

STATE OF ALABAMA
COUNTY OF JEFFERSON

MAINTENANCE AGREEMENT

THIS INSTRUMENT, (hereafter referred to as the "Agreement"), is made and entered into on this the 31st day of October, 1994, by Frank L. Cox and Keith Esbon Cox and Delories Cox, husband and wife, their heirs and assigns, (hereinafter referred to as the "Undersigned Parties").

RECITALS

WHEREAS, Frank L. Cox is the owner of certain real property situated in Shelby County, Alabama, and more specifically described on the attached Exhibit A.

WHEREAS, Keith Esbon Cox is the owner of certain real property situated in Shelby County, Alabama, and more specifically described on the attached Exhibit B.

WHEREAS, Keith Esbon Cox has roadway access to and from the described property by right in accordance with that certain easement agreement as found recorded in Instrument # 1994-34688 filed in the Office of the Judge of Probate of Shelby County, Alabama.

WHEREAS, Keith Esbon Cox has executed a certain note and Keith Esbon Cox and Delories Cox have executed a mortgage instrument conveying the described property to Southeastern Mortgage of Alabama, its successors and assigns (hereinafter referred to as the "Mortgagee"), in order to induce the Mortgagee to extend credit to the undersigned parties. The said mortgage instrument is recorded in Instrument # 1994-32795, and filed in the Office of the Judge of Probate of Shelby County, Alabama.

THEREFORE, in consideration of the premises and in order to induce the Mortgagee to extend credit to the undersigned parties, the undersigned parties execute this agreement and agree as follows:

That Frank L. Cox, an unmarried man, and Keith E. Cox and wife, Delories Cox, hereby assume and agree to maintain and keep that portion of the roadway access granted in accordance with the easement described herein that runs up, across and along the property

11/22/1994-34689
10:13 AM, CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
004 MCD 16.00

Inst # 1994-34689

owned in fee simple by Keith Esbon Cox (Exhibit B). The said easement lies over the property owned in fee simple by Frank L. Cox (Exhibit A) and is appurtenant to the property owned in fee simple by Keith Esbon Cox (Exhibit B). The undersigned parties' agreement with the Mortgagee as set forth herein shall terminate upon the release and full satisfaction of that certain mortgage instrument referenced hereinabove.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals on this 31st day of October, 1994.

Frank L. Cox
FRANK L. COX
Keith Esbon Cox
KEITH ESBON COX
Delories Cox
DELORIES COX

STATE OF SOUTH CAROLINA
COUNTY OF Lexington

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

Given under my hand and seal this 31st day of October, 1994.

James W. Bowers
Notary Public
My Commission Expires:

My Commission Expires September 28, 1998

STATE OF ALABAMA
COUNTY OF JEFFERSON

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Keith Esbon Cox and Delories Cox, husband and wife, whose name is signed to the foregoing conveyance and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, he executed the same voluntarily on the day the same bears date.

Given under my hand and seal this 31st day of October, 1994.

Lisa G. Jagin
Notary Public
My Commission Expires:

My Commission Expires: 2/25/97

EXHIBIT "A"

A parcel of land located in the Northeast Quarter of the Southwest Quarter of Section 22, Township 20 South, Range 3 West, Shelby County, Alabama; more particularly described as follows:

Commence at the Northwest corner of the NE 1/4 of the SW 1/4 of Section 22, Township 20 South, Range 3 West, thence run Easterly along the quarter line 238.33 feet to the Point of Beginning; thence run Easterly 30.00 feet; thence turn right and run southerly along the easterly side of the easement for ingress, egress and utilities as recorded on the map titled "Boundary Survey of Frank E. "Buck" Cox Property, Town of Helena, Shelby County, Alabama by J.M. Keal & Associates Engineers and Surveyors, dated August 1, 1979" to the Northerly right of way of Roy Drive; thence turn right and run westerly along the Northerly right of way of Roy Drive to the westerly side of the easement for ingress, egress and utilities as recorded on the map titled "Boundary Survey of Frank E. "Buck" Cox Property, Town of Helena, Shelby County, Alabama by J.M. Keal & Associates Engineers and Surveyors, dated August 1, 1979"; thence turn right and run northerly along the westerly side of the easement for ingress, egress and utilities as recorded on the map titled "Boundary Survey of Frank E. "Buck" Cox Property, Town of Helena, Shelby County, Alabama by J.M. Keal & Associates Engineers and Surveyors, dated August 1, 1979" to the Point of Beginning.

EXHIBIT "B"

DEED DESCRIPTION
Volume 004 Page 785

Part of the NE 1/4 of the SW 1/4 of Section 22, Township 20 South, Range 3 West in Shelby County, Alabama, and being more particularly described as follows: Begin at the Northwest corner of the NE 1/4 of the SW 1/4 of Section 22, Township 20 South, Range 3 West and run Easterly along the North line of said 1/4-1/4 Section for 240.13 feet; thence 85 degrees 52 minutes right and in a Southerly direction for 193.47 feet; thence 110 degrees 14 minutes 13 seconds right and run Northwesterly for 163.87 feet; thence 2 degrees 43 minutes 17 seconds right and in a Northwesterly direction for 99.60 feet to a point on the West line of said 1/4-1/4 Section; thence 70 degrees 00 minutes right and in a Northerly direction along the Westerly line of said 1/4-1/4 Section for 115.40 feet to the Point of Beginning. Containing 0.8720 acres. Also subject to easement for ingress, egress and utilities as shown on (a map titled "Boundary Survey of Frank E. "Buck" Cox Property, Town of Helena, Shelby County, Alabama by J. M. Keal & Associates Engineers and Surveyors, dated August 1, 1979").

Survey Description

A parcel of land located in the Northeast Quarter of the Southwest Quarter of Section 22, Township 20 South, Range 3 West, Shelby County, Alabama; more particularly described as follows:

Commence at the Northwest corner of the NE 1/4 of the SW 1/4 of Section 22, Township 20 South, Range 3 West, also being the Point of Beginning; thence run Easterly along the quarter line 238.33 feet; thence right 86°21'24", 193.14 feet; thence right 111°02'17", 160.49 feet; thence right 00°00'27", 99.51 feet; thence right 71°22'30", 115.06 feet to the Point of Beginning.

I, Barton F. Carr, a Registered Surveyor of the State of Alabama, hereby certify that this is a true and correct plat of the parcel shown and herein described; that the building now erected on said lot is within the boundaries of the same; that there are no encroachments by buildings of adjoining property; that there are no easements, right-of-ways, or joint driveways over or across said land visible on the surface, except as shown on this plat; that I have consulted the Federal Insurance Administration "Flood Hazard Boundary Map" and found that this property is within Flood Zone "C"; and that the correct street address is 5243 Roy Drive.

Inst # 1994-34689
11/22/1994-34689
10:43 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
16.00