

STATE OF ALABAMA)
)
SHELBY COUNTY)

Inst # 1997-28547

09/05/1997-28547
~~ROAD MAINTENANCE AGREEMENT~~ CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
006 SNA 21.00

THIS AGREEMENT, made and entered into as of the 5 day of September, 1997, by and among EASTWOOD MINI-STORAGE COMPANY, an Alabama general partnership (hereinafter referred to as "Eastwood"); CAHABA VALLEY SELF-STORAGE, an Alabama general Partnership (hereinafter referred to as "Cahaba"); and, Jack Whitson Kidd, an individual (hereinafter referred to as "Kidd").

W I T N E S S E T H:

WHEREAS, Eastwood and Kidd are the owners of a certain private, thirty (30) foot right-of-way for ingress and egress in Shelby County, Alabama, known as "Walt Drive" (hereinafter sometimes referred to as the "Roadway"), described on Exhibit "A", attached hereto and included herein by reference, the same as if set forth in its entirety; and,

WHEREAS, the Roadway presently accesses three (3) parcels of real property with ingress and egress, namely: the Eastwood Property described on Exhibit "B"; the Cahaba Property described on Exhibit "C"; and, the Kidd Property described on Exhibit "D", all of which exhibits are attached hereto and included herein by reference the same as if set forth in their entirety; and,

WHEREAS, the parties hereto are mutually desirous of entering this ROAD MAINTENANCE AGREEMENT for the purpose of sharing equally the cost of maintenance, upkeep and repair of the Roadway;

NOW, THEREFORE, for Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, receipt of which is hereby acknowledged by each of the parties hereto to the other, the mutual promises and covenants herein contained and the recitals stated above, IT IS HEREBY AGREED AS FOLLOWS:

Inst # 1997-30269

09/19/1997-30269
10:34 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
012 MCD 36.00

Inst # 1997-30269

1. Eastwood, Cahaba and Kidd shall and do hereby agree to share equally in the cost and expense of maintenance, upkeep and repair of the Roadway in a good and workmanlike condition.

2. The cost and expense of maintenance, upkeep and repair of the Roadway shall include, but not be limited to, signage, paving, striping, maintaining curbs, gutters and manhole covers, insuring proper drainage and the free-flow of vehicular traffic for ingress and egress to the subject real properties herein described.

3. As one of the titleholders to a part of the Roadway, Eastwood shall be entitled to reasonably determine when and to what extent maintenance, upkeep and repairs are necessary. Eastwood shall advise Cahaba and Kidd, in writing, as to the nature and extent to the proposed maintenance and repairs and the estimated costs and expenses associated therewith. Eastwood shall cause such maintenance, upkeep and repair to be performed and upon completion of such work, Eastwood shall invoice Cahaba and Kidd for one-third (1/3) each of the costs and expenses incurred, and payment shall be remitted to Eastwood within ten (10) days of receipt of the invoice.

4. It is acknowledged, understood and agreed among the parties hereto that (i) this ROAD MAINTENANCE AGREEMENT shall be and is hereby deemed a covenant running with the four (4) parcels of real property described on Exhibits "A", "B", "C" and "D", inclusive; (ii) references to Eastwood, Cahaba and Kidd shall include their successors in interest to the property described in Exhibits "B", "C" and "D"; (iii) the rights, obligations, and remedies contained herein shall be enforceable by and binding upon the parties hereto and their successors in interest to the property described in Exhibits "A", "B", "C" and "D"; and (iv) this agreement shall be publicly recorded in the Office of Judge of Probate of Shelby County, Alabama. This ROAD MAINTENANCE AGREEMENT shall remain a covenant running with the land unless and until such time as the parties hereto shall otherwise mutually agree in writing.

5. In the event the Roadway hereafter becomes a public right-of-way and is accepted for maintenance by the appropriate governing authority, this agreement and the covenant running with the land shall be deemed terminated, void and of no force and effect.

IN WITNESS WHEREOF, we have hereunto set our hands and seals
as of the date first written above.

EASTWOOD MINI-STORAGE COMPANY,
an Alabama general partnership

By: Jack Whitson Kidd
JACK WHITSON KIDD,
general partner

By: Faye D. Kidd
FAYE D. KIDD,
general partner

CAHABA VALLEY SELF-STORAGE,
an Alabama general partnership

By: Jack Whitson Kidd
JACK WHITSON KIDD,
general partner

By: Miller Gorrie
MILLER GORRIE,
general partner

Jack Whitson Kidd
JACK WHITSON KIDD,
an Individual

STATE OF ALABAMA)
SHELBY COUNTY)

I, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that JACK WHITSON KIDD, whose name as general partner of EASTWOOD MINI-STORAGE COMPANY, an Alabama general partnership, is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that, being informed of the contents thereof, he, as such general partner and with full authority, executed the same voluntarily for and as the act of said partnership.

Given under my hand and official seal this the 5 day of September, 1997.

Sharon E. Gray
NOTARY PUBLIC
My Commission Expires: 12/5/97

STATE OF ALABAMA)
SHELBY COUNTY)

I, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that FAYE D. KIDD, whose name as general partner of EASTWOOD MINI-STORAGE COMPANY, an Alabama general partnership, is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that, being informed of the contents thereof, she, as such general partner and with full authority, executed the same voluntarily for and as the act of said partnership.

Given under my hand and official seal this the 5 day of September, 1997.

Sharon E. Gray
NOTARY PUBLIC
My Commission Expires: 12/5/97

STATE OF ALABAMA)
SHELBY COUNTY)

I, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that JACK WHITSON KIDD, whose name as general partner of CAHABA VALLEY SELF-STORAGE, an Alabama general partnership, is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that, being informed of the contents thereof, he, as such general partner and with full authority, executed the same voluntarily for and as the act of said partnership.

Given under my hand and official seal this the 5 day of September, 1997.

Sharon E. Gray
NOTARY PUBLIC
My Commission Expires: 12/5/97

STATE OF ALABAMA)
SHELBY COUNTY)

I, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that MILLER GORRIE, whose name as general partner of CAHABA VALLEY SELF-STORAGE, an Alabama general partnership, is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that, being informed of the contents thereof, he, as such general partner and with full authority, executed the same voluntarily for and as the act of said partnership.

Given under my hand and official seal this the 5th day of September, 1997.

Nancy Morrison
NOTARY PUBLIC
My Commission Expires: 10/9/99

STATE OF ALABAMA)
SHELBY COUNTY)

Before me, the undersigned authority, a Notary Public in and for said county in said state, personally appeared JACK WHITSON KIDD, whose name is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that, being informed of the contents thereof he executed the same voluntarily on the day the same bears date.

Given under my hand and official seal on this the 5 day of September, 1997.

Sharon E. Gray
NOTARY PUBLIC
My Commission Expires: 12/5/97

AGR/KIDD.RMA

Inst # 1997-28547

09/05/1997-28547
01:40 PM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
006 SNA 21.00

EXHIBIT A

Commence at the northwest corner of the northwest one-quarter of the northeast one-quarter of Section 5, Township 19 South, Range 1 West; thence run North 86 degrees 43 minutes 38 seconds East along the north line of said quarter-quarter for a distance of 333.88 feet; thence run South 71 degrees 31 minutes 13 seconds East for a distance of 100.20 feet; thence run South 23 degrees 59 minutes 16 seconds West for a distance of 260.63 feet to the POINT OF BEGINNING; thence run South 71 degrees 19 minutes 30 seconds East for a distance of 29.78 feet to the point of intersection with a curve to the left, said curve having a central angle of 18 degrees 42 minutes 34 seconds, a radius of 183.00, a chord of 59.49 and a chord bearing of South 26 degrees 50 minutes 01 seconds West; thence run along the arc of said curve for a distance of 59.76 feet to the end of said curve; thence run South 17 degrees 28 minutes 44 seconds West for a distance of 153.42 feet to the point of commencement of a curve to the right, said curve having a central angle of 50 degrees 45 minutes, a radius of 146.77 feet, a chord of 125.79 and a chord bearing of South 42 degrees 51 minutes 14 seconds; thence run along the arc of said curve for a distance of 130.00 feet to the end of said curve; thence run South 68 degrees 13 minutes 44 seconds West for a distance of 30.04 feet to a point on the northeasterly right-of-way line of U.S. 280, said right-of-way being situated on a curve to the left and having a central angle of 0 degrees 35 minutes 01 seconds, a radius 2944.79 feet, a chord of 30.00 feet and a chord bearing of North 21 degrees 46 minutes 15 seconds West; thence run along the arc of said curve and the northeasterly right-of-way line of U.S. Highway No. 280 for a distance of 30.00 feet; thence run North 68 degrees 13 minutes 44 seconds East for distance of 30.04 feet to the point of commencement of a curve to the left, said curve having a central angle of 50 degrees 45 minutes, a radius of 116.77 feet, a chord of 100.08 feet and a chord bearing of North 42 degrees 51 minutes 14 seconds East; thence run along the arc of said curve for a distance of 103.43 feet to the end of said curve; thence run North 17 degrees 28 minutes 44 seconds East for a distance of 153.42 feet to the point of commencement of a curve to the right, said curve having a central angle of 16 degrees 10 minutes 47 seconds, a radius of 213.00 feet, a chord of 59.95 feet and a chord bearing of North 25 degrees 34 minutes 08 seconds East; thence run along the arc of said curve for a distance of 60.15 feet to the end of said curve; thence run South 71 degrees 19 minutes 30 seconds East for a distance of 1.46 feet to the POINT OF BEGINNING.

EXHIBIT BPARCEL I:

Commence at the northwest corner of the northwest one-quarter of the northeast one-quarter of Section 5, Township 19 South, Range 1 West; thence run north 86 degrees 43 minutes 38 seconds east along the north line of said quarter-quarter section line for a distance of 333.88 feet; thence run south 71 degrees 31 minutes 13 seconds east for a distance of 100.20 feet; thence run south 23 degrees 59 minutes 16 seconds west for a distance of 260.63 feet; thence run south 71 degrees 19 minutes 30 seconds east for a distance of 261.47 feet; thence run south 23 degrees 55 minutes 20 seconds west for a distance of 14.31 feet; thence run south 71 degrees 24 minutes 36 seconds east for a distance of 261.73 feet; thence run south 24 degrees 50 minutes 46 seconds west for a distance of 130.00 feet to the point of beginning; thence run south 24 degrees 50 minutes 46 seconds west for a distance of 97.62 feet; thence run south 26 degrees 37 minutes 46 seconds west for a distance of 226.72 feet to the centerline of a creek as shown on USW subdivision and is recorded in Map Book 14 Page 80 in the office of the Judge of Probate, Shelby County, Alabama; thence run along said centerline by the following described courses; thence north 35 degrees 50 minutes 17 seconds west for a distance of 64.67 feet; thence north 10 degrees 27 minutes 52 seconds west for a distance of 13.24 feet; thence run north 64 degrees 39 minutes 20 seconds east for a distance of 10.39 feet; thence run north 63 degrees 17 minutes 11 seconds west for a distance of 10.75 feet; thence run south 63 degrees 19 minutes 10 seconds west for a distance of 10.92 feet; thence run north 73 degrees 35 minutes 54 seconds west for a distance of 12.11 feet; thence run north 17 degrees 02 minutes west for a distance of 7.18 feet; thence run north 37 degrees 45 minutes 27 seconds west for a distance of 17.71 feet; thence run north 59 degrees 12 minutes 44 seconds west for a distance of 20.62 feet; thence run north 45 degrees 12 minutes 51 seconds west for a distance of 28.09 feet; thence run north 87 degrees 59 minutes 52 seconds west for a distance of 20.59 feet; thence run north 51 degrees 43 minutes 04 seconds west for a distance of 26.76 feet; thence run north 24 degrees 40 minutes 36 seconds west for a distance of 25.49 feet; thence run north 08 degrees 02 minutes 50 seconds east for a distance of 12.43 feet; thence run north 82 degrees 00 minutes 57 seconds west for a distance of 26.34 feet; thence run north 32 degrees 40 minutes 52 seconds west for a distance of 22.77 feet; thence run north 60 degrees 33 minutes 04 seconds west for a distance of 19.70 feet; thence run south 78 degrees 46 minutes 47 seconds west for a distance of 12.33 feet; thence run north 44 degrees 56 minutes 03 seconds west for a distance of 20.92 feet; thence run north 88 degrees 15 minutes 43 seconds west for a distance of 11.94 feet; thence run south 49 degrees 01 minute 10 seconds west for a distance of 23.71 feet; thence run south 41 degrees 29 minutes 13 seconds west for a distance of 29.53 feet; thence run north 59 degrees 21 minutes 24 seconds west for a distance of 16.97 feet; thence run north 54 degrees 34 minutes 47 seconds west for a distance of 30.16 feet; thence run south 85 degrees 48 minutes 55 seconds west for a distance of 19.77 feet; thence run north 17 degrees 06 minutes 24 seconds east for a distance of 17.89 feet; thence run north 36 degrees 44 minutes 37 seconds west for a distance of 42.66 feet; thence run north 40 degrees 17 minutes 25 seconds east for a distance of 18.80 feet; thence run north 35 degrees 26 minutes 30 seconds west for a distance of 4.99 feet and the end of said creek centerline courses; thence run south 87 degrees 22 minutes 08 seconds west for a distance of 85.62 feet to a point on the northeasterly right-of-way line of U.S. Highway No. 280; thence run in a northwesterly direction along the northeasterly right-of-way line of said highway for a distance of 17.00 feet; (Said left having a central angle of 00 degrees 19 minutes 51 seconds, a radius of 2944.79 feet, a chord of 17.00 feet and a chord bearing of south 21 degrees 36 minutes 19 seconds east); thence run north 68 degrees 13 minutes 44 seconds east for a distance of 30.00 feet to the point of commencement of a curve to the left, said curve having a central angle of 50 degrees 45 minutes 00 seconds, and a radius of 131.77 feet; thence run in a northeasterly direction along the arc of said curve for a distance of 116.72 feet; thence run north 17 degrees 28 minutes 44 seconds east along the tangent if extended from said curve for a distance of 153.42 feet to the point of commencement of a curve to the right, said curve having a central angle of 00 degree 34 minutes 43 seconds and a radius of 198.00 feet and a chord bearing of south 17 degrees 46 minutes 05 seconds east; thence run in a northeasterly direction along the arc of said curve for a distance of 2.00 feet; thence run south 61 degrees 36 minutes 29 seconds east for a distance of 508.90 feet to the point of beginning. Said parcel contains 3.1713 acres.

PARCEL II:

Commence at the northwest corner of the northwest quarter of the northeast quarter of Section 5, Township 19 South, Range 1 West; thence run North 86 degrees 43 minutes 38 seconds East along the north line of said quarter-quarter section line for a distance of 333.88; thence run South 71 degrees 31 minutes 13 seconds East for a distance of 100.20 feet; thence run South 23 degrees 59 minutes 16 seconds West for a distance of 260.63 feet to the POINT OF BEGINNING; thence run South 71 degrees 19 minutes 30 seconds East for a distance of 261.47 feet; thence run South 23 degrees 55 minutes 20 seconds West for a distance of 14.31 feet; thence run South 71 degrees 24 minutes 36 seconds East for a distance of 261.73 feet; thence run South 24 degrees 50 minutes 46 seconds West for a distance of 130.00 feet; thence run North 61 degrees 36 minutes 29 seconds West for a distance of 508.90 feet; thence run North 08 degrees 20 minutes 44 seconds East for a distance of 42.98 feet; thence run North 23 degrees 59 minutes 16 seconds East for a distance of 15.00 feet to the POINT OF BEGINNING, containing 47,936 square feet or 1.1005 acres.

EXHIBIT C

LEGAL DESCRIPTION:

Commence at the northwest corner of the northwest quarter of the northeast quarter of Section 5, Township 19 South, Range 1 West; thence run North 86 degrees 43 minutes 38 seconds East along the north line of said quarter-quarter section line for a distance of 333.88; thence run South 71 degrees 31 minutes 13 seconds East for a distance of 100.20 feet to the POINT OF BEGINNING; thence run South 71 degrees 26 minutes 04 seconds East for a distance of 527.43 feet, thence run South 24 degrees 50 minutes 46 seconds West for a distance of 275.98 feet; thence run North 71 degrees 24 minutes 36 seconds West for a distance of 261.73 feet; thence run North 23 degrees 55 minutes 20 seconds East for a distance of 14.31 feet; thence run North 71 degrees 19 minutes 30 seconds West for a distance of 261.47 feet; thence run North 23 degrees 59 minutes 16 seconds East for a distance of 260.63 feet to the POINT OF BEGINNING.

PARCEL I:

DESCRIPTION:

Commence at the northwest corner of the northwest quarter of the northeast quarter of Section 5, Township 19 South, Range 1 West; thence run North 86 degrees 43 minutes 38 seconds East for a distance of 333.88 feet to the POINT OF BEGINNING; thence run South 71 degrees 31 minutes 13 seconds East for a distance of 100.20 feet; thence run South 23 degrees 59 minutes 16 seconds West for a distance of 275.63 feet; thence run North 67 degrees 10 minutes 15 seconds West for a distance of 104.00 feet; thence run North 12 degrees 30 minutes 00 seconds West for a distance of 37.00 feet; thence run North 30 degrees 17 minutes 31 seconds East for a distance of 239.82 feet to the POINT OF BEGINNING. Containing 30,706 square feet or 0.704915 acre.

PARCEL II:**Legal Description**

Commence at the northwest corner of the northwest quarter of the northeast quarter of Section 5, Township 19 South, Range 1 West; thence run North 86 degrees 43 minutes 38 seconds East along the north line of said quarter-quarter section line for a distance of 333.88; thence run South 71 degrees 31 minutes 13 seconds East for a distance of 100.20 feet; thence run South 23 degrees 59 minutes 16 seconds West for a distance of 275.63 feet to the POINT OF BEGINING; thence run South 8 degrees 20 minutes 44 seconds West for a distance of 42.98 feet; to a point on a curve to the left, said curve having central angle of 00 degrees 34 minutes 43 seconds, a radius of 198.00 feet, a chord length of 2.00 feet and a chord bearing of South 17 degrees 46 minutes 05 seconds West; thence run along arc of said curve for a distance of 2.00 feet; thence run South 17 degrees 28 minutes 44 seconds West for a distance of 153.42 feet to the commencement of a curve to the right, said curve having a central angle of 50 degrees 45 minutes 00 seconds, a radius of 131.77 feet, a chord distance of 112.94 feet and a chord bearing of South 42 degrees 51 minutes 14 seconds West; thence run along the arc of said curve for a distance of 116.72 feet; thence run South 68 degrees 13 minutes 44 seconds West for a distance of 30.00 feet to a point on the curve to the left of the northeasterly right-of-way line of U.S. Highway Number 280, said curve having a central angle of 2 degrees 16 minutes 46 seconds, a radius of 2944.79 feet, a chord distance of 117.14 feet and a chord bearing of north 22 degrees 54 minutes 38 seconds West; thence run along the arc of said curve for a distance of 117.15 feet, thence run North 53 degrees 00 minutes 00 seconds East for a distance of 97.82 feet, thence run North 23 degrees 00 minutes 00 seconds East for a distance of 108.00 feet; thence run North 12 degrees 30 minutes 00 seconds West for a distance of 60.30 feet; thence run North 67 degrees 10 minutes 15 seconds West for a distance of 104.09 feet to the POINT OF BEGINNING.

Inst # 1997-30269

Inst # 1997-30269

09/19/1997-30269
10:34 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
012 MCD 36.00