

STATE OF ALABAMA

SHELBY COUNTY

Inst # 1997-19771

06/25/1997-19771
08:07 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
013 MCO 38.50

CONTRACT, RELEASE AND AGREEMENT

WITNESS this agreement entered into this 31ST day of May, 1997 by and between Chelsa Properties, Inc., an Alabama corporation, formerly known as Cloud & Estes, Inc., ("Developer") and the individuals who have joined in the execution hereof and who are the owners of lots in the within described First Sector and Sector B of High Chaparral ("Signatory Lot Owners"):

WHEREAS Signatory Lot Owners are the current owners of all lots sold prior to November, 25, 1995 and that the owners of the lots on that date were signatories of the original Contract, Release and Agreement recorded in the Shelby County, Alabama Probate Office as Instrument # 1996-09689, and

WHEREAS Developer and Signatory Lot Owners wish to execute this supplemental agreement which allows Developer increased lot density in the proposed Sector 3, relieves the lot owners of maintenance responsibility for the entrance to the proposed Sector 3, and provides for natural gas service for Sectors 1 and B of High Chaparral.

NOW, THEREFORE, in consideration of the above premises and in consideration of the mutual covenants and agreements contained herein, the parties hereto do hereby agree, covenant and contract as follows::

1. That the undersigned Signatory Lot Owners, separately and severally, warrant that they are the lawful owners of the lot, lots or parcels of land indicated herein in connection with their names and that each have the lawful right, power and authority to execute this document as the owner/owners thereof.

2. The Developer warrants that it is the owner of all properties remaining in the Developer Property except those lots sold after November 25, 1995, the owners of which were not signatories of the original agreement, and the Developer further warrants that it has the lawful right, power and authority to execute this document.

3. The Revised Master Plan for the currently unplatted land in High Chaparral, which has been approved by the Shelby County Planning Commission and is on file in the Office of the Shelby County Director of Planning and Development, provides for 33 lots in the Proposed Third Sector. This Revised Master Plan may be and will be further revised to reflect an average gross density of one (1) housing unit per 1.58 acres with a maximum of 70 lots in the Proposed Third Sector. It is understood and agreed that the minimum size of any lot in said Third Sector will be no less than one (1) acre. The developer may divide these proposed lots into any number of marketable sectors for approval by the Shelby County Planning Commission, provided no change in lot size or overall layout is made without concurrence of the Signatory Lot Owners. The covenants for the Proposed Third Sector will be no less restrictive than those for Sector B of High Chaparral. A representative of the Signatory Lot Owners will advise the Commission of their concurrence of this second revision of the Master Plan.

4. In consideration of the concession made herein by the Signatory Lot Owners, the developer agrees to enter into a contract with Alagasco to make natural gas service available to the lot owners in the First Sector and Sector B of High Chaparral at the earliest practicable date. This contract, at a minimum, should provide for:

- a) a forty gallon hot water heater to be furnished without charge to each home owner with installation costs paid by the homeowner,
- b) up to 300 feet of service pipe at no charge to the homeowners with additional service pipe installed at the rate of 2.75 per foot.

Other terms of the Alagasco Contract are not the concern of the Signatory Lot Owners.

5. In further consideration of the concession made herein by the Signatory Lot Owners, the lot owners in the First Sector and Sector B are herewith relieved of any maintenance responsibility for the entryway to be constructed as part of the Third Sector, with the further understanding that the deed covenants for the Third Sector will specify that responsibility.

6. The Signatory Lot Owners and the Developer shall have the right to enforce the covenant and conditions set forth in this Contract, Release, and Supplemental Agreement and may proceed at law or in equity to compel compliance with the terms hereof or to recover any monetary damages, if any, due to a breach thereof, after having given written notice of such breach, and such breach continuing for more that thirty days thereafter.

IN WITNESS WHEREOF, the parties have executed this document as of the date and year first written above.

Chelsea Properties, Inc.
an Alabama Corporation

[Signature]
Witness

James H. Ester
Its President

[Signature]
Witness

Albert E Bonds
Lot (s) 9 Sector 1

[Signature]
Witness

James A Bonds
Lot(s) 9 Sector 1

James Bonds
Witness

[Signature]
Lot(s) 15 Secto 1

[Signature]
Witness

Michael R. Canale
Lot(s) 29 Sector 1

J. L. Smith
Witness

David William Turner
Lot(s) 44 Sector B

J. L. Smith
Witness

Frank X. Barra
Lot(s) 21 Sector 1

J. L. Smith
Witness

Carol C. Carr
Lot(s) 21 Sector 1

J. L. Smith
Witness

W. R. Smith
Lot(s) 3 Sector 1

J. L. Smith
Witness

Mary Jane Mathias
Lot(s) 3 Sector 1

J. L. Smith
Witness

Barry R. Montgomery
Lot(s) 51 A Sector B

J. L. Smith
Witness

Thea Montgomery
Lot(s) 51 A Sector B

J. Hunt
Witness

Robert L. Reynolds
Lot(s) 26+27 Sector "B"

J. Hunt
Witness

John F. [unclear]
Lot(s) 10 Sector "1"

J. Hunt
Witness

Henry P. Little
Lot(s) 32 Sector B

J. Hunt
Witness

Yvonne Little
Lot(s) 36 Sector B

Emma T. Shepard
Witness

Lot(s) _____ Sector _____

J. Hunt
Witness

Emma T. Shepard
Lot(s) 46 Sector B

J. Hunt
Witness

Rhonda Flowers
Lot(s) 44 Sector B

7
Ed S. Garich
Witness

Ann Shields
by J. Hunt F019
Lot(s) 43 Sector B

J. Hunt
Witness

Margaret Ann Gardner
Lot(s) 37 Sector B

J. Hunt
Witness

Douglas Ray Darden
Lot(s) 37 Sector B

J. Hunt
Witness

Constance Rhoman
Lot(s) 25 Sector B

J. Hunt
Witness

Frank W. Swanson
Lot(s) 25 Sector B

J. Hunt
Witness

Swanson
Lot(s) 4 Sector 1

J. Hunt
Witness

Swanson
Lot(s) 4 Sector 1

Debbie Wright
Witness

Joe S. Sife
Lot(s) 6 Sector 1

Joe Sife
Witness

Debbie J. Wright
Lot(s) 6 Sector 1

J. S. Sife
Witness

Steve E. Rawlin
Lot(s) 58B Sector B

J. S. Sife
Witness

Anneta J. Rawlins
Lot(s) 58B Sector B

J. S. Sife
Witness

Eddie L. Huggins Jr.
Lot(s) 45 Sector B

J. S. Sife
Witness

Cora P. Huggins
Lot(s) 45 Sector B

Paul S. Garity
Witness

John Randall Shields III
by P. S. Garity POA
Lot(s) 45 Sector B

[Signature]
Witness

Julianne C. Gardner
Lot(s) 22 Sector 1

[Signature]
Witness

Michael T. Gardner
Lot(s) 22 Sector 1

[Signature]
Witness

Cheryl Kynard
Lot(s) 26 + 27 Sector B

[Signature]
Witness

Carole H. Rudd
Lot(s) 1 + 2 Sector 1

[Signature]
Witness

Nancy S. Rudd
Lot(s) 1 + 2 Sector 1

[Signature]
Witness

Kyle V. Hawlee
Lot(s) 53A Sector B

[Signature]
Witness

Kenneth Howell
Lot(s) 5 Sector 1

J. Hunt
Witness

Betty J. Carrall
Lot(s) 24 Sector 1

J. Hunt
Witness

Carlton Smith
Lot(s) 23 Sector 1

J. Hunt
Witness

Kade J. Parity
Lot(s) 15 Sector 1

J. Hunt
Witness

Mark A. Griffin
Lot(s) 8 Sector 1

J. Hunt
Witness

Frank R. Saffin
Lot(s) 8 Sector 1

J. Hunt
Witness

Patricia Smith
Lot(s) 18 Sector 1
157A

J. Hunt
Witness

Phyllis Gilbert
Lot(s) 18 Sector 1
157A

Carlton Landry
Witness

Marlene B. Davis

Lot(s) 23 Sector 1

J. Landry
Witness

William J. Jones, Jr.

Lot(s) 26 Sector B

J. Landry
Witness

Betty Jones

Lot(s) 26 Sector B

J. Landry
Witness

Dennis Okune

Lot(s) 30 Sector B

J. Landry
Witness

Patricia R Okune

Lot(s) 30 Sector B

J. Landry
Witness

Greg A. Blum

Lot(s) 33 Sector B

J. Landry
Witness

John H. LeBeau

Lot(s) 35 Sector B

J. Hunt
Witness

Luc O. Dowell
Lot(s) 5 Sector 1

J. Hunt
Witness

Marshall Lushie
Lot(s) 35 Sector B

J. Hunt
Witness

C. E. Eddo
Lot(s) 31 Sector B

J. Hunt
Witness

Charlotte C. Geller
Lot(s) 31 Sector B

J. Hunt
Witness

Henry Harris
Lot(s) 54A Sector B

J. Hunt
Witness

Jami P. H.
Lot(s) 14 Sector D

J. Hunt
Witness

W. H. H.
Lot(s) 14 Sector 1

Witness

Lot(s) 16 Sector 1

Witness

Lot(s) 16 Sector 1

Witness

Lot(s) 42 Sector B

Witness

Lot(s) 42 Sector B

Witness

Lot(s) 54A Sector B

Witness

Lot(s) 7 Sector 1

Witness

Lot(s) 7 Sector 1

[Signature]
Witness

M. P. McL
Lot(s) 32 Sector B

[Signature]
Witness

Donna & Robin
Lot(s) 32 Sector B

[Signature]
Witness

Freddie L. Shuman, Jr.
Lot(s) 46 Sector B

[Signature]
Witness

William Fawcett
Lot(s) 52A Sector B

[Signature]
Witness

Maria F. Eganovko
Lot(s) 52A Sector B

Witness

Lot(s) _____ Sector _____

Witness

Lot(s) _____ Sector _____

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