

STATE OF ALABAMA)  
COUNTY OF SHELBY)

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LICENSE AGREEMENT ~~AND EASEMENT~~

WHEREAS, K.T. Werk Advanced Southern Homes, Inc. is the owner of the Lot 2120, according to the survey of Highland Lakes, 21st Sector, as recorded in Map Book 30, Page 6 A & B, in the Office of the Judge of Probate of Shelby County, Alabama; and

WHEREAS, James M. Ballard and Suzanne A. Ballard are the owners of Lot 2121, according to the survey of Highland Lakes, 21<sup>st</sup> Sector, as recorded in Map Book 30, Page 6 A & B in the Office of the Judge of Probate of Shelby County, Alabama; and

WHEREAS, As shown by the Survey attached hereto as Exhibit "A" which was prepared by Surveying Solutions, Inc., Gayland D. Martin, Reg. L.S. #22679 dated February 26, 2004, there is an encroachment of a retaining wall by 2.45 +/- feet, from said Lot 2120 onto the Lot 2121, in particular the Southerly side of said Lot 2120 onto the Northerly side of the Lot 2121, all as shown on the attached survey (a copy of which is attached hereto and made a part hereof as Exhibit "A"); and

WHEREAS, K.T. Werk Advanced Southern Homes, Inc. makes no claim of ownership in and to the said Lot 2121, but requests only that James M. Ballard and Suzanne A. Ballard grant to it a License to permit the identified encroachment to remain undisturbed for as long as the retaining wall shall stand; and

WHEREAS, James M. Ballard and Suzanne A. Ballard are willing to grant such License upon certain terms and conditions as hereinabove set out.


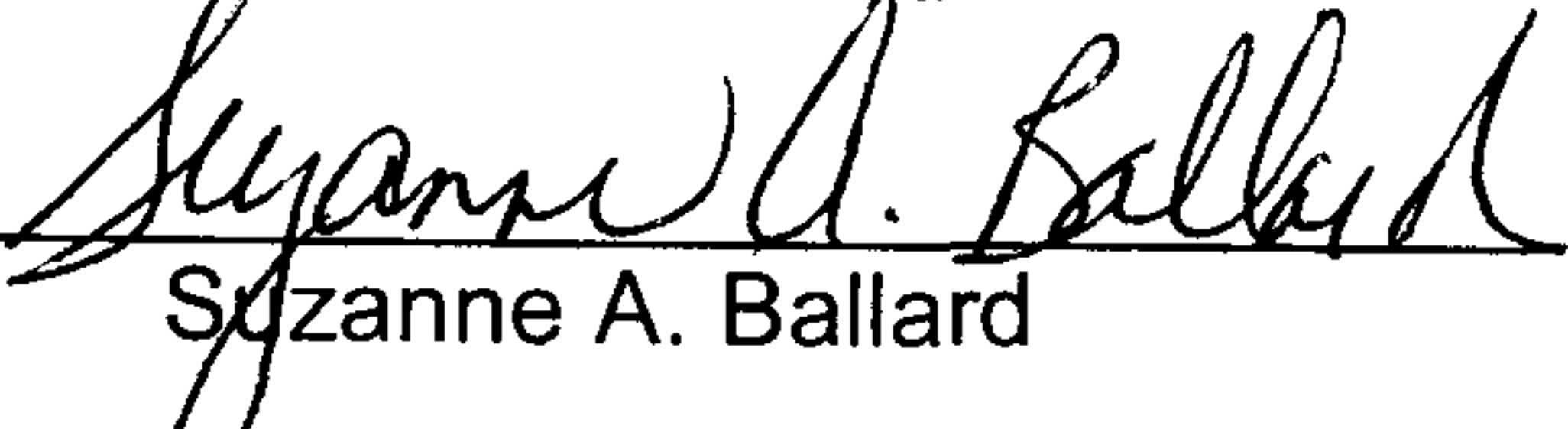
NOW THEREFORE, FOR AND IN CONSIDERATION OF THE PREMISE AND ONE DOLLAR in hand paid by the Grantee, hereinafter named, James M. Ballard and Suzanne A. Ballard (the GRANTOR), the receipt and sufficiency of which is acknowledged, the GRANTOR does grant, bargain and convey to K.T. Werk Advance Southern Homes, Inc., its successors and assigns, (the Grantee) a License to permit the retaining wall now encroaching from said Lot 2120 onto the Lot 2121 as shown by the survey of Surveying Solutions, Inc., Gayland D. Martin, Reg. L.S. #22679 dated February 26, 2004, and attached hereto as Exhibit "A" to remain in place. Also, granted with this License is the right in the GRANTEE to enter onto the Lot 2121 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, does hereby confirm that it does not make and will not make any claim of ownership in or to the Lot 2121 by virtue of the aforesaid encroachment.

The granting of this License 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 has been executed this 4<sup>th</sup> day of March, 2004.

CLAYTON T. SWEENEY, ATTORNEY AT LAW

GRANTOR:  
  
James M. Ballard  
  
Suzanne A. Ballard  
GRANTEE:

K.T. Werk Advance Southern Homes, Inc.

BY: Kenneth T. Werk, Jr.  
Kenneth T. Werk, Jr.  
Its: President

STATE OF ALABAMA)  
COUNTY OF SHELBY)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Kenneth T. Werk, Jr., whose name as President of K.T. Werk Advanced Southern Homes, Inc., an Alabama corporation, 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, executed the same voluntarily and as an act of said corporation.

Given under my hand and official seal this 4TH day of March, 2004.

Kelly E. Fugua  
NOTARY PUBLIC

My Commission expires: 10/31/05

STATE OF ALABAMA)  
COUNTY OF SHELBY)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that James M. Ballard and wife, Suzanne A. Ballard, 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 and as their act on the day the same bears date.

Given under my hand and official seal this 4TH day of March, 2004.

Kelly E. Fugua  
NOTARY PUBLIC

My Commission expires: 10/31/05