

STATE OF ALABAMA)  
COUNTY OF JEFFERSON)

LICENSE AGREEMENT AND EASEMENT

WHEREAS, Donald E. Beebe, Jr. and Nancy W. Beebe are the Purchasers of Lot 29, according to the Survey of Greystone, 7<sup>th</sup> Sector, Phase IV, as recorded in Map Book 21, Page 38 A & B, in the Probate Office of Shelby County, Alabama; being situated in Shelby County, Alabama; and

WHEREAS, Daniel Oak Mountain Limited Partnership is the owner of Lot 28, according to the Survey of Greystone, 7<sup>th</sup> Sector, Phase IV, as recorded in Map Book 21, Page 38 A & B, in the Probate Office of Shelby County, Alabama; being situated in Shelby County, Alabama; and

WHEREAS, as shown by the Survey attached hereto as Exhibit "A" which was prepared by Weygand Surveyors, Inc. dated January 18, 2002, there is an encroachment of a retaining wall by 1.20 +/- feet, from said Lot 29 onto Lot 28, in particular the Westerly side of said Lot 29 onto the Easterly side of Lot 28, all as shown on the attached survey (a copy of which is attached hereto and made a part hereof as Exhibit "A"); and

WHEREAS, Donald E. Beebe, Jr. and Nancy W. Beebe make no claim of ownership in and to the said Lot 28, but request only that Daniel Oak Mountain Limited Partnership grant to it a License and easement to permit the identified encroachment to remain undisturbed; and

WHEREAS, Daniel Oak Mountain Limited Partnership is willing to grant such License and easement upon certain terms and conditions as hereinabove set out.

NOW THEREFORE, FOR AND IN CONSIDERATION OF THE PREMISE AND ONE DOLLAR in hand paid by the Grantee, hereinafter named, Daniel Oak Mountain Limited Partnership (the "GRANTOR"), the receipt and sufficiency of which is acknowledged, the GRANTOR does grant, bargain and convey to Donald E. Beebe, Jr. and Nancy W. Beebe, their heirs and assigns, (the "GRANTEE") a License and easement to permit the retaining wall, now encroaching from said Lot 29 onto Lot 28 as shown by the survey of Weygand Surveyors, Inc., dated January 18, 2002, and attached hereto as Exhibit "A" to remain in place. Also, granted with this License and easement is the right in the GRANTEE to enter onto the Lot 28 to perform all requisite and necessary maintenance and repair work as shall be required in the proper care and preservation of the retaining wall.

The GRANTEE, by the acceptance of this License and easement does hereby confirm that it does not make and will not make any claim of ownership in or to Lot 28 by virtue of the aforesaid encroachment.

The granting of this License easement shall constitute a covenant running with the land and its terms shall be binding upon their respective successors and assigns forever.

In Witness Whereof this License Agreement and Easement has been executed this 5<sup>th</sup> day of February, 2002.

GRANTOR:

Daniel Oak Mountain Limited Partnership, an Alabama limited partnership

By: Daniel Realty Investment Corporation - Oak Mountain, an Alabama corporation, Its General Partner

By: [Signature]  
Its: VICE - PRESIDENT

GRANTEE:

[Signature]  
Donald E. Beebe, Jr.

[Signature]  
Nancy W. Beebe

CLAYTON T. SWEENEY, ATTORNEY AT LAW

02/15/2002-07857  
08:53 AM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
003 CH 17.00

Inst # 2002-07857

STATE OF ALABAMA)  
JEFFERSON COUNTY)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that M. Lewis Gwaltney, Jr., whose name as VICE-PRESIDENT of Daniel Realty Investment Corporation - Oak Mountain, an Alabama corporation which is General Partner of Daniel Oak Mountain Limited Partnership, an Alabama limited partnership, is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day, that, being informed of the contents of the conveyance, he, as such officer and with full authority, executed the same voluntarily and as an act of said corporation acting in its capacity as General Partner of said limited partnership.

Given under my hand and official seal this 5<sup>th</sup> day of February, 2002.

Jerica Lynn Blackmon  
NOTARY PUBLIC

My Commission expires: April 9, 2005

STATE OF ALABAMA)  
JEFFERSON COUNTY)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Donald E. Beebe, Jr. and Nancy W. Beebe whose names are signed to the foregoing conveyance, and who are known to me, acknowledged before me on this day, that, being informed of the contents of the conveyance, they executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 11<sup>th</sup> day of February, 2002.

[Signature]  
NOTARY PUBLIC

My Commission expires: 6-5-2003

