

THIS INSTRUMENT WAS PREPARED BY: MIKE T. ATCHISON,
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STATE OF ALABAMA
SHELBY COUNTY

ROAD MAINTENANCE AGREEMENT

THIS AGREEMENT, made and entered into on this 5th day of December, 1992, by and between Johnny M. Howard, Jr. and wife, Pamela A. Howard, hereinafter referred to as "Howard;" and Merchants & Planters Bank, its successors and/or assigns, hereinafter referred to "Lender."

WITNESSETH:

WHEREAS, Howard is the owner of a private road hereinafter referred to "private road", more particularly described as follows:

SEE ATTACHED EXHIBIT "A" FOR LEGAL DESCRIPTION, WHICH IS INCORPORATED HEREIN BY REFERENCE.

WHEREAS, said easement crosses other property which is owned by Howard; and

WHEREAS, Lender is unwilling to make loan without a maintenance agreement in place.

NOW, THEREFORE, for and in consideration of the premises and the sum of One Dollar (\$1.00), cash, and the mutual covenants contained herein, the Howards hereto agree as follows:

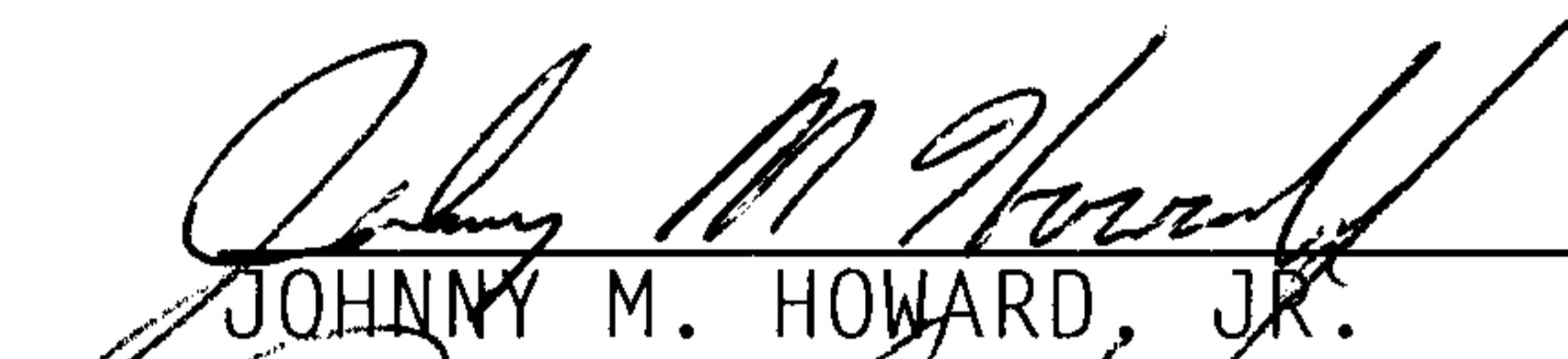
1. That Howard agrees to maintain said easement in the same condition and with like materials as of the date of this agreement.

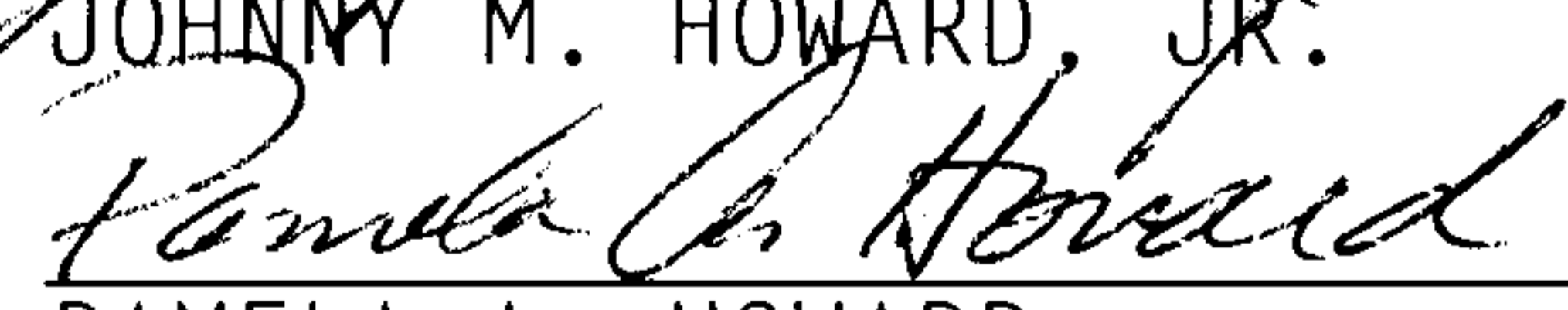
2. That this agreement is between the parties hereto and except for the parties' mortgagees, successors and assigns, no other third party shall be construed to be a third party beneficiary to this agreement, whether or not said party may, now or in the future, utilize a portion of said private road. Further, no third party shall have the right to enforce the agreement between the parties.

3. In the event the state of any governmental entity accepts the maintenance of the private road, then this agreement shall expire and be null and void.

4. This agreement shall be binding on the parties hereto, their successors and assigns. The covenants herein shall run with the land.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals, on this the 5th day of December, 2007.



JOHNNY M. HOWARD, JR.



PAMELA A. HOWARD

STATE OF ALABAMA
SHELBY COUNTY

I, the undersigned authority, a Notary Public, in and for said County, in said State, personally appeared JOHNNY M. HOWARD and wife, PAMELA A. HOWARD, 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 5TH day of December, 2007.


Notary Public

My commission expires: 10/16/2008



20071212000560620 2/3 \$17.00
Shelby Cnty Judge of Probate, AL
12/12/2007 10:00:39AM FILED/CERT

EXHIBIT A

Begin at the NW corner of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 17, Township 21 South, Range 1 East, Shelby County, Alabama, said point being the POINT OF BEGINNING; thence North 89 degrees 29 minutes 00 seconds West, a distance of 37.34 feet; thence South 01 degree 52 minutes 21 seconds East, a distance of 528.95 feet; thence South 89 degrees 52 minutes 55 seconds East, a distance of 412.39 feet; thence North 01 degree 52 minutes 21 seconds West, a distance of 528.69 feet; thence North 89 degrees 52 minutes 55 seconds West, a distance of 375.08 feet to the POINT OF BEGINNING.

ALSO AND INCLUDING a 12' ingress/egress and utility easement lying 6' either side of and parallel to the following described centerline:

Commence at the NW corner of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 17, Township 21 South, Range 1 East, Shelby County, Alabama; thence North 89 degrees 29 minutes 00 seconds West, a distance of 37.34 feet; thence South 01 degree 52 minutes 21 seconds East, a distance of 528.95 feet; thence South 89 degrees 52 minutes 55 seconds East, a distance of 185.54 feet to the POINT OF BEGINNING OF SAID CENTERLINE; thence South 08 degrees 51 minutes 15 seconds West, a distance of 21.00 feet; thence South 15 degrees 48 minutes 53 seconds West, a distance of 71.56 feet; thence South 22 degrees 37 minutes 51 seconds West, a distance of 52.28 feet; thence South 18 degrees 27 minutes 43 seconds West, a distance of 61.51 feet; thence South 11 degrees 56 minutes 05 seconds West, a distance of 249.92 feet; thence South 09 degrees 24 minutes 48 seconds West, a distance of 115.32 feet to the POINT OF ENDING OF SAID CENTERLINE.

According to the survey of Rodney Y. Shiflett, dated November 21, 2007.