


STATE OF ALABAMA)
 :
COUNTY OF SHELBY)


20080507000187690 1/4 \$20.50
Shelby Cnty Judge of Probate, AL
05/07/2008 12:12:26PM FILED/CERT

LICENSE AGREEMENT AND EASEMENT

WHEREAS, Mark Vaporean and Judith Vaporean are the Purchasers of the Lot 2955, according to the Survey of Highland Lakes, 29th Sector, an Eddleman Community, as recorded in Map Book 36, Page 33-B, in the Probate Office of Shelby County, Alabama; being situated in Shelby County, Alabama. and

WHEREAS, Highland Lakes Development, Ltd. and Highland Lakes Residential Association, Inc. are the owners / ARC of the Common Area as set forth in the Declaration of Easements and Master Protective Covenants for Highland Lakes as recorded in Instrument No. 1994-07111; amended in Instrument No. 1996-17543 and as further amended in Instrument No. 1999-31095 in said Probate Office; and as set forth in the Declaration of Covenants, Conditions and Restrictions for Highland Lakes, 29th Sector, as recorded in Instrument No. 20051229000667930 in the Probate Office of Shelby County, Alabama; and

WHEREAS, As shown by the Survey attached hereto as Exhibit "A" which was prepared by Arrington Engineering & Land Surveying, Inc., dated April 14, 2008, there is an encroachment of a fence by 15.3 +/- feet and 20.5 +/- feet to a point, from said Lot 2955 onto the Common Area, in particular the Westerly side of said Lot 2955 onto the Easterly side of the Common Area, all as shown on the attached survey (a copy of which is attached hereto and made a part hereof as Exhibit "A"); and

WHEREAS, Mark Vaporean and Judith Vaporean make no claim of ownership in and to the said Common Area, but requests only that Highland Lakes Development, Ltd. and Highland Lakes Residential Association, Inc. grant to it a License and easement to permit the identified encroachment to remain undisturbed; and

WHEREAS, Highland Lakes Development, Ltd. and Highland Lakes Residential Association, Inc. are 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, Highland Lakes Development, Ltd., and Highland Lakes Residential Association, Inc. (the GRANTORS), the receipt and sufficiency of which is acknowledged, the GRANTORS do grant, bargain and convey to Mark Vaporean and Judith Vaporean, their heirs and assigns, (the Grantee) a License and easement to permit the fence, now encroaching from said Lot 2955 onto the Common Area as shown by the survey of Arrington Engineering & Land Surveying, Inc., dated April 14, 2008, 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 Common Area to perform all requisite and necessary maintenance and repair work as shall be required in the proper care and preservation of the fence.

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 the Common Area 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 has been executed this 15th day of April, 2008.

GRANTOR:

Highland Lakes Development, Ltd.
an Alabama limited partnership
By Eddleman Properties, Inc.
Its General Partner

By:


Douglas D. Eddleman, President

GRANTOR:

Highland Lakes Residential Association, Inc.,
an Alabama corporation

By:


Douglas D. Eddleman, President

GRANTEE:


Mark Vaporean


Judith Vaporean

STATE OF ALABAMA)

JEFFERSON COUNTY)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Douglas D. Eddleman, whose name as President of Highland Lakes Residential Association, 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 and with full authority, executed the same voluntarily and as the act of said corporation.

Given under my hand and official seal this 15th day of April, 2008.


NOTARY PUBLIC

My Commission expires:

NOTARY PUBLIC STATE OF ALABAMA AT LARGE
MY COMMISSION EXPIRES: Feb 2, 2011
BONDED THRU NOTARY PUBLIC UNDERWRITERS



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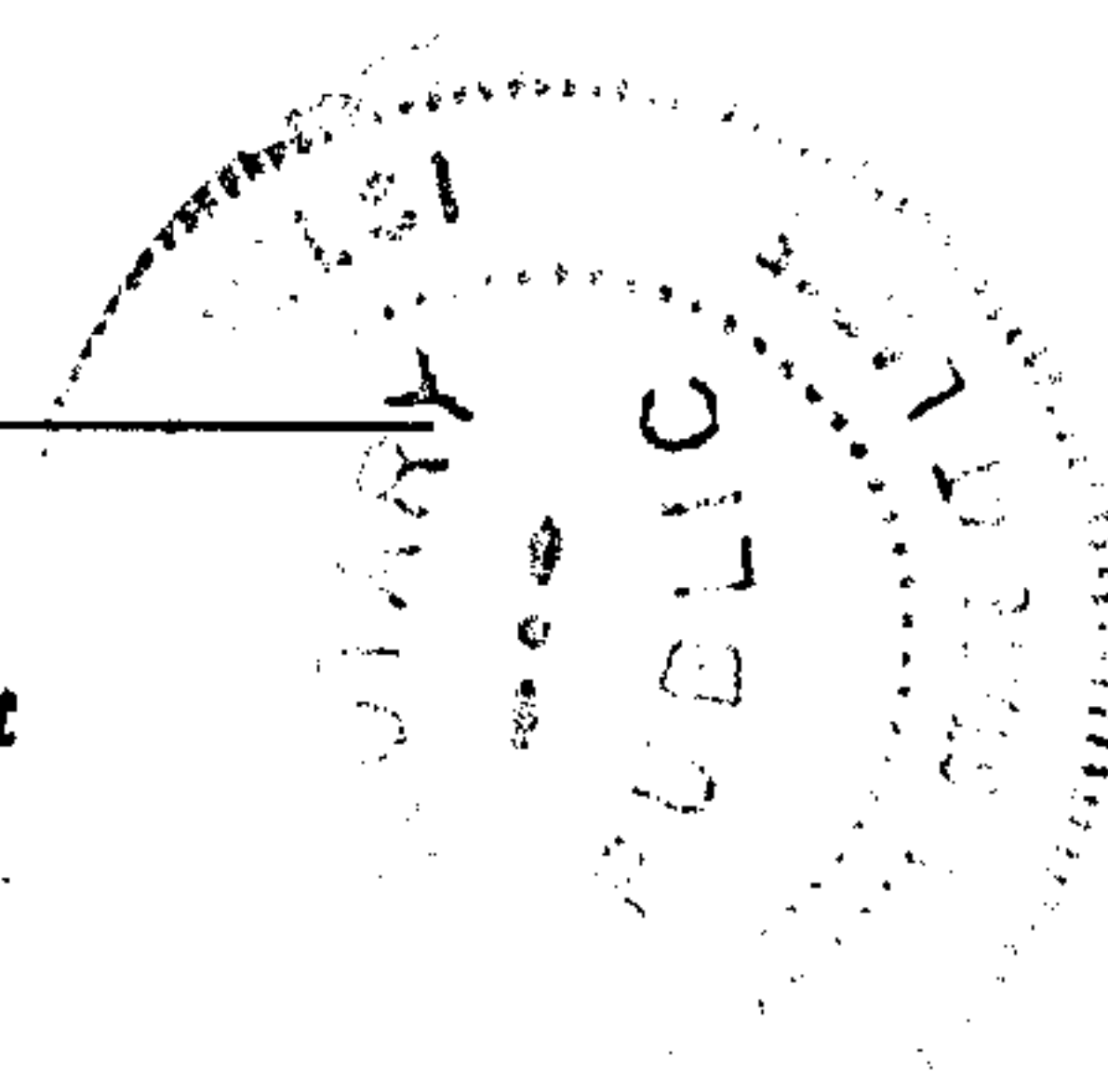
STATE OF ALABAMA)
JEFFERSON COUNTY)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Douglas D. Eddleman, whose name as President of Eddleman Properties, Inc., an Alabama corporation, in its capacity as General Partner of Highland Lakes Development, Ltd., 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 the act of said corporation in its capacity as General Partner of said limited partnership.

Given under my hand and official seal this 15th day of April, 2008.

Donna A. Scelbi
NOTARY PUBLIC

NOTARY PUBLIC STATE OF ALABAMA AT LARGE
MY COMMISSION EXPIRES: Feb 2, 2011



My Commission expires:

STATE OF ALABAMA)
JEFFERSON COUNTY)

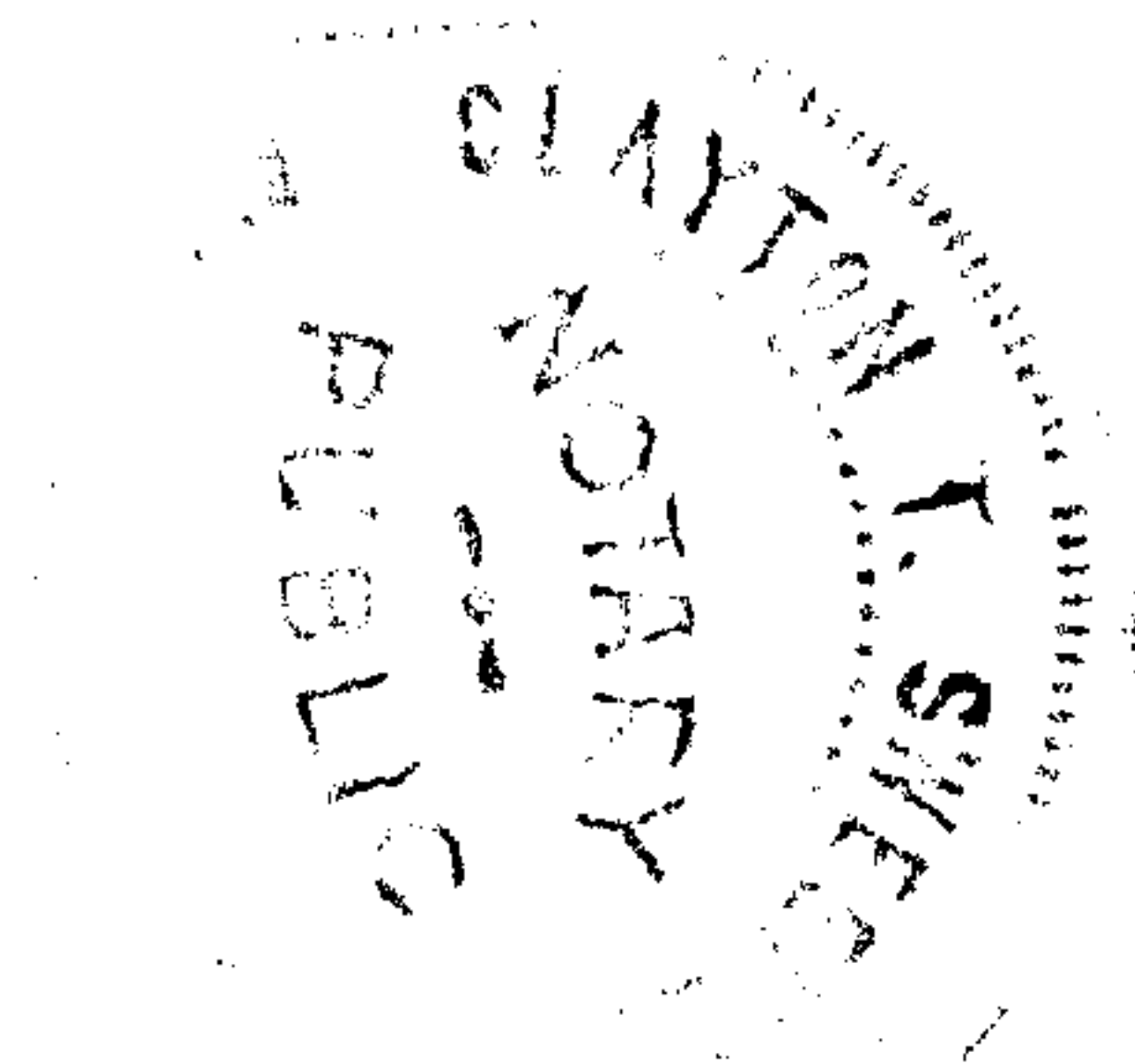
I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Mark Vaporean and Judith Vaporean, whose names are signed to the foregoing conveyance, and who are known to me, acknowledged before me on this day, that, being informed of the contents of the conveyance, they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

Given under my hand and official seal this 15th day of April, 2008.

[Signature]
NOTARY PUBLIC

My Commission expires:

6-5-2011

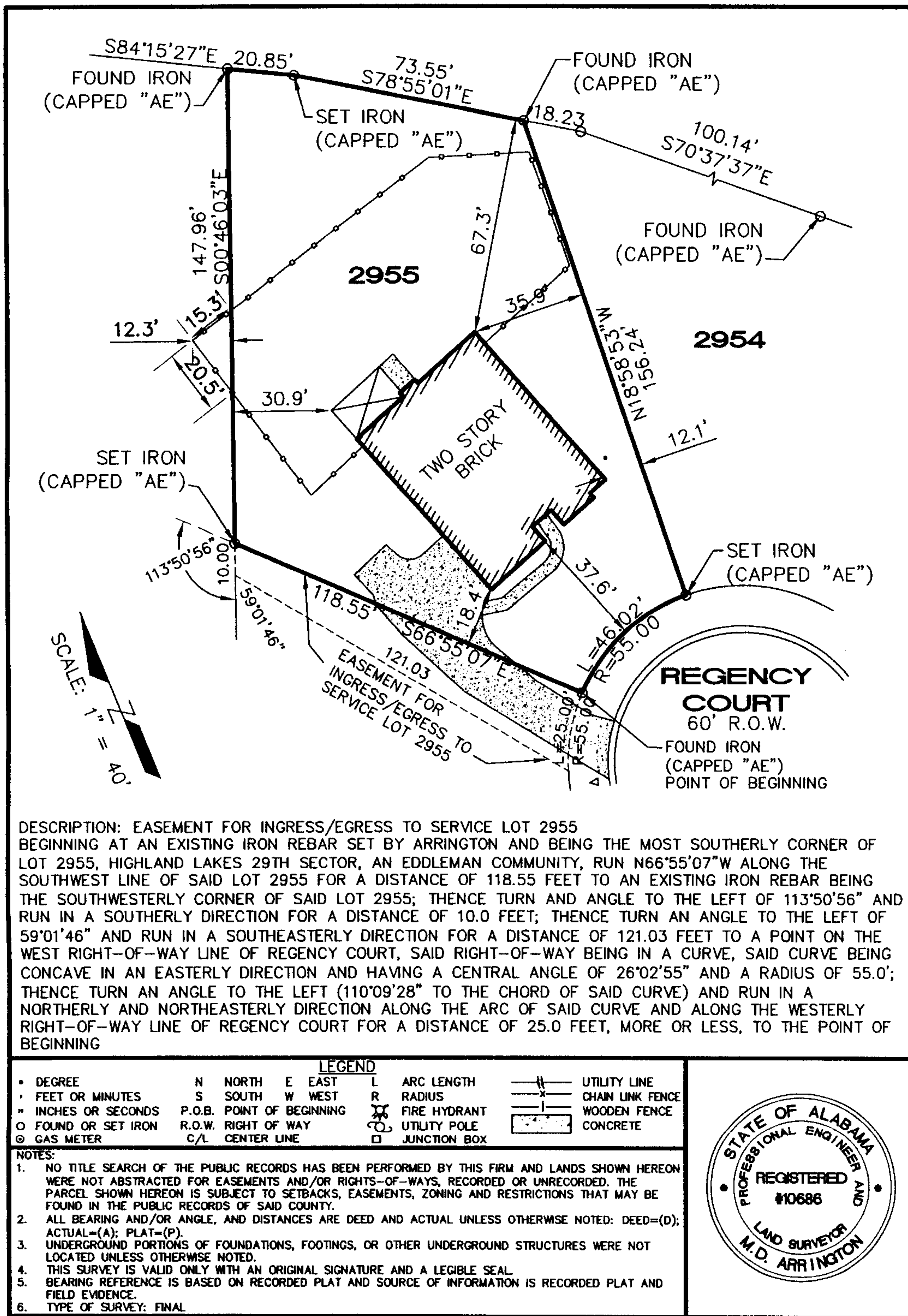


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Shelby County, AL 05/07/2008
State of Alabama

Deed Tax: \$.50

EXHIBIT "A"



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STATE OF ALABAMA
 SHELBY COUNTY

I, M. D. Arrington, a registered Engineer-Land Surveyor, certify that I have surveyed Lot 2955, Block , according to the survey of HIGHLAND LAKES 29TH SECTOR AN EDDLEMAN COMMUNITY (SHEET 3 OF 4), as recorded in Map Volume 36, Page 33-C, in the office of the Judge of Probate Shelby County, Alabama; That all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Surveying in the State of Alabama to the best of my knowledge, information and belief; That there are no encroachments on said lot except as shown; That improvements are located as shown above.

Address: 2808 REGENCY COURT
 Date of Fieldwork: 04-14-2008
 Date of Survey: 04-14-2008 By: MA
 Order No. 42991 Field Book: ---
 For: VATOREAN

M.D. Arrington, AL Reg. #10686
 Arrington Engineering & Land Surveying, Inc.
 2032 Valleydale Road, Birmingham, AL 35244
 Phone: (205) 985-9315 (Fax 205-985-9385)