

EASEMENT AND JOINT DRIVEWAY AGREEMENT

This Easement and Joint Driveway Agreement is by and between Forest Parks, LLC, an Alabama limited liability company ("Forest Parks"), and Sid Lowman ("Lowman"), dated this 16th day of June, 2000.

RECITALS

Forest Parks is the owner of Lot 4, according to the Map of The Estates of Forest Parks, recorded in Map Book 27, at Page 06, in the Office of the Judge of Probate of Shelby County, Alabama ("Lot 4"). Forest Parks is also the owner of Lot 828-A, according to the Resurvey of Lots 828 and 829, Forest Parks, 8th Sector, Phase II, recorded in Map Book 26, at Page 110, in the Office of the Judge of Probate of Shelby County, Alabama ("Lot 828-A").

Lowman is the owner of Lot 829-A, according to the Resurvey of Lots 828 and 829, Forest Parks, 8th Sector, Phase II, recorded in Map Book 26, at Page 110, in the Office of the Judge of Probate of Shelby County, Alabama ("Lot 829-A").

Although the three lots front on Woodbury Drive, because of the terrain, Lot 828-A and Lot 829-A have no feasible means of accessing Woodbury Drive directly. Forest Parks has agreed to provide Lot 829-A with access to Woodbury Drive across Lot 828-A and Lot 4. Forest Parks and Lowman have agreed that the access-way will be a common or joint driveway that will begin at the common boundary between Lot 828-A and Lot 829-A and run across the Northerly 22 feet of Lot 828-A and across and through Lot 4 to Woodbury Drive, as described and shown on the drawing attached as Exhibit A.

NOW, THEREFORE, Forest Parks and Lowman do hereby covenant and agree as follows:

1. Forest Parks grants, bargains, sells and conveys unto Lowman, his heirs, successors and assigns, a nonexclusive perpetual easement 22 feet in width over and across Lot 828-A, which easement also runs over and across Lot 4, as described in Exhibit A and shown in Exhibit B, for use as ingress and egress to and from Woodbury Drive and to and from Lot 828-A

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SHELBY COUNTY JUDGE OF PROBATE
005 HNS 19.50

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and Lot 829-B. This non-exclusive easement is to be known and used as a joint driveway for the use and benefit of the present and future owners of Lot 4, Lot 828-A and 829-A.

2. Forest Parks and Lowman agree for themselves and their successors and assigns, that the cost to maintain the joint driveway shall in the future be borne in equal parts by the owners of Lot 4, Lot 828-A and Lot 829-A, it being understood and acknowledged that Forest Parks in the usual course of its business will sell Lot 4 and Lot 828-A and that residences will be built and maintained on the two lots.

3. The easements for ingress and egress and this Easement and Joint Driveway Agreement shall RUN WITH THE LAND, and the individual obligations to contribute to the maintenance of the joint driveway shall be enforceable in the Circuit Court of Shelby County, Alabama.

4. In the event that it becomes necessary for a present or future owner of Lot 4, Lot 828-A or Lot 829-A to file suit under this Easement and Joint Driveway Agreement to enforce its terms, including, but not limited to, the contribution to the cost of maintenance and upkeep, the Lot owner that prevails in such lawsuit shall be entitled to an award of reasonable attorney's fees and expenses made necessary by the filing of the lawsuit.

IN WITNESS WHEREOF, the undersigned have executed this Easement and Joint Driveway Agreement as of the day and year first set forth above.

G. Marshall
Witness

G. Marshall
Witness

Forest Parks, LLC, an Alabama limited liability company

By:

As its

ITS MANAGING PARTNER

Sid P. Lowman
Sid Lowman

STATE OF ALABAMA)

COUNTY OF SHELBY)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that John B. Davis, Jr., whose name as Manager of Forest Parks, LLC, an Alabama limited liability company, is signed to the foregoing instrument and who is known to me, acknowledged before me on this day, that, being informed the contents of the instrument, he, in his capacity as such Manager and with full authority, executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 16th day of June, 2000.

Anne P. Marshall
Notary Public

My commission expires: 3/13/2003

STATE OF ALABAMA)

COUNTY OF SHELBY)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Sid Lowman, 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 of the instrument, he executed the same voluntarily on the day the same bears date.

Given under my hand and seal this 16th day of June, 2000.

Anne P. Marshall
Notary Public

My Commission Expires: 3/13/2003

An easement for ingress and egress situated in Section 21, Township 19 South, Range 1 West, Shelby County, Alabama, being more particularly described as follows:

Begin at the Northeast corner of Lot 827 of Forest Parks 8th Sector, Phase II, as recorded in Map Book 25 on Page 131 in the office of the Judge of Probate, Shelby County, Alabama; thence run in a Northwesterly direction along the Northeast line of said Lot 827 for a distance of 210.07 feet to a point; thence turn an angle to the right of 98 degrees, 46 minutes, 36 seconds and run in a Northeasterly direction for a distance of 139.11 feet to a point; thence turn an angle to the left of 07 degrees, 41 minutes, 33 seconds and run in a Northeasterly direction for a distance of 83.87 feet to a point; thence turn an angle to the right of 118 degrees, 30 minutes, 27 seconds and run in a Southeasterly direction for a distance of 47.13 feet to a point on the Northwest line of Lot 828-A of a Resurvey of Lots 828 & 829, Forest Parks 8th Sector, Phase II, as recorded in Map Book 26 on Page 110 in the Office of the Judge of Probate, Shelby County, Alabama; thence turn an angle to the right of 90 degrees, 00 minutes, 00 seconds and run in a Southwesterly direction along the Northwest line of said Lot 828-A for a distance of 45.00 feet to a point; thence turn an angle to the left of 45 degrees, 00 minutes, 00 seconds and run in a Southerly direction along the West line of said Lot 828-A for a distance of 7.07 feet to a point; thence turn an angle to the left of 45 degrees, 00 minutes, 00 seconds and run in a Southeasterly direction along the Southwest line of said Lot 828-A for a distance of 20.00 feet to a point; thence turn an angle to the right of 90 degrees, 00 minutes, 00 seconds and run in a Southwesterly direction for a distance of 27.81 feet to a point; thence turn an angle to the left of 17 degrees, 52 minutes, 46 seconds and run in a Southwesterly direction for a distance of 60.14 feet to a point; thence turn an angle to the left of 91 degrees, 39 minutes, 20 seconds and run in a Southeasterly direction for a distance of 128.55 feet to a point; thence turn an angle to the left of 25 degrees, 16 minutes, 03 seconds and run in a Easterly direction for a distance of 59.68 feet to a point on the Southwest line of said Lot 828-A; thence turn an angle to the right of 44 degrees, 48 minutes, 09 seconds and run in a Southeasterly direction along the Southwest line of said Lot 828-A for a distance of 18.04 feet to a point; thence turn an angle to the right of 90 degrees, 00 minutes, 00 seconds and run in a Southwesterly direction for a distance of 50.00 feet to the point of beginning.

EXHIBIT "A"

r. 03

~~ESMA~~

DETAIL

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7.7 AC ±

Inst # 2000-21081

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SHELBY COUNTY JUDGE OF PROBATE
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5
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EXHIBIT "B"