

Mulkey Development and Investment Corp.  
1045 Oak Tree Road  
Birmingham, Alabama 35244  
Attention: Phillip Mulkey

**Re: Sanitary Sewer Service Capacity Assignment**  
**Assignee: Mulkey Development and Investment Corp.**

The Water Works and Sewer Board of the City of Birmingham (the "Board") and Brook Highland, L.L.C. (a successor to AmSouth Bank, N.A., as Ancillary Trustee for First Union National Bank of North Carolina, as Trustee for the Public Employees Retirement System of Ohio and formerly known as AmSouth/NCNB) (hereinafter called "Brook Highland Highway") previously entered into an agreement memorialized by the combination of a letter from Cahaba Water Renovation Systems, Inc. to Daniel Realty Company dated December 30, 1986, and a letter from the Water Works and Sewer Board of the City of Birmingham to Daniel Realty Company dated April 10, 1987 (the "Agreement") that entitled Brook Highland Highway, or its assignees, to available sewer capacity totaling 25,000 gallons per day (the "Available Capacity") for certain real property owned by Brook Highland Highway in Shelby County, Alabama. In connection with the purchase and sale of certain property owned by Brook Highland Highway to Crossbridge Church of Christ on May 15, 2000, said Available Capacity was transferred by Brook Highland Highway to the Crossbridge Church of Christ. In connection with the purchase and sale of a portion of said real property by the Crossbridge Church of Christ (the "Assignor") to Mulkey Development and Investment Corp. (the "Assignee"), Assignee hereby assigns and transfers its rights to 10,000 gallons per day (the "Assigned Capacity") of the Available Capacity to Assignee.

This Assignment is intended to enable the Assignee to obtain sanitary sewer service from the Board for the development of the transferred property. In order to obtain sewer service, Assignee must present this letter to the Board at its office at 3600 First Avenue North, Birmingham, Alabama. The Board may require Assignee to enter into a separate agreement evidencing its agreement to accept sewer service and be bound by and comply with the rules and regulations of the Board concerning sewer service, as such rules and regulations may be amended from time to time. In the event Assignee's development of the property requires sewer capacity in excess of the Assigned Capacity, Assignee will be required to apply for said excess under the terms and conditions of the Board at the time said application is made. Neither Assignor nor the Board have any obligation to provide any additional capacity.

ASSIGNOR:

CROSSBRIDGE CHURCH OF CHRIST

By:

  
\_\_\_\_\_  
Greg J. Miles  
Its President

3-26-01  
Date

04/26/2001-16286  
08:32 AM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
003 MB 22.00

Inst # 2001-16286

3-26-01  
Date

By: W. Bruce Akin  
W. Bruce Akin  
Its Secretary

ASSIGNEE:

MULKEY DEVELOPMENT AND INVESTMENT  
CORP.

4/12/01  
Date

By: Philip P. Mulkey  
Philip P. Mulkey  
Its President

Inst # 2001-16286

04/26/2001-16286  
08:32 AM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
003 MB 22.00