

## AGREEMENT

COME NOW, the undersigned Joseph B. Nadler, Jr. and his wife, Linda K. Nadler (collectively, the "Nadlers") and William E. Allen and his wife, Malorie P. Allen (collectively, the "Allens") and Ira Levine in his representative capacity for L & W Valleydale, LLC, being the parties to the Amendment to Declaration of Restrictive Covenants, a copy of which is attached hereto as Exhibit 1 - the "Amendment" and agree as follows:

1. Upon execution of the Amendment, L & W Valleydale, LLC will pay Two Thousand and 00/100 (\$2,000.00) to each of the Allens and Nadlers, and pay their collective attorney's fees (a total of \$1,200.00). Thereafter, at closing of the sale of the property owned by L & W Valleydale, LLC, the balance of Eight Thousand and 00/100 Dollars (\$8,000.00) will be paid to each of the Nadlers and Allens with the obligation to pay said Eight Thousand and 00/100 Dollars (\$8,000.00) being a lien on the property owned by L & W Valleydale, LLC until paid as set forth herein. If the balance owing hereunder is not paid at or prior to transfer of the sale of the Property, the remaining balance shall begin to accrue interest at a rate of twelve percent per annum.

2. As set forth in the footnote to the Amendment, if the balance owing hereunder is not paid at or prior to the sale of the subject property, then the Allens and/or the Nadlers may execute on the lien.

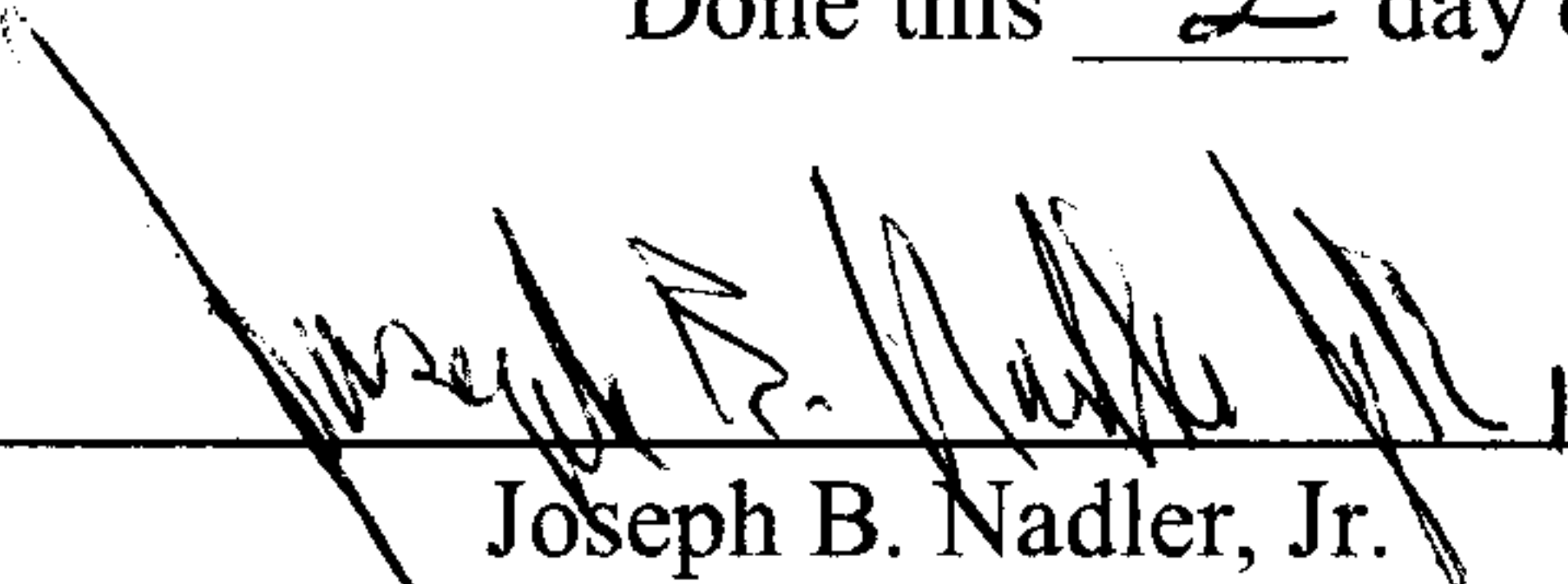
3. Except for changes specifically set forth in the Amendment, the remainder of the terms and conditions of the original Restrictive Covenants remain unaltered.

4. By his signature hereto, Ira Levine warrants and covenants that L & W Valleydale, LLC is the owner of the Levine/Weems parcel and that there is not recorded or unrecorded mortgage thereon. He further warrants and covenant that he has full authority to sign this Agreement and the Amendment on behalf of L & W Valleydale, LLC.





20100603000175370 2/3 \$20.00  
Shelby Cnty Judge of Probate, AL  
06/03/2010 12:36:00 PM FILED/CERT

Done this 2 day of June, 2010.


  
\_\_\_\_\_  
Joseph B. Nadler, Jr.

  
\_\_\_\_\_  
Linda K. Nadler

  
\_\_\_\_\_  
William E. Allen  
wea

  
\_\_\_\_\_  
Malorie P. Allen  
mpa

L&W VALLEYDALE, LLC  
BY: *LEVINE LIVING TRUST*  
Dated December 7, 2000  
Its: Managing Member

BY:   
\_\_\_\_\_  
Ira D. Levine  
ITS: Trustee

# MEMORANDUM

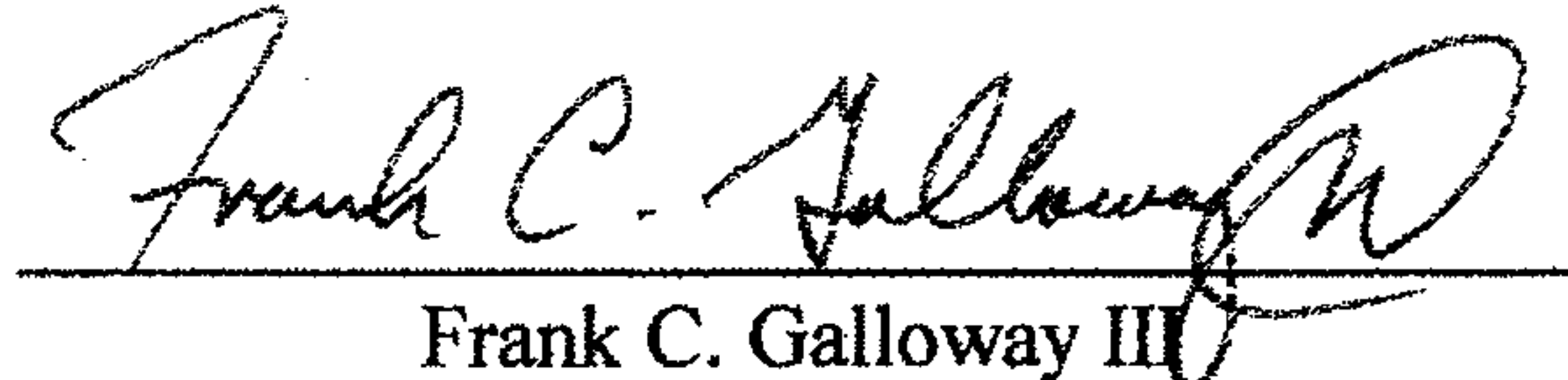
**To:** City of Hoover Board of Zoning Adjustment

**From:** Frank C. Galloway III as attorney for Joseph B. Nadler, Jr. and his wife, Linda K. Nadler, and William Allen and his wife, Malorie Allen

**Subject:** Variance Petition by L & W Valleydale, LLC

**Date:** June 2, 2010

Based on the execution of the Amendment to Declaration of Restrictive Covenants (a copy of which is attached hereto) my clients, Joseph B. Nadler, Jr. and his wife, Linda K. Nadler, and William Allen and his wife, Malorie Allen, do not object, and in fact support the requested variances by L & W Valleydale, LLC presently pending before the City of Hoover Board of Zoning Adjustment. Should anyone associated with the Hoover BZA wish to contact me regarding this matter, please call me at 871-2183.



Frank C. Galloway III  
Attorney for Joseph B. Nadler, Jr.  
and his wife, Linda K. Nadler, and  
William Allen and his wife, Malorie Allen