

STATE OF ALABAMA)

COUNTY OF Shelby)

COVENANTS TO RUN WITH LAND

WHEREAS, WALTER HOWARD JR AND WILEY HOWARD

hereinafter called the owner(s) of certain real property situated in Shelby County, Alabama, described in Exhibit "A," attached hereto and incorporated herein fully; and

WHEREAS, upon said property the owner(s) desire(s) to construct an alternative onsite sewage disposal system, hereinafter called the system, to service the facility/ dwelling on said property; and

WHEREAS, the approval of the system by the Shelby County Health Department, hereinafter called the local health department, is conditioned upon the covenant by the owner(s) and his/her/their successors in title and his/her/their assigns that he/she/they will satisfy all of the requirements of the local health department and assure the proper functioning of the system.

NOW, THEREFORE, in consideration of the premises, the owner(s) hereby declare the following covenants to run with the land described in Exhibit "A":

1. The owner(s) and his/her/their successors in title and assigns shall comply with the Rules of the State Board of

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1998-40381

Health governing onsite sewage disposal (Chapter 420-3-1, Alabama Administrative Code), and with the terms and conditions of the permit issued by the local health department for the system, with respect to construction, installation, operation, maintenance, and repair of the system.

2. The owner(s) hereby give his/her/their assurance that the system shall be installed, and that the completed installation shall be certified by an engineer. The owner(s) and his/her/their successors in title and assigns hereby give his/her/their assurance that he/she/they will provide adequate maintenance for the system and that the system shall not receive hazardous waste, nonbiodegradable waste, or any waste which may contain high levels of metals, or chemicals from industrial, agricultural, or chemical establishments. The system shall receive only domestic liquid waste containing animal or vegetable matter in suspension or solution, and may include liquids containing chemicals in solution from water closets, urinals, lavatories, bathtubs, showers, laundry tubs or devices, floor drains, drinking fountains, or other sanitary fixtures.
3. These covenants shall run with the land and be binding on all present and future owners or occupants of said

facility/dwelling and the property on which it is situated until such time as the system is no longer required by the Administrative Code, the same being the case when the facility/dwelling is connected to a public or private sanitary sewer system.

Dated this, the 13th day of October, 1998.

Walter J. Howard
Wiley B. Howard
(Signature(s) of Owner(s))

Donald E. Williamson, M.D.
State Health Officer

By: Larry W. Rush 10-14-98
(Local Health Officer's Signature)

STATE OF ALABAMA)

COUNTY OF Shelby)

I, the undersigned Notary Public in and for said County, in said State, hereby certify that Walter and Wiley Howard, whose name(s) is/are (Name(s) of Owner(s))

signed to the foregoing instrument, and who is/are known to me, acknowledge(s) before me this day that, being informed of the contents thereof, he/she/they has/have executed the same voluntarily on the day the same bears date.

Given under my hand and official seal, this 15 day of October, 1998.

Jane McCallum
Notary Public

MY COMMISSION EXPIRES APRIL 30, 2003

My Commission Expires _____

STATE OF ALABAMA

COUNTY OF SHELBY

I, the undersigned Notary Public in and for said County, in said state, hereby

Donald E. Williamson, M. D.

certify that By: Larry W. Rush
Local Health officer's Name

whose name is signed to the foregoing instrument, and who is known to me, acknowledges before me this day, that being informed of the contents hereof, has executed the same voluntarily on the day the same bears date.

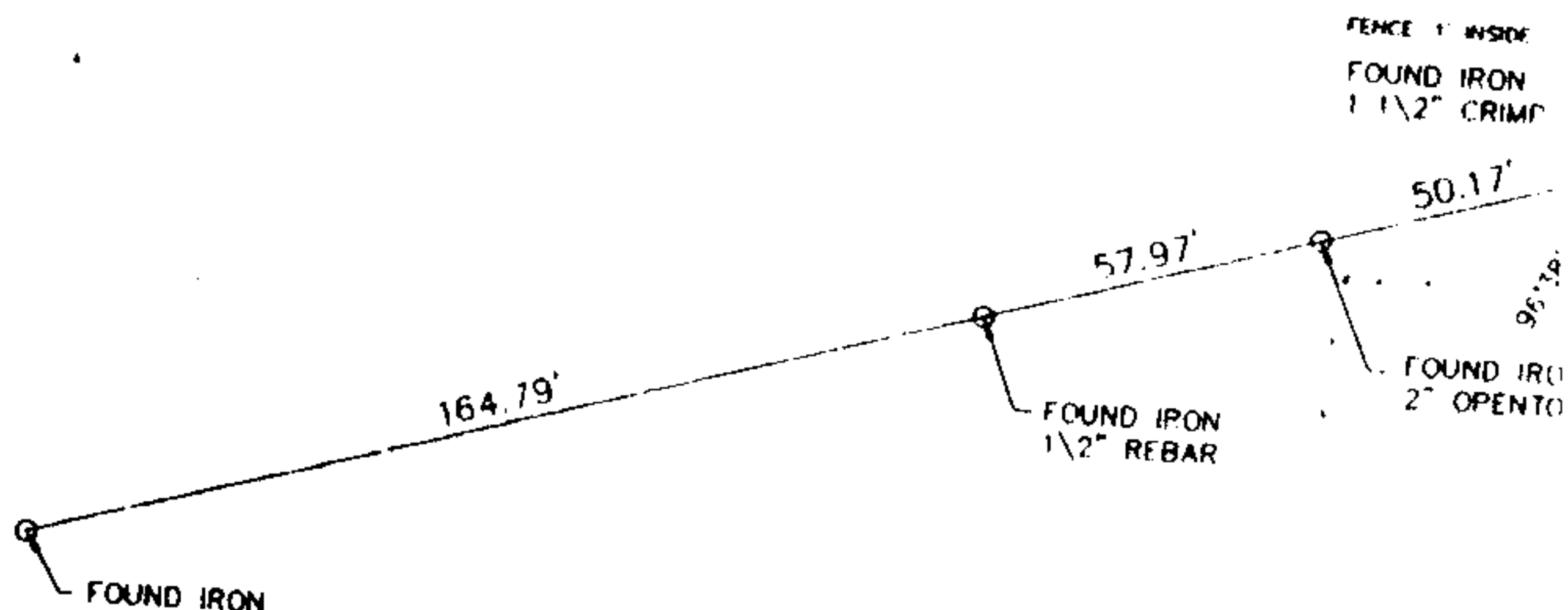
Given under my hand and official seal, this 14th day of October, 1998.

Shelia D. Stuffs
Notary Public

My Commission Expires 9/11/99

Exhibit "A"

All property in the survey of _____, a map/deed of which is recorded in Map/Deed Book 296, page 141-143 or instrument # _____, in the Probate Office of Shelby County, Alabama. Or all property described in the attached legal description.



DESCRIPTION:
 A PART OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 15, TOWNSHIP 19 SOUTH, RANGE 2 WEST, AND THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 16, TOWNSHIP 19 SOUTH, RANGE 2 WEST, SHELBY COUNTY, ALABAMA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGIN AT THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 16, TOWNSHIP 19 SOUTH, RANGE 2 WEST, SHELBY COUNTY, ALABAMA; THENCE TURN AN ANGLE OF 45°33'20" RIGHT FROM THE SECTION LINE SOUTHERLY AND THENCE RUN SOUTHWESTERLY 444.44 FEET; THENCE TURN 96°38'08" LEFT AND RUN SOUTHEASTERLY FOR 328.74 FEET; THENCE TURN 65°31'05" RIGHT AND RUN SOUTHWESTERLY FOR 219.98 FEET; THENCE TURN 42°35'40" LEFT AND RUN SOUTHEASTERLY FOR 155.17 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF VALLEYDALE ROAD; THENCE TURN 90°22'40" LEFT AND RUN NORTHEASTERLY ALONG SAID NORTH RIGHT OF WAY LINE FOR 121.07 FEET; THENCE TURN 61°57'43" LEFT AND RUN NORTHERLY FOR 172.08 FEET; THENCE TURN 52°12'32" RIGHT AND RUN NORTHEASTERLY FOR 106.17 FEET; THENCE TURN 38°13'20" RIGHT AND RUN SOUTHEASTERLY FOR 96.34 FEET; THENCE TURN 31°46'37" RIGHT AND RUN SOUTHEASTERLY FOR 144.93 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF VALLEYDALE ROAD; THENCE TURN 60°30'38" LEFT AND RUN NORTHEASTERLY ALONG SAID NORTH RIGHT OF WAY LINE FOR 204.56 FEET; THENCE TURN 106°03'20" LEFT AND RUN NORTHWESTERLY FOR 775.48 FEET TO THE POINT OF BEGINNING. CONTAINING 7.06 ACRES

STATE OF ALABAMA
 SHELBY COUNTY

I, Jeff D. Arrington, a registered Land Surveyor, certify that I have surveyed the above described property, that there are no rights-of-way, easements, or joint driveways over or across said land visible on the surface except as shown; that there are no electrical 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 Insurance Rate Map", and found that according to the shaded area on said map that this property is not located in "a special flood hazard area (Zone A)", that there are no encroachments on said lot except as shown; that improvements are located as shown above, that this survey substantially meets the minimum technical standards for surveys as required by the State of Alabama.

Dates of Survey: October 28-31, 1997

FIRM COMMUNITY PANEL
 #010191 0045 B
 PANEL 45 OF 195
 UNINCORPORATED AREAS
 EFFECTIVE DATE: SEPT. 16, 1982

Jeff D. Arrington
 Jeff D. Arrington
 R.L.S. #18664

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