20060713000337380 1/3 $17.00
Shelby Cnty Judge of Probate,AL
07/13/2006 11:12:00AM FILED/CERT

STATE OF ALABAMA)
COUNTY OF SHELBY)

LICENSE AND EASEMENT AGREEMENT

WHEREAS, K.T. Werk Advanced Southern Homes, Inc., is the owner of the Lot 1257, according to the survey of Highland Lakes 12th Sector, Phase III, as recorded in Map Book 33, Page 46, in the Office of the Judge of Probate of Shelby County, Alabama; and

WHEREAS, Cypress Enterprises. LLC. is the owner of Lot 1256, according to the survey of Highland Lakes 12th Sector, Phase III, as recorded in Map Book 33, Page 46, in the Office of the Judge of Probate of Shelby County,, Alabama; and

WHEREAS, as shown by the Survey attached hereto as Exhibit "A" which was prepared by Surveying Solutions dated June26, 2006, there is an encroachment of a retaining wall of 4.6 feet, from said Lot 1257 onto Lot 1256, in particular the west side of said Lot 1257 onto the east side of the Lot 1256, all as shown on the attached survey (a copy of which is attached hereto and made a part hereof as Exhibit "A"); and there is an encroachment of a driveway of up to 1.7 feet from Lot 1256 unto Lot 1257, in particular the east side of Lot 1256 onto the west side of Lot 1257, all as shown on the attached survey (a copy of which is attached hereto and made a part hereof as Exhibit "A")

WHEREAS, K.T. Werk Adanced Southern Homes, Inc. makes no claim of ownership in and to the said Lot 1256, but requests only that Cypress Enterprises, LLC., grant to it a license and easement to permit the encroachment of the retaining wall of 4.6 feet to remain undisturbed; and further, that Cypress Enterprises, LLC makes no claim of ownership in and to the said Lot 1257, but requests that K.T. Werk Advanced Southern Homes, Inc., grant to it a license and easement to permit the encroachment of the driveway to remain undisturbed

WHEREAS, K.T. Werk Advance Southern Homes. Inc. and Cypress Enterprises, LLC are willing to grant to each other such licenses and easements upon certain terms and conditions as hereinabove set out.

NOW THEREFORE, FOR AND IN CONSIDERATION OF THE PREMISE AND ONE DOLLAR in hand paid by the Grantee, hereinafter named, K.T. Werk Advanced Southern Homes, Inc., an Alabama Corporation (the GRANTOR), the receipt and sufficiency of which is acknowledged, the GRANTOR does grant, bargain and convey to Cypress Enterprises, LLC, an Alabama Limited Liability Company., its successors and assigns, (the Grantee) a license and easement to permit the driveway, now encroaching 1.7 feet from said Lot 1256 onto the Lot 1257 as shown by the survey of Surveying Solutions, Inc., dated June 26, 2006 and attached hereto as Exhibit "A" to remain in place. Also, granted with this License and easement is the right in the GRANTEE to enter onto the Lot 1257 to perform all requisite and necessary maintenance and repair work as shall be required in the proper care and preservation of the driveway. That Cypress Enterprises, LLC, as Grantee, by the acceptance of this license and easement does hereby confirm that it does not make and will not make any claim of ownership in or to the Lot 1257 by virtue of the aforesaid encroachment.

NOW THEREFORE, FOR AND IN CONSIDERATION OF THE PREMISE AND ONE DOLLAR in hand paid by the Grantee, hereinafter named, Cypress Enterprises, LLC., an Alabama Limited Liability Company (the GRANTOR), the receipt and sufficiency of which is acknowledged, the GRANTOR does grant, bargain and convey to K.T. Werk Advanced Southern Homes, Inc., an Alabama Corporation., its successors and assigns, (the Grantee) a license and easement to permit the retaining wall, now encroaching 4.6 feet from said Lot 1257 onto the Lot 1256 as shown by the survey of Surveying Solutions, Inc., dated June 26, 2006 and attached hereto as Exhibit "A" to remain in place. Also, granted with this license and easement is the right in the GRANTEE to enter onto the Lot 1256 to perform all requisite and necessary maintenance and repair work as shall be required in the proper care and preservation of the retaining wall. That K.T. Werk Advanced Southern Homes, Inc., as Grantee, by the acceptance of this license and easement does hereby confirm that it does not make and will not make any claim of ownership in or to the Lot 1256 by virtue of the aforesaid encroachment.

In the event that either the driveway or retaining wall cracks severely or crumbles into disrepair, the owner of such encroaching improvements shall repair or restore the driveway or retaining wall back to its present condition within a reasonable period of time but not to exceed 45 days.

The granting of this license and easement shall constitute a covenant running with the land and its terms shall be binding upon their respective successors and assigns forever.

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In Witness Whereof this license and easement agreement has been executed this 28th day of June, 2006.

K.T. Werk Advanced Southern Homes, Inc.

BY: Kenneth T. Werk Jr.
Kenneth T. Werk, Jr.
Its: President

Cypress Enterprises. LLC.

BY: Jerry W. Barnes
Jerry W. Barnes
Its Operating Mangager/Member

STATE OF ALABAMA)
JEFFERSON COUNTY)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Kenneth T. Werk, Jr., whose name as President of K.T. Werk Advanced Southern Homes. Inc., an Alabama corporation, 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, as such officer, executed the same voluntarily and as an act of said corporation.

Given under my hand and official seal this 30th day of June 2006.

NOTARY PUBLIC

My Commission expires: 4/29/10

STATE OF ALABAMA)
JEFFERSON COUNTY)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Jerry W. Barnes., whose name as Operating Manager and Member of Cypress Enterprises, LLC., an Alabama limited liability company, 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, as such operating manager and member, executed the same voluntarily and as an act of said limited liability company.

Given under my hand and official seal this 28th day of June 2006.

NOTARY PUBLIC

My Commission expires: 6-5-2007

This instrument prepared by:
Clayton T. Sweeney, Attorney
2700 Highway 280 East Suite 160
Birmingham, AL 35223

20060713000337380 3/3 $17.00
Shelby Cnty Judge of Probate,AL
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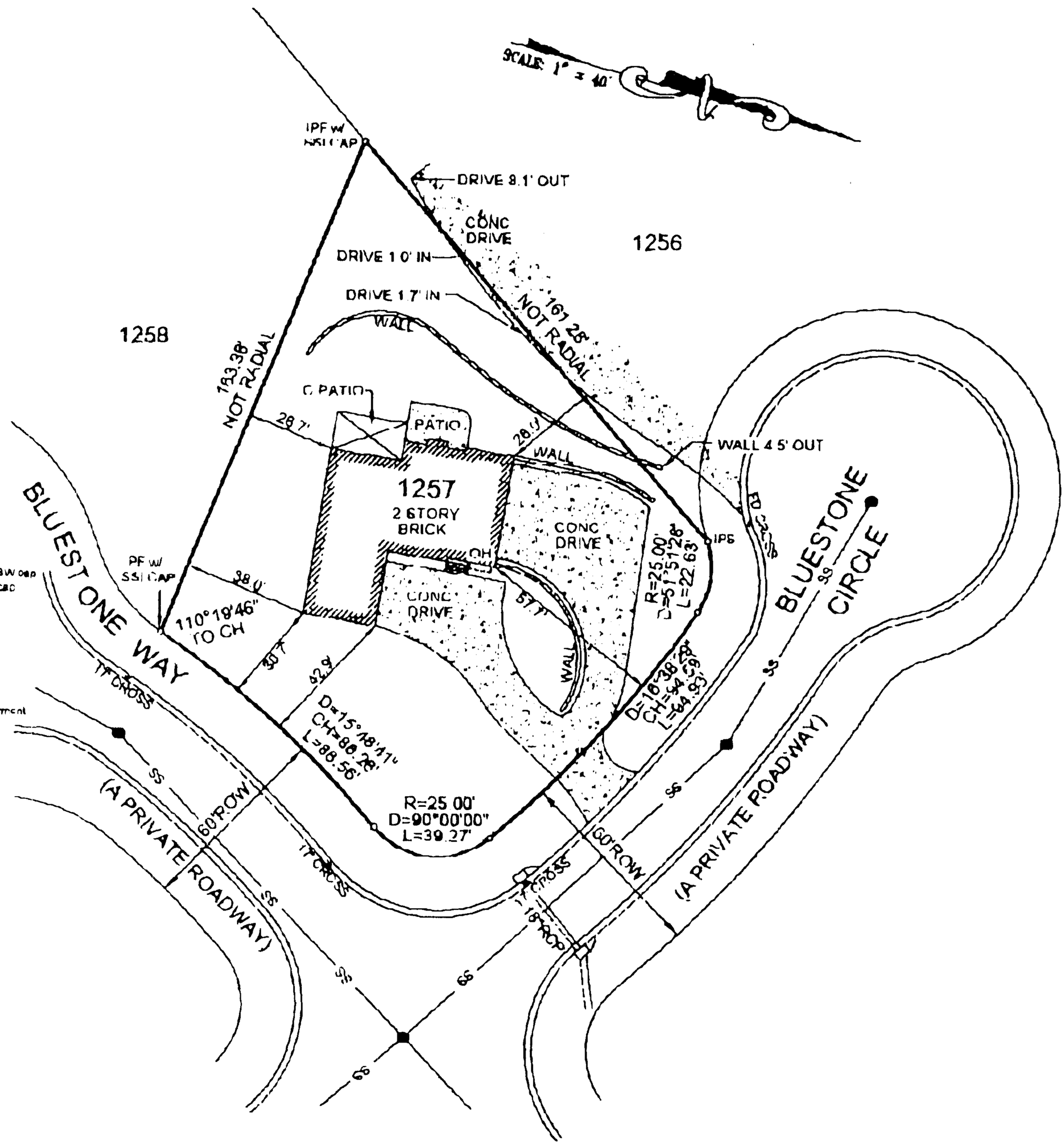
EXHIBIT "A"



LEGEND

ASPH = asphalt
BRG = bearing
BLDG = building
CALC = calculated
CAP = capped iron
CL = centerline
CH = chord
CONC = concrete
C = covered
d = deflection
Δ = curve delta angle
E = east
ESMT = easement
FC = fence
FD = found
HW = headwall
IPF = iron pin found
IPFW = iron pin found w/(BW cap
IPS = iron pin set w/SSI cap
L = length
MEAS = measured
MIN = minimum
MH = manhole
N = north
OH = overhang
P = porch
PC = point of curve
POC = point of commencement
PT = point of tangent
PVMT = pavement
R = radius
REC = recorded
RES = residence
ROW = right of way
S = south
SAN = sanitary
STM = storm
SWR = sewer
SYN = synthetic
UTIL = utility
U = uncovered
W = west
° = degrees
' = minutes, in bearings or angles
" = seconds, in bearings or angles
= bearings or angles
' = feet, in distance
AC = acres
± = more or less, or plus or minus

STATE OF ALABAMA

SHELBY COUNTY

I, Carl Daniel Moore, a registered Land Surveyor, certify that I have surveyed Lot 1257 HIGHLAND LAKES 12TH SECTOR PHASE III AN EDDLEMAN COMMUNITY as recorded in Map Book 33, Page 46 in the Office of the Judge of Probate, Shelby County, Alabama; 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; that I have consulted the Federal Insurance Administration "Flood Hazard Boundary Map" and found that this property is located in flood Zone C according to F.I.R.M community panel number 010191 0050 B, Shelby County, Alabama; dated. 9-16-82 that the correct address is as follows 1052 Bluestone Way according to my survey of June 21, 2006. Survey is not valid unless it is sealed with embossed seal or stamped in red.

Order No. 86848
Purchaser: Hill
Type of Survey: Mortgage Loan

SURVEYING SOLUTIONS, INC.
5511 HIGHWAY 280 E, STE 314
BIRMINGHAM, AL 35242
PHONE: 991-8965

Carl Daniel Moore

Carl Daniel Moore, Reg. L.S. #12158

06-28-06

Date of Signature

ALABAMA REGISTERED No. 12158 PROFESSIONAL LAND SURVEYOR CARL DANIEL MOORE

JLW ACAD\PROJECTS\HL\HL11TH-20TH\HL12TH-PHASE3\LOT1257HL12_3RD_FINAL