

This instrument prepared by:
David P. Condon
David P. Condon, P.C.
100 Union Hill Drive, Suite 200
Birmingham, Alabama 35209

Encroachment Agreement

STATE OF ALABAMA SHELBY COUNTY

The undersigned C. John Cortopassi and Donna C. Cortopassi ("Cortopassis") are the fee simple owners of the real property described as Lot 11, according to the map and survey of Lake Wellington Estates as recorded in Map Book 38, Page 90, in the Probate Office of Shelby County, Alabama.

A survey prepared by Jerry W. Cockrell dated August 17, 2010 which is attached to this Encroachment Agreement as Exhibit "A" ("Survey") shows that a wooden swing, and portions of a path made of decorative stone and a portion of a water fall which improved the Cortopassis' property described above encroaches on the property described as Lot 1, according to the Survey of Weavers Suddivision, as recorded in Map Book 31, page 1, in the Probate Office of Shelby County, Alabama. This Lot 1 is currently owned by Denise W. Weaver but is being conveyed to Jessica B. Balentine pursuant to the terms of a real estate sales contract dated June 24, 2010.

The Cortopassis acknowledge that Denise W. Weaver is aware of these encroachments and allows the encroachments to remain on Lot 1 with her permission and the Cortopassis hereby waive any claim to any ownership interest in Lot 1 by adverse possession.

Jessica B. Balentine will also allow the encroachments to remain on Lot 1. In consideration of allowing these encroachments to remain on Lot 1, C. John Cortopassi and Donna C. Cortopassi hereby agree to be solely responsible for the safety, upkeep and maintenance of these encroachments and further agree to hold harmless and indemnify, including attorney fees and court costs, Jessica B. Balentine and Bryan L. Balentine for any claims or demands arising out of or relating to any property damage or personal injury that occur during the use of these items which encroach on Lot 1.

This Encroachment Agreement shall run with the land and shall be binding on any future owners of the properties described.

This Encroachment Agreement has been prepared without the benefit of a title examination of Lot 11.

In witness whereof, the undersigned have hereunto affixed their hands and seals this 31 day of August, 2010.

C. John Cortopassi (Seal)
C. John Cortopassi
Donna C. Cortopassi
Donna C. Cortopassi

STATE OF ALABAMA JEFFERSON COUNTY

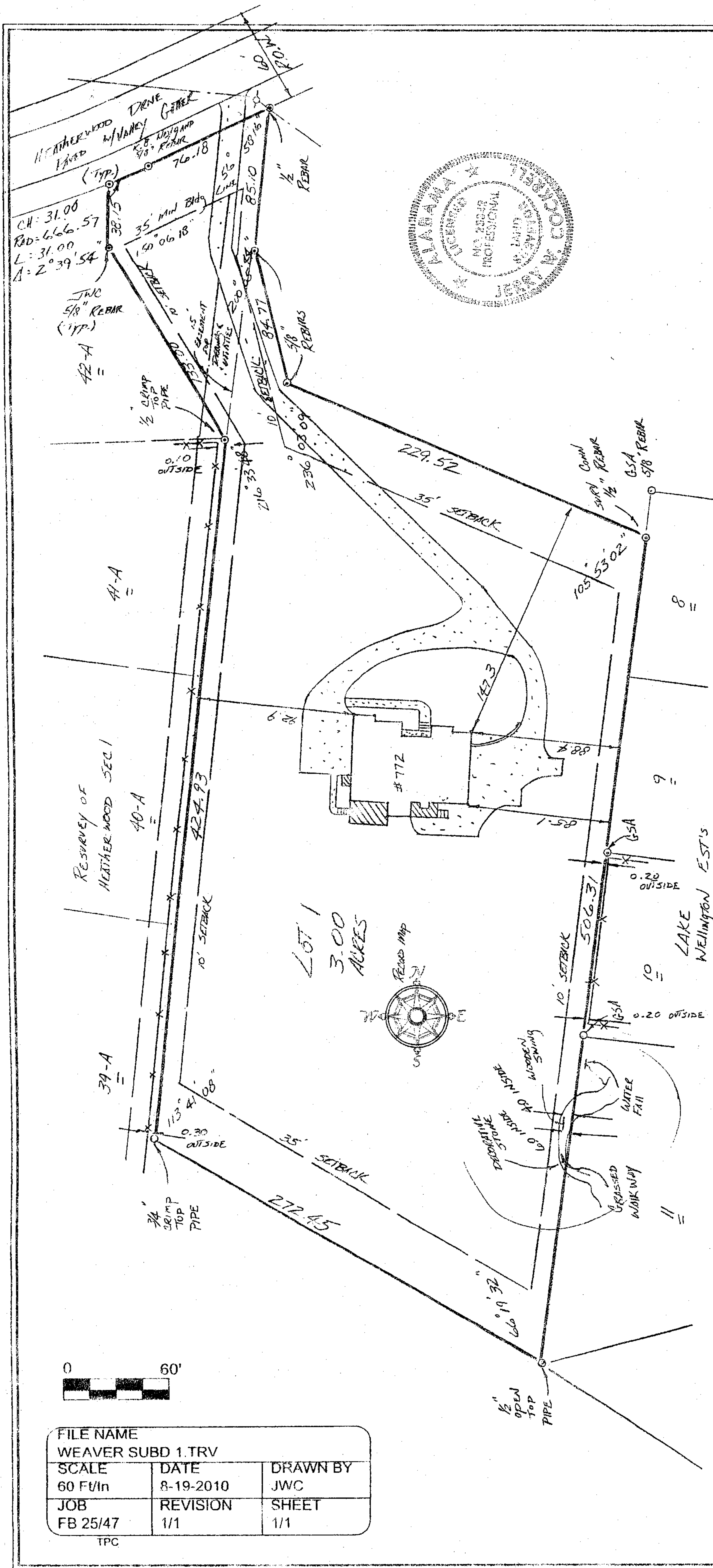
I, the undersigned, a Notary Public in and for said county and in said state, hereby certify that C. John Cortopassi and Donna C. Cortopassi whose names are signed to the foregoing instrument, and who are known to me, acknowledged before me that, being informed on the contents of the instrument they executed the same voluntarily on the day the same bears date.

Given under my hand and seal of office this the 31 day of August, 2010.

[Signature]
Notary Public
My Commission Expires: 2/12/14
NOTARY PUBLIC
DAVID P. CONDON
ATLANTA-ALABAMA



20100916000303310 2/2 \$15.00
Shelby Cnty Judge of Probate, AL
09/16/2010 10:21:30 AM FILED/CERT



I, Jerry W. Cockrell, a Professional Land Surveyor in the State of Alabama, do hereby certify 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, and that this is a true and correct drawing of Lot 1, WEAVER SUBDIVISION, as recorded in Plat Book 31 Page 1 in the office of the Judge of Probate of Shelby County, Alabama. There are no visible, easements or joint driveways over or across the property except as shown. There are no visible encroachments of electric or telephone lines (excluding those that serve the property) or (excluding those that serve the property) or structures, walls or fences except as shown, according to my survey on 8/17, 8/18, 2010. Field work.

NOTE: This drawing is only valid for the date above and must be signed in blue and stamped in red.

Alabama Registration No. 23342

Jerry W. Cockrell
190 Chase Creek Circle
Pelham, Alabama 35124
205-621-8740
Cell 205-515-2308

[Signature]
Jerry W. Cockrell

LEGEND

- map = record map
- meas. = measured angle or distance
- = concrete
- x-x- = fence line
- 1" = 60' = scale
- Type of survey: CON Closing
- = calculated point
- = iron pin found
- △ = iron pin set (1/2 rebar w/cap)
- = power box
- ⊕ = power pole
- = wood

| | | |
|--------------------------------|-------------------|-----------------|
| FILE NAME WEAVER SUBD 1.TRV | | |
| SCALE 60 FT/in | DATE 8-19-2010 | DRAWN BY JWC |
| JOB FB 25/47 | REVISION 1/1 | SHEET 1/1 |

TPC