

STATE OF ALABAMA )  
:  
COUNTY OF SHELBY )

PREPARED BY DONALD N. GUTHRIE  
GUTHRIE & KNIGHT, LLC., ATTORNEYS  
BIRMINGHAM, ALABAMA

**COVENANT**

WHEREAS, CHARLES G. KESLER, JR., as President of WELLINGTON DEVELOPMENT CORPORATION, hereinafter called the "Owners" of a certain parcel of real property situated in Shelby County, Alabama, more particularly described as follows:

**LOT 218 BENT RIVER COMMONS SECOND SECTOR** as recorded in Map Book 25 page 25 in the Office of the Judge of Probate of Shelby County, Alabama,

attached hereto and incorporated fully, herein called the "Property"; and,

WHEREAS, upon said Property the Owners desires to construct an alternative onsite sewage disposal system designed to serve the above described Property, hereinafter called the "Onsite System", to service the facility, facilities, dwelling or dwellings, as the case may be, on said Property; and,

WHEREAS, the Owners desire that the Onsite System be connected to and become a part of a common sewer system serving the Property and other parcels of real property in the vicinity, herein referred to as the "Cluster System"; and,

WHEREAS, the ownership and maintenance responsibility of the Cluster System shall vest exclusively in Community Environmental Systems, Inc. herein called the "Utility"; and,

WHEREAS, upon completion and acceptance by the Utility and the appropriate Governmental Authorities including the Shelby County Health Department, title to the Onsite System shall be vested in the Utility and the Onsite System shall become a component of the Cluster System

WHEREAS, the approval of the Onsite and Cluster Systems by the Shelby County Health Department, hereinafter called the local health department, is conditioned upon the covenant by the owners of the System and the owners of each of the parcel's of Property and its successors in title and its assigns that it will satisfy all of the requirements of the local health department and assure the proper functioning of the system.

NOW, THEREFORE:

"Public notice is hereby given that the Property described herein is subject to an on-site sewage disposal permit issued by the Shelby County Health Department. The permit may restrict the use of the Owner's lot or obligate the Owners of the Lots and the Utility to special maintenance and reporting requirements and the permit may restrict the Utility to special maintenance and reporting requirements and penalties. These conditions are on file with the Shelby County Health Department, and subsequent purchasers are directed to inquire at the Shelby County Health Department."

IN WITNESS WHEREOF, the undersigned Owners of the Property and the undersigned Utility do covenant and bind themselves and their successors and assigns this the 26<sup>th</sup> day of March, 2003.

**GRANTORS:**  
**WELLINGTON DEVELOPMENT CORPORATION**

BY:

  
\_\_\_\_\_  
CHARLES G. KESSLER, JR.  
ITS PRESIDENT

Kessler

UTILITY:  
COMMUNITY ENVIRONMENTAL SYSTEMS, INC.:

BY: *Bob R. Guthrie*  
BOB R. GUTHRIE  
ITS PRESIDENT

ACKNOWLEDGEMENTS

STATE OF ALABAMA  
COUNTY OF SHELBY

I, The undersigned Notary Public in and for said County, in said State, hereby certify that CHARLES G. KESSLER, JR. whose name is signed to the foregoing instrument, as President of Wellington Development Corporation, Inc., and who is known to me, acknowledges before me this day that, being informed of the contents thereof, he has executed the same voluntarily on the day the same voluntarily on the day the same bears date.

Given under my hand and official seal, this 26<sup>th</sup> day of March 2003.

*Donald Nelson Guthrie*  
NOTARY PUBLIC  
My Commission Expires 11/22/04

STATE OF ALABAMA )  
JEFFERSON COUNTY )

Before me, *Donald Nelson Guthrie*, a Notary Public for said County, in said State, hereby certify that BOB R. GUTHRIE, whose name is signed to the foregoing as President of COMMUNITY ENVIRONMENTAL SYSTEMS, INC., and who is known to me, acknowledged before me on this day, that, being informed of the contents of the conveyance he voluntarily executed same on this the day the same bears date.

Given under my hand and official seal this 26<sup>th</sup> day of March, 2003.

*Donald Nelson Guthrie*  
NOTARY PUBLIC  
My Commission Expires 11/22/04