

STATE OF ALABAMA)
COUNTY OF SHELBY)

LICENSE AGREEMENT

WHEREAS, Acton Homes, Inc. is the owner of Lot 2119, according to the Survey of Brook Highland, an Eddleman Community, 21st Sector, Phase II, as recorded in Map Book 18, Page 129, in the Office of the Judge of Probate of Shelby County, Alabama; and

WHEREAS, Gardner Brothers Homebuilders, Inc. is the owner of Lot 2118, according to the Survey of Brook Highland, an Eddleman Community, 21st Sector, Phase II, as recorded in Map Book 18, Page 129, 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 Carl Daniel Moore of K.B. Weygand & Associates, P.C., dated June 11, 1996, there is an encroachment of a driveway by 0.35 +/- feet, stone retaining wall by 7.3 feet +/- from said Lot 2118 onto Lot 2119, in particular the South side of said Lot 2118 onto the North side of Lot 2119, along with landscaping and sprinkler system, all as shown on the attached survey (a copy of which is attached hereto and made a part hereof as Exhibit "A"); and

WHEREAS, Gardner Brothers Homebuilders, Inc. makes no claim of ownership in and to the said Lot 2119, but requests only that Acton Homes, Inc. grant to it a License to permit the identified encroachment to remain undisturbed for as long as the driveway and stone retaining wall shall stand; and

WHEREAS, Acton Homes, Inc. is willing to grant such License 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, Acton Homes, Inc. (the GRANTOR), the receipt and sufficiency of which is acknowledged, the GRANTOR does grant, bargain and convey to Gardner Brothers Homebuilders, Inc. (the Grantee) a License to permit the driveway and stone retaining wall, landscaping and sprinkler system, now encroaching from said Lot 2118 onto Lot 2119 as shown by the survey of Carl Daniel Moore of K.B. Weygand & Associates, P.C., dated June 11, 1996, and attached hereto as Exhibit "A" to remain in place for as long and as the driveway and stone retaining wall shall stand, upon the condition that, should the driveway and stone retaining wall ever be destroyed this License shall terminate immediately and a new driveway and/or retaining wall shall not be permitted to encroach onto Lot 2119. Also, granted with this License is the right in the GRANTEE to enter onto Lot 2119 to perform all requisite and necessary maintenance and repair work as shall be required in the proper care and preservation of the driveway, stone retaining wall, landscaping and sprinkler system.

The GRANTEE, by the acceptance of this License does hereby confirm that it does not make and will not make any claim of ownership in or to Lot 2119 by virtue of the aforesaid encroachment.

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

In Witness Whereof this License Agreement has been executed this

11:03 AM
SHELBY COUNTY JUDGE OF PROBATE
005 REC'D
18.50

1997-05017
1997-05017

21st day of June, 1996.

GARDNER BROTHERS
HOMEBUILDERS, INC.

BY: Gary Gardner
GARY GARDNER
ITS: PRESIDENT

ACTON HOMES, INC.

BY: Danny F. Acton
DANNY F. ACTON
ITS: PRESIDENT

STATE OF ALABAMA)
JEFFERSON COUNTY)
B1047

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Danny F. Acton, whose name as President of Acton Homes, Inc., is signed to the foregoing conveyance, and who are known to me, acknowledged before me on this day, that, being informed of the contents of the conveyance, he as such officer and with full authority, executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 21st day of June, 1996.

Linda M. Gardner
NOTARY PUBLIC

My Commission expires: 1-29-97

STATE OF ALABAMA)
JEFFERSON COUNTY)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Gary Gardner, whose name as President of Gardner Brothers Homebuilders, Inc., is signed to the foregoing conveyance, and who are known to me, acknowledged before me on this day, that, being informed of the contents of the conveyance, he as such officer and with full authority, executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 25th day of June, 1996.

[Signature]
NOTARY PUBLIC

My Commission expires: 6-27-98

Fax: 1-205-871-9004

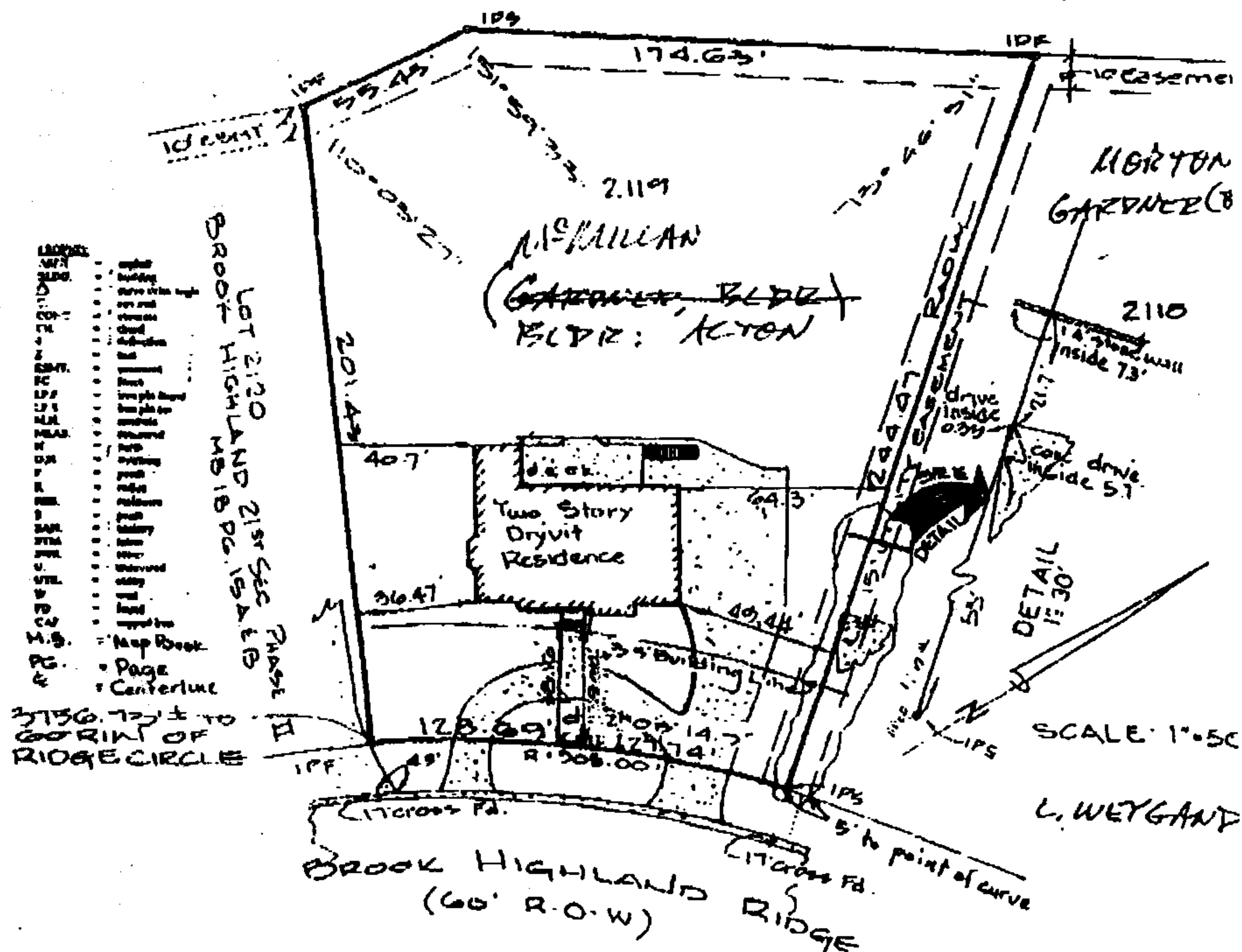
Jun 19 '96

12:22

P.03

Donna + Audrey M-M:LAN

408-0471



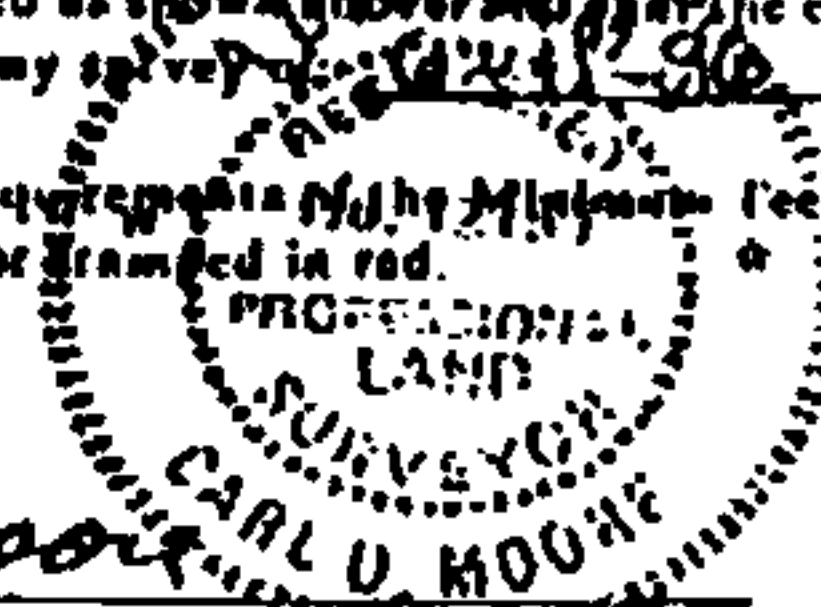
I, Carl Daniel Moore, a Registered Land Surveyor, certify that I have surveyed Lot 2119 Brook Highland
ANNEDEMAN COMMUNITY 21ST SECTOR PHASE II recorded in Map Volume 18
on Page 129 in the Office of the Judge of Probate SHELBY County, Alabama; that there are no rights-of-way
encroachments, or joint driveways over or across said land visible on the surface except as shown; that there are no electric or telephone wires (excluding
wires which serve premises only) or structures or supports therefor, including poles, anchors and guy wires, on or over said premises except as shown;
that I have consulted the Federal Insurance Administration "Flood Hazard Boundary Map" and found that this property is not in a special
flood hazard area; that there are no encroachments on said land except as shown; that improvements are located as shown and that the correct
address is as follows: 2125 BROOK HIGHLAND RIDGE according to my survey.

I furthermore certify that all parts of this survey and drawing have been completed in accordance with the requirements of the Minimum Technical
Standards for the Practice of Land Surveying in the State of Alabama. Survey is not valid unless it is sealed or stamped in red.

Order No. 58001
Purchaser: McMILLAN
Type Survey: MORTGAGE
LEASING

K. B. WHITMAN & ASSOCIATES, P.C.

Carl Daniel Moore
Carl Daniel Moore, Reg. L.S. 12159, Phone 991-8965



Inst # 1997-05017

02/17/1997-05017
11:03 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
005 MCD 18.50