly created public road. The parties further agree that this easement can't be modified or amended without the prior approval of the Louisville Metro Planning Commission.

*[signature pages to follow]*

IN TESTIMONY WHEREOF, witness the authorized signature of the Grantor and Grantees the day and date set forth below.

**GRANTOR: T Big Ventures Inc.,**

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Its: \_\_\_\_\_

COMMONWEALTH OF KENTUCKY

COUNTY OF \_\_\_\_\_

I, \_\_\_\_\_ the undersigned Notary Public, do hereby certify that the foregoing Access Easement was this day produced to me in said state and county and acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2021, by **T Big Ventures, Inc.**, to be his voluntary act and deed on behalf of said Trust.

WITNESS my hand and notarial seal.

My commission expires: \_\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC

**GRANTEES:**

\_\_\_\_\_  
PATRICK HASSLER

\_\_\_\_\_  
SHERRY HASSLER

COMMONWEALTH OF KENTUCKY

COUNTY OF \_\_\_\_\_

The foregoing Access Easement was subscribed, sworn to and acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2021, by the Grantees, **PATRICK HASSLER and SHERRY HASSLER**, husband and wife.

WITNESS my hand and notarial seal.

My commission expires: \_\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC

\_\_\_\_\_  
Printed Signature

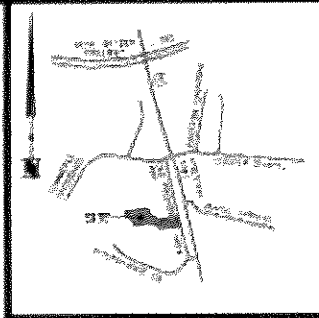
THIS INSTRUMENT PREPARED BY:  
Jason A. Lopp, #87538  
CHURCH LANGDON LOPP & BANET LLC  
318 Pearl Street, #200  
New Albany, IN 47150  
(812)725-8224

**NOTES:**

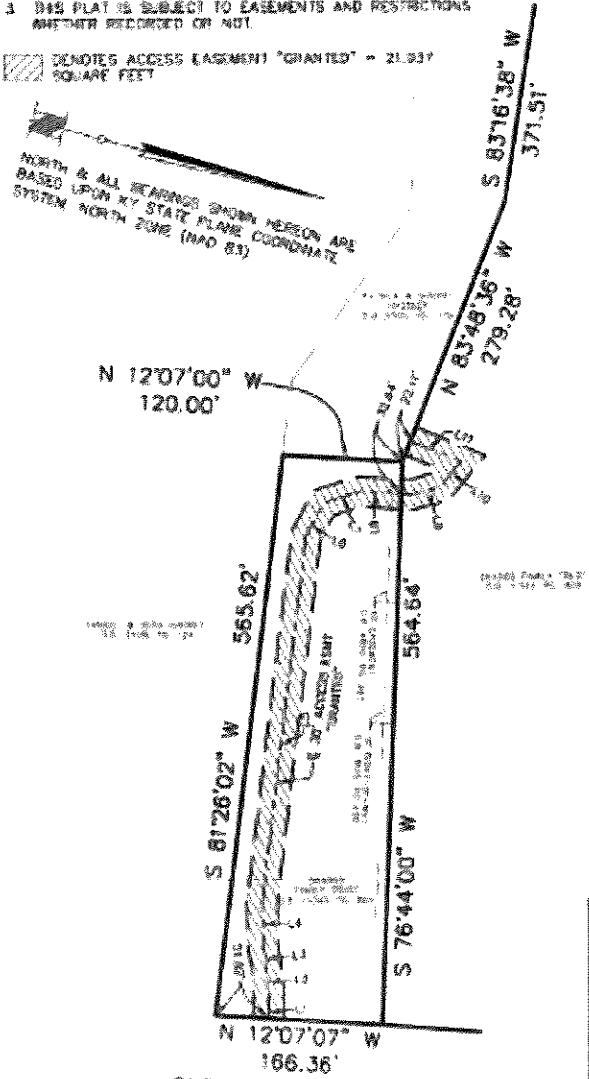
- 1 THIS PLAT DOES NOT REPRESENT A BOUNDARY SURVEY AND IS NOT INTENDED FOR LAND TRANSFER.
- 2 THE BOUNDARY LINES SHOWN HEREON WERE DETERMINED FROM RECORDS OF RECORD AND HAVE NOT BEEN VERIFIED.
- 3 THIS PLAT IS SUBJECT TO EASEMENTS AND RESTRICTIONS WHETHER RECORDED OR NOT.

▨ DENOTES ACCESS EASEMENT "GRANTED" = 21,937 SQUARE FEET

NORTH & ALL BEARINGS SHOWN HEREON ARE BASED UPON KY STATE PLANE COORDINATE SYSTEM NORTH ZONE (NAD 83)



**LOCATION MAP**  
NO SCALE



200808 Point 1 79.27  
20 117.42 80.89

200808 Point 2 120.00  
20 117.42 80.89

**ACCESS EASEMENT**

LINE	BEARING	DISTANCE
1	S 78°08'25" W	13.95
2	S 72°02'54" W	31.88
3	S 89°37'22" W	31.88
4	S 73°41'43" W	40.40
5	S 81°26'02" W	369.00
6	S 76°32'44" W	36.35
7	N 33°35'14" W	36.35
8	N 11°48'59" W	39.70
9	N 20°34'39" W	50.01
10	N 22°22'13" W	39.70
11	N 07°07'02" W	24.41



**LAND SURVEYOR'S CERTIFICATE**

I HEREBY CERTIFY THE INFORMATION CONTAINED HEREON WAS OBTAINED UNDER MY DIRECT SUPERVISION AND MEETS THE EXACTING REQUIREMENTS FOR THIS BOUNDARY SURVEY WORK AS DEFINED IN SECTION 13 OF 200 KAR 18.100.

*Timothy L. Gehlhausen* 20 OCT 21  
 TIMOTHY L. GEHLHAUSEN PLS#  
 804 PALE STREET, DESHAR, KENTUCKY 40521 IS THE PROFESSIONAL SURVEYOR



**ACCESS EASEMENT PLAT**

PROPERTY OF  
 SKAGGS FAMILY TRUST  
 6806 PATTON LANE  
 CRESWELL, KY 40014  
 TAX BLOCK 85, LOT 44  
 DEED BOOK 11343, PAGE 804  
 DEED BOOK 11343, PAGE 809

PROPERTY ADDRESS:  
 10441 OLD PRESTON HWY  
 LOUISVILLE, KENTUCKY

DATE: 10/28/21 SCALE: 1"=120'

**MINDLE SCOTT**  
 ENGINEERING ► SURVEYING ►  
 PLANNING ► LANDSCAPE ARCHITECTURE  
 5151 Jefferson Blvd Louisville, KY 40219  
 502-485-1908 ► MindleScott.com