

THIS INSTRUMENT WAS PREPARED BY: MIKE T. ATCHISON, ATTORNEY AT LAW
P.O. BOX 822
COLUMBIANA, ALABAMA 35051

STATE OF ALABAMA
SHELBY COUNTY

ROAD MAINTENANCE AGREEMENT

This agreement is made this 27th day of June, 2003, by and between JOSEPH LYNN STORY, a married man; JEAN F. LOWE, a single woman; and ANDREW LEEK PONTIUS, III and wife, TARA F. PONTIUS, as follows:

WHEREAS, the above parties are the owners of the easements described as follows:

A right of way located in the NW 1/4 of the NW 1/4 of Section 26; Township 21 South, Range 1 East, Shelby County, Alabama, for ingress and egress and utilities, 60 feet wide, 30 feet on each side of the following described centerline: Commence at the Northwest corner of said Section 26; Thence run South along the West Section Line 334.00 feet; Thence turn left 89 degrees 47 minutes 23 seconds and run East 57.76 feet to the point of the beginning of said centerline; Thence run right 89 degrees 23 minutes 18 seconds and run South 45.00 feet; Thence turn left 89 degrees 23 minutes 18 seconds and run East 290.00 feet to the point of a clockwise curve having a Delta angle of 55 degrees 00 minutes 00 seconds and a radius of 175.00 feet; Thence run along the arc of said curve 167.99 feet to the point of tangent; Thence continue tangent to said curve 188.09 feet to the end of said centerline and the center of cul-de-sac with a radius of 55.00 feet.

A right of way located in the SW 1/4 of the SW 1/4 of Section 23 and in the NW 1/4 of the NW 1/4 of Section 26, Township 21 South, Range One (1) East; for ingress, egress and utilities, 60 feet wide, 30 feet on each side of the following described centerline; Commence at the Northwest corner of said Section 26; Thence run South along the West Section line 334.00 feet; Thence turn left 89 degrees 47 minutes 23 seconds and run east 57.76 feet to the point of the beginning of said centerline; Thence turn left 90 degrees 36 minutes 42 seconds and run north 1351.88 feet to the point of a clockwise curve having a delta angle of 91 degrees 07 minutes and a radius of 250.00 feet; Thence run along the arc of said curve 397.57 feet to the point of tangent; Thence continue tangent to said curve and run east 1088.98 feet to the center of a County maintained road and the end of said centerline.

A right of way to use the existing driveway access from Highway 145 across the following described property, to-wit:

Begin at the Northeast corner of the SE 1/4 of the SE 1/4 of Section 22, Township 21 South, Range 1 East; thence run Southerly along the East boundary of said Section for 100.00 feet; thence turn an angle of 90 degrees 00 minutes to the right and run Westerly for 88.71 feet to a point on the Southeast right of way line of Alabama Highway No. 145; thence turn an angle of 119 degrees 45 minutes 29 seconds to the right and run Northeasterly along said right of way line for 116.03 feet to the point of intersection with the North boundary line of the aforementioned SE 1/4 of SE 1/4; thence turn an angle of 61 degrees 35 minutes 23 seconds to the right and run Easterly along said North boundary of said 1/4-1/4 for 31.13 feet to the point of beginning.

According to survey of John Gary Ray, RLS #12295, dated October 4, 1991.

WHEREAS, the parties desire to maintain the easement in as good or better condition as the same exists today.

NOW THEREFORE, the parties hereto agree as follows:

1. All property owners will pay equally for the upkeep and maintenance of the driveway and easement. These costs to include any necessary repairs, grass cutting and trimming of bushes and trees, removal of any downed limbs or trees and any other deemed necessary repairs and/or improvements.

2. The majority of property owners will dictate what maintenance and repairs shall be made.

Mike Atchison

3. Payment for all repairs and maintenance shall be made promptly when the repairs and/or work is completed.

4. This agreement shall be a covenant running with the land, and shall inure to the benefit of the grantors, their heirs, successors, and/or assigns.

IN WITNESS WHEREOF, we have hereunto set our hands and seals, this 27th day of June, 2003.


JOSEPH LYNN STORY


JEAN F. LOWE


ANDREW LEEK PONTIUS, III


TARA F. PONTIUS

STATE OF ALABAMA
SHELBY COUNTY

I, the undersigned authority, a Notary Public, in and for said County, in said State, hereby certify that JOSEPH LYNN STORY, whose name 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 executed the same voluntarily on the day the same bears date.

Given under my hand and official seal, this 27th day of June, 2003.


Notary Public

My commission expires: 10/14/04

STATE OF ALABAMA
SHELBY COUNTY

I, the undersigned authority, a Notary Public, in and for said County, in said State, hereby certify that JEAN F. LOWE, whose name 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, she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal, this 27th day of June, 2003.


Notary Public

My commission expires:

STATE OF ALABAMA
SHELBY COUNTY

I, the undersigned authority, a Notary Public, in and for said County, in said State, hereby certify that ANDREW LEEK PONTIUS, III and wife, TARA F. PONTIUS, 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 27th day of June, 2003.


Notary Public

My commission expires:

PARCEL I:

A tract of land lying in and being a part of the Southwest 1/4 of the Southwest 1/4 of Section 23, and the Northwest 1/4 of the Northwest 1/4 of Section 26, Township 21 South, Range 1 East, Shelby County, Alabama:

Beginning at the Southwest corner of Section 23, Township 21 South, Range 1 East; thence North 00 degrees 10 minutes 08 seconds East along West line of said Section a distance of 1320.69 feet to an iron pin being the NW corner of the SW 1/4 of the SW 1/4 Section 23, Township 21 South, Range 1 East; thence South 89 degrees 36 minutes 45 seconds East along the North line of said 1/4-1/4 Section a distance of 1348.82 feet to an iron pin being the NE corner of the SW 1/4 of the SW 1/4 Section 23, Township 21 South, Range 1 East; thence South 00 degrees 09 minutes 57 seconds West along the East line of said 1/4-1/4 Section a distance of 399.67 feet to an iron pin; thence North 89 degrees 37 minutes 26 seconds West a distance of 598.52 feet to an iron pin; thence South 00 degrees 13 minutes 18 seconds West a distance of 337.97 feet to an iron pin being the point of intersection with the approximate Alabama Power Company 397-foot elevation contour; thence North 72 degrees 05 minutes 30 seconds West along said 397-foot contour a distance of 105.40 feet to a point; thence North 47 degrees 06 minutes 07 seconds West along said 397-foot contour a distance of 54.43 feet to a point; thence North 81 degrees 35 minutes 44 seconds West along said 397-foot contour a distance of 246.97 feet to a point; thence South 47 degrees 57 minutes 27 seconds West along said 397-foot contour a distance of 96.51 feet to a point; thence North 27 degrees 31 minutes 42 seconds West along said 397-foot contour a distance of 109.01 feet to a point; thence N 09 degrees 39 minutes 01 seconds East along said 397-foot contour a distance of 124.27 feet to a point; thence North 49 degrees 37 minutes 11 seconds West along said 397-foot contour a distance of 13.19 feet to a point; thence South 22 degrees 25 minutes 02 seconds West along said 397-foot contour a distance of 158.19' to a point; thence South 32 degrees 26 minutes 35 seconds East along said 397-foot contour a distance of 323.13 feet to a point; thence South 59 degrees 00 minutes 01 seconds East along said 397-foot contour a distance of 109.40 feet to a point; thence South 09 degrees 04 minutes 52 seconds East along said 397-foot contour a distance of 69.14 feet to a point; thence South 15 degrees 45 minutes 47 seconds West along said 397-foot contour a distance of 88.93 feet to a point; thence South 37 degrees 16 minutes 59 seconds East along said 397-foot contour a distance of 50.17 feet to a point; thence South 28 degrees 04 minutes 26 seconds East along said 397-foot contour a distance of 79.60 feet to a point; thence South 00 degrees 12 minutes 38 seconds West along said 397-foot contour a distance of 126.44 feet to a point; thence South 33 degrees 38 minutes 54 seconds East along said 397-foot contour a distance of 219.82 feet to an iron pin; thence South 61 degrees 12 minutes 38 seconds West a distance of 270.05 feet to an iron pin; thence South 89 degrees 45 minutes 17 seconds West a distance of 400.00 feet to an iron pin being a point on West line of Section 26, Township 21 South, Range 1 East; thence North 00 degrees 20 minutes 47 seconds West along said Section line a distance of 333.97 feet to an iron pin, which is the point of beginning.

According to survey of Rodney Y. Shiflett, RLS #21784, dated December 20, 1998.

LESS AND EXCEPT:

A parcel of land in the Northwest Quarter of Section 26, Township 21 South, Range 1 East, said parcel of land being more particularly described as follows: Beginning at the Northwest corner of said Section 26; thence run South 00 degrees 20 minutes 47 seconds East a distance of 333.97 feet; thence North 89 degrees 45 minutes 17 seconds East a distance of 400.00 feet; thence North 61 degrees 12 minutes 38 seconds East a distance of 270.05 feet to the approximate 397 foot contour of Lay Lake; thence North 33 degrees 38 minutes 54 seconds West a distance of 219.82 feet along said 397 foot contour line; thence North 87 degrees 52 minutes 19 seconds West a distance of 517.24 feet to the point of beginning.

PARCEL II:

A parcel of land in the Northwest Quarter of Section 26, Township 21 South, Range 1 East, said parcel of land being more particularly described as follows: Beginning at the Northwest corner of said Section 26; thence run South 00 degrees 20 minutes 47 seconds East a distance of 333.97 feet; thence North 89 degrees 45 minutes 17 seconds East a distance of 400.00 feet; thence North 61 degrees 12 minutes 38 seconds East a distance of 270.05 feet to the approximate 397 foot contour of Lay Lake; thence North 33 degrees 38 minutes 54 seconds West a distance of 219.82 feet along said 397 foot contour line; thence North 87 degrees 52 minutes 19 seconds West a distance of 517.24 feet to the point of beginning.