

AGREEMENT

THIS AGREEMENT made this 7 day of August, 1985, between Investment Southeastern, Ltd., a Georgia limited partnership, whose sole general partner is Plaza Developments, Inc., a Georgia corporation (hereinafter referred to as the "ISE") and Kovach-Eddleman Properties, an Alabama general partnership (hereinafter referred to as "Properties") and 280 Associates, Ltd., an Alabama limited partnership (hereinafter referred to as "280"; 280 and Properties hereinafter collectively referred to as the "Kovach").

WITNESSETH:

WHEREAS, ISE is fee simple owner of a tract of land (hereinafter referred to as the "Premises"), which is particularly described in Exhibit "A" attached hereto and by this reference made a part hereof; and

WHEREAS, 280 is fee simple owner of that tract of land (hereinafter referred to as the "280 Premises"), which is adjacent and contiguous to the Premises and which is more particularly described in Exhibit "B" attached hereto and by this reference made a part hereof; and

WHEREAS, Properties is fee simple owner of that tract of land (hereinafter referred to as the "Properties Premises"), which is adjacent and contiguous to the Premises and which is more particularly described in Exhibit "C" attached hereto and by this reference made a part hereof (the 280 Premises and the Properties Premises hereinafter collectively referred to as the "Adjoining Premises"); and

WHEREAS, ISE and Kovach wish to reach certain agreements as provided herein;

NOW, THEREFORE, in consideration of the premises and the mutual promises herein contained, the parties hereto agree as follows:

1. ISE agrees not to change the contours of the Premises so as to increase the drainage flow of water from the Premises to the Adjoining Premises.
2. 280 agrees not to change the contours of the 280 Premises so as to increase the drainage flow of water from the 280 Premises to the Premises.
3. Properties agrees not to change the contours of the Properties Premises so as to increase the drainage flow of water from the Properties Premises to the Premises.
4. So long as Properties shall comply with this Agreement, ISE shall permit drainage flow from Properties Premises to have access to the retention pond to be constructed on the western boundary of the Premises in accordance with the sedimentation and erosion control plan referred to in that certain Covenant and Agreement among Properties, 280, ISE and the Water Works Board of the City of Birmingham, dated August __, 1985.
5. This Agreement shall run with the land and shall be binding upon 280, Properties, and ISE and their respective successors and assigns.

Jack H.

IN WITNESS WHEREOF, the parties herebo have caused this instrument to be duly executed under seal on the day and year first above written.

Signed, sealed and delivered as to the Purchaser, in the presence of:

INVESTMENT SOUTHEASTERN, LTD.
a Georgia Limited Partnership

By: Plaza Developments, Inc.,
its General Partner

Witness

By: L. H. Hearn
President

STATE OF ~~GEORGIA~~)
COUNTY OF ~~FULTON~~)

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that L. H. Hearn, whose name as President of Plaza Developments, Inc., general partner of Investment Southeastern, Ltd., is signed to the foregoing Agreement, and who is known tome, acknowledged before me on this day that, being informed of the contents of the above and foregoing Agreement, he, in his capacity as such officer, executed the same voluntarily on the day the same bears date.

Given under my hand and official seal of office this 2 day of August, 1985.

Notary Public

My Commission Expires: 1-7-86

Signed, sealed and delivered, in the presence of:

KOVACH-EDDLEMAN PROPERTIES
an Alabama General Partnership

Witness

By: Frank Kovach, Jr. (SEAL)

General Partner

By: Billy D. Eddleman (SEAL)

General Partner

Signed, sealed and delivered, in the presence of:

280 ASSOCIATES, LTD.
an Alabama Limited Partnership

Witness

By: Frank Kovach, Jr. (SEAL)

General Partner

By: Billy D. Eddleman (SEAL)

General Partner

STATE OF ALABAMA)
JEFFERSON COUNTY)

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Frank Kovach, Jr. and Billy D.

Eddleman, whose names as general partners of Kovach-Eddleman Properties are signed to the foregoing Agreement, and who are known to me, acknowledged before me on this day that, being informed of the contents of the above and foregoing Agreement, they, in their capacity as such general partners, executed the same voluntarily on the day the same bears date.

Given under my hand and official seal of office this 2 day of August, 1985.


Notary Public

My Commission Expires: 1-7-88

STATE OF ALABAMA)
JEFFERSON COUNTY)

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Frank Kovach, Jr. and Billy D. Eddleman, whose names as general partners of 280 Associates, Ltd. are signed to the foregoing Agreement, and who are known to me, acknowledged before me on this day that, being informed of the contents of the above and foregoing Agreement, they, in their capacity as such general partners, executed the same voluntarily on the day the same bears date.

Given under my hand and official seal of office this 2 day of August, 1985.


Notary Public

My Commission Expires: 1-7-88

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EXHIBIT "A"

PARCEL 1:

A tract or parcel of land situated in the SW 1/4 of the SW 1/4 of Section 25, Township 18 South, Range 2 West, being more particularly described as follows:

Begin at the Southwest corner of the SW 1/4 of the SW 1/4 of Section 25, Township 18 South, Range 2 West; thence North along the West line of said 1/4-1/4 Section a distance of 524.51 feet to a point; thence 128 degrees 28 minutes 32 seconds to the right in a Southeasterly direction a distance of 762.53 feet to a point; thence 21 degrees 38 minutes 50 seconds to the left in a Southeasterly direction a distance of 323.18 feet to a point on the Southline of said 1/4-1/4 Section; thence 165 degrees 55 minutes 18 seconds to the right in a Westerly direction along the South line of said 1/4-1/4 Section a distance of 907.31 feet to the point of beginning.

Situated in Jefferson County, Alabama.

PARCEL 2:

A tract or parcel of land situated in the NW 1/4 of the NW 1/4 of Section 36, Township 18 South, Range 2 West, being more particularly described as follows:

Begin at the Northwest corner of the NW 1/4 of the NW 1/4 of Section 36, Township 18 South, Range 2 West; thence East along the North line of said 1/4-1/4 Section a distance of 907.31 feet to a point; thence 88 degrees 02 minutes 30 seconds to the right in a Southerly direction a distance of 200.18 feet to the P.C. (point of curve) of a curve to the right having a radius of 227.33 feet and a central angle of 37 degrees 41 minutes; thence Southerly and Southwesterly along the arc of said curve a distance of 149.51 feet to the P.T. (point of tangent) of said curve; thence Southwesterly, tangent to said curve, a distance of 151.20 feet to the P.C. (point of curve) of a curve to the left having a radius of 1282.00 feet and a central angle of 04 degrees 34 minutes 26 seconds; thence Southwesterly along the arc of said curve a distance of 102.34 feet to the P.T. (point of tangent) of said curve; thence Southwesterly, tangent to said curve, a distance of 197.20 feet to a point on the Northeasterly right-of-way line of U.S. Highway No. 280; thence 94 degrees 34 minutes 26 seconds to the right in a Northwesterly direction along said right-of-way line a distance of 502.73 feet to a point; thence 00 degrees 32 minutes 45 seconds to the left in a Northwesterly direction along said right-of-way line a distance of 254.49 feet to a point on the West line of said 1/4-1/4 Section; thence 53 degrees 01 minute 13 seconds to the right in a Northerly direction along said 1/4-1/4 Section line a distance of 277.41 feet to the point of beginning.

Situated in Shelby County, Alabama.

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PARCEL 1LEGAL DESCRIPTION:

A part of the NW1/4 of NW1/4 of Section 36, Township 18 South, Range 2 West, more particularly described as follows: Commence at the SE corner of the NW1/4 of NW1/4 of Section 36, Township 18 South, Range 2 West and run North along East line of said 1/4-1/4 Section 521.9 feet to point of beginning of parcel herein described; thence continue along last described course 271.57 feet; thence left 88 deg. 05' and run West 350.0 feet; thence right 88 deg. 05' and run North 550 feet to a point on the North line of said NW1/4 of NW1/4; thence left 88 deg. 05' and run West along said North line of said 1/4-1/4 Section 967.23 feet to the NW corner of said 1/4-1/4 Section; thence left 91 deg. 47' and run South along West line thereof 274.16 feet to a point on the Northeasterly right of way of U.S. Highway #280; thence left 52 deg. 25' 30" and run Southeasterly along said right of way 256.60 feet to a point; thence left 0 deg. 08' and continue Southeasterly along right of way 697.16 feet to a point, being the centerline of a 50-foot easement for ingress and egress that extends Northeasterly along herein described parcel; thence right 0 deg. 08' and continue Southeasterly along said right of way 450.0 feet to a point being the Westerly corner of a 1 acre parcel deeded to Marquis Hunt, Jr., and C. Beaty Hanna in October 1968; thence left 90 deg. and run Northeasterly along Northwesterly line of said 1 acre parcel 336.19 feet to point of beginning. Containing 17.56 acres, more or less, and subject to a 50-foot easement for ingress and egress to adjacent parcels.

Situated in Shelby County, Alabama.

PARCEL 2LEGAL DESCRIPTION:

A part of the NW1/4 of NW1/4 of Section 36, Township 18 South, Range 2 West, more particularly described as follows: Begin at the NE corner of the NW1/4 of NW1/4 of Section 36, Township 18 South, Range 2 West, and run South along the East line thereof 550.0 feet; thence right 91 deg. 55' and run West 350.0 feet; thence right 88 deg. 05' and run North 300.0 feet; thence right 91 deg. 55' and run East 160.0 feet; thence left 91 deg. 55' and run North 250.0 feet to point on Northline of said NW1/4 of NW1/4; thence right 91 deg. 55' and run East 190 feet to point of beginning. Containing 3.50 acres, more or less.

Situated in Shelby County, Alabama.

PARCEL 3LEGAL DESCRIPTION:

A part of the NW1/4 of NW1/4 of Section 36, Township 18 South, Range 2 West, described as follows: Commence at the NE corner of the NW1/4 of NW1/4 of Section 36, and run West along the North line thereof 190.0 feet to the point of beginning of the herein described tract; thence continue along last described course 160.0 feet; thence left 91 deg. 55' and run South 250.0 feet; thence left 88 deg. 05' and run East 160.0 feet; thence left 91 deg. 55' and run North 250.0 feet to point of beginning. Containing 0.92 acres, more or less.

Situated in Shelby County, Alabama.

A tract or parcel of land situated in the NW 1/4 of the NW 1/4 of Section 36, Township 18 South, Range 2 West, being more particularly described as follows:

Begin at the Northwest corner of the NW 1/4 of the NW 1/4 of Section 36, Township 18 South, Range 2 West; thence East along the North line of said 1/4-1/4 Section a distance of 907.31 feet to a point; thence 88 degrees 02 minutes 30 seconds to the right in a Southerly direction a distance of 200.18 feet to the P.C. (point of curve) of a curve to the right having a radius of 227.33 feet and a central angle of 37 degrees 41 minutes; thence Southerly and Southwesterly along the arc of said curve a distance of 149.51 feet to the P.T. (point of tangent) of said curve; thence Southwesterly, tangent to said curve, a distance of 151.20 feet to the P.C. (point of curve) of a curve to the left having a radius of 1282.00 feet and a central angle of 04 degrees 34 minutes 26 seconds; thence Southwesterly along the arc of said curve a distance of 102.34 feet to the P.T. (point of tangent) of said curve; thence Southwesterly, tangent to said curve, a distance of 197.20 feet to a point on the Northeasterly right-of-way line of U.S. Highway No. 280; thence 94 degrees 34 minutes 26 seconds to the right in a Northwesterly direction along said right-of-way line a distance of 502.73 feet to a point; thence 00 degrees 32 minutes 45 seconds to the left in a Northwesterly direction along said right-of-way line a distance of 254.49 feet to a point on the West line of said 1/4-1/4 Section; thence 53 degrees 01 minute 13 seconds to the right in a Northerly direction along said 1/4-1/4 Section line a distance of 277.41 feet to the point of beginning.

Situated in Shelby County, Alabama.

The SW1/4 of the SW1/4 of Section 25, Township 18 South, Range 2 West, situated in Jefferson County, Alabama.

Less and except:

A tract or parcel of land situated in the SW 1/4 of the SW 1/4 of Section 25, Township 18 South, Range 2 West, being more particularly described as follows:

Begin at the Southwest corner of the SW 1/4 of the SW 1/4 of Section 25, Township 18 South, Range 2 West; thence North along the West line of said 1/4-1/4 Section a distance of 524.51 feet to a point; thence 128 degrees 28 minutes 32 seconds to the right in a Southeasterly direction a distance of 762.53 feet to a point; thence 21 degrees 38 minutes 50 seconds to the left in a Southeasterly direction a distance of 323.18 feet to a point on the Southline of said 1/4-1/4 Section; thence 165 degrees 55 minutes 18 seconds to the right in a Westerly direction along the South line of said 1/4-1/4 Section a distance of 907.31 feet to the point of beginning.

Situated in Jefferson County, Alabama.

STATE OF ALA. JEFFERSON CO.
I CERTIFY THIS INSTRUMENT
WAS FILED

1985 AUG -8 AM 9:47

ON THIS INSTRUMENT

G. H. P. Turner
NOTARY PUBLIC

STATE OF ALA. JEFFERSON CO.
I CERTIFY THIS INSTRUMENT
WAS FILED

1985 AUG 16 AM 10:14

James H. Turner
NOTARY PUBLIC

RECORDING FEES

Recording Fee	\$ 17.50
Index Fee	2.00
TOTAL	\$ 19.50

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