

STATE OF ALABAMA)
SHELBY COUNTY)


20170518000172740 1/4 \$24.00
Shelby Cnty Judge of Probate, AL
05/18/2017 10:29:52 AM FILED/CERT

NOTICE OF PERMISSIVE USE AND TERMINABLE LICENSE (the Notice)

KNOW ALL MEN BY THESE PRESENTS; that, Lake Woodmere, Inc. (the Corporation) is giving this Notice; and

Whereas Robert P. Alvord and Bonnie D. Alvord (Alvord) acquired that certain Real Property located in Shelby County, Alabama, by virtue of deed recorded in Instrument No. 20140923000298780 which is more particularly described on Exhibit A attached hereto and incorporated by reference herein (the Alvord Property); and,

Whereas the Alvord Property is subject to Amended and Restated Restrictive Covenants recorded in Instrument No. 20070625000295380 Probate Office of Shelby County, Alabama (the Covenants), the deed to Alvord wherein they acquired the Alvord Property set out that the conveyance was "subject to existing easements, restrictions, set back lines, rights-of-way, limitations, if any of record" and Alvord signed a certification/affidavit prior to the acquisition of the Alvord Property attached hereto as Exhibit B acknowledging, among other things, that they were familiar with the Covenants; and,

Whereas, the Covenants state in paragraph 6 thereof that "the Corporation has retained title to and does hereby declare as Common Areas for the use and benefit of the Corporation, all Dams, Dam sites, spillways and lakes (the "Common Areas"); and,

Whereas the Dam and spillway (the Dam) of Lake Woodmere is/are located within the Alvord Property; and,

Whereas, Alvord's predecessor in title never impeded access by the Corporation to the Dam and for a period in excess of 40 years, the Corporation and its stockholders have used the driveway of the Alvords to access the Dam; and,

Whereas, Alvord has constructed and locked fences that access the Dam and has taken the position that the term "Common Areas" is a misleading term and has declared that the Corporation or its stockholders cannot access the Dam without the permission of Alvord (the Alvord Position); and,

Whereas, the Corporation disputes the Alvord Position and is concerned that the Alvord Position could establish elements of adverse possession under Alabama Law; accordingly, the Corporation states as follows:

The activities and requirements of Alvord associated with the Alvord Position are being conducted under a terminable license which is hereby granted by the Corporation to Alvord, is created by this instrument and is terminable at any time by the Corporation.

Done this 17th day of May, 2017.

Lake Woodmere, Inc.



By: K. C. Nolen

Its: President

STATE OF ALABAMA)

SHELBY COUNTY)

CORPORATION ACKNOWLEDGMENT

I, Valerie Shell, a Notary Public in and for said County in said State, hereby certify that K.C.Nolen, whose name as President of Lake Woodmere, Inc., a corporation is signed to the foregoing conveyance, and who is known to me, acknowledged before me this day that, being informed of the contents of the conveyance, he, as such officer and with full authority, executed the same voluntarily for and as the act of the corporation.

Given under my hand and official seal this 17th day of May, 2017.

Valerie Shell

Notary Public

My Commission Exp. 8/1/18

This instrument prepared by:

James F. Burford III

Attorney at Law

1318 Alford Avenue

Birmingham, Al, 35226



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EXHIBIT "A"

The land referred to in this Commitment is described as follows:

A part of the SE 1/4 of the NW 1/4 of Section 11, Township 21 South, Range 2 West, situated in Shelby County, Alabama, more particularly described as follows:

Beginning at the SE corner of the SE 1/4 of the NW 1/4 of Section 11, Township 21 South, Range 2 West, Shelby County, Alabama, and run thence N00°41'15"W along the East line of said 1/4-1/4 section a distance of 522.85 feet to a set capped rebar corner; thence run N88°43'15"W a distance of 213.67 feet to a property corner in Bounds Lake; thence run S89°31'07"W a distance of 531.13 feet to a property corner within Bounds Lake; thence run N00°31'12"W a distance of 43.37 feet to a property corner within Bounds Lake; thence run S88°04'21"W a distance of 578.85 feet to a set capped rebar corner on the West quarter line of said SE 1/4 of the NW 1/4 of said Section 11; thence run South 00°31'07"E along said 1/4-1/4 line a distance of 503.92 feet to a found old iron corner representing the SW corner of said 1/4-1/4 section; thence run S82°45'37"E a distance of 113.50 feet to a property corner in the centerline of Arabian Road; thence run along the centerline of said Arabian Road the next eight (8) courses: S05°35'26"E a distance of 70.26 feet to a property corner; thence run S33°18'53"E a distance of 41.88 feet to a property corner; thence run S70°12'19"E a distance of 53.14 feet to a property corner; thence run S88°00'43"E a distance of 115.07 feet to a property corner; thence run N77°22'56"E a distance of 146.54 feet to a property corner; thence run N68°38'14"E a distance of 107.81 feet to a property corner; thence run S82°45'46"E a distance of 115.00 feet to a property corner; thence run S32°37'53"E a distance of 209.65 feet to a property corner; thence run N68°17'45"E leaving said road a distance of 589.14 feet to the Point of Beginning. (NOTE: This description includes Tax parcel #22-1-11-0-000-009.001 and Tax parcel #22-1-11-0-000-009.008)

ALSO the following:

Commence at the NW corner of the SE 1/4 of the NW 1/4 of Section 11, Township 21 South, Range 2 West, Shelby County, Alabama, and run thence S06°22'17"E along the West line of said 1/4-1/4 section a distance of 463.58 feet to a steel corner and the Point of Beginning of the property being described; thence continue last call a distance of 380.00 feet to a steel corner; thence run N89°37'39"E a distance of 578.85 feet to a corner in a small lake; thence run N00°22'17"W within the bounds of the lake a distance of 380.00 feet to a corner in the said same lake; thence run S89°37'39"W a distance of 578.85 feet to the Point of Beginning. (Tax parcel #22-1-11-0-000-009.007)



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EXHIBIT B

CERTIFICATION / AFFIDAVIT

STATE OF ALABAMA)

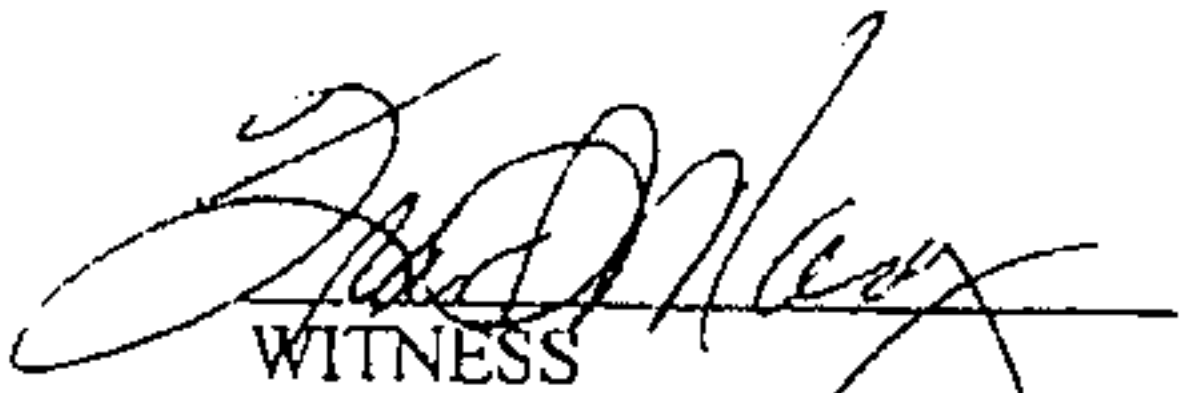
JEFFERSON COUNTY)

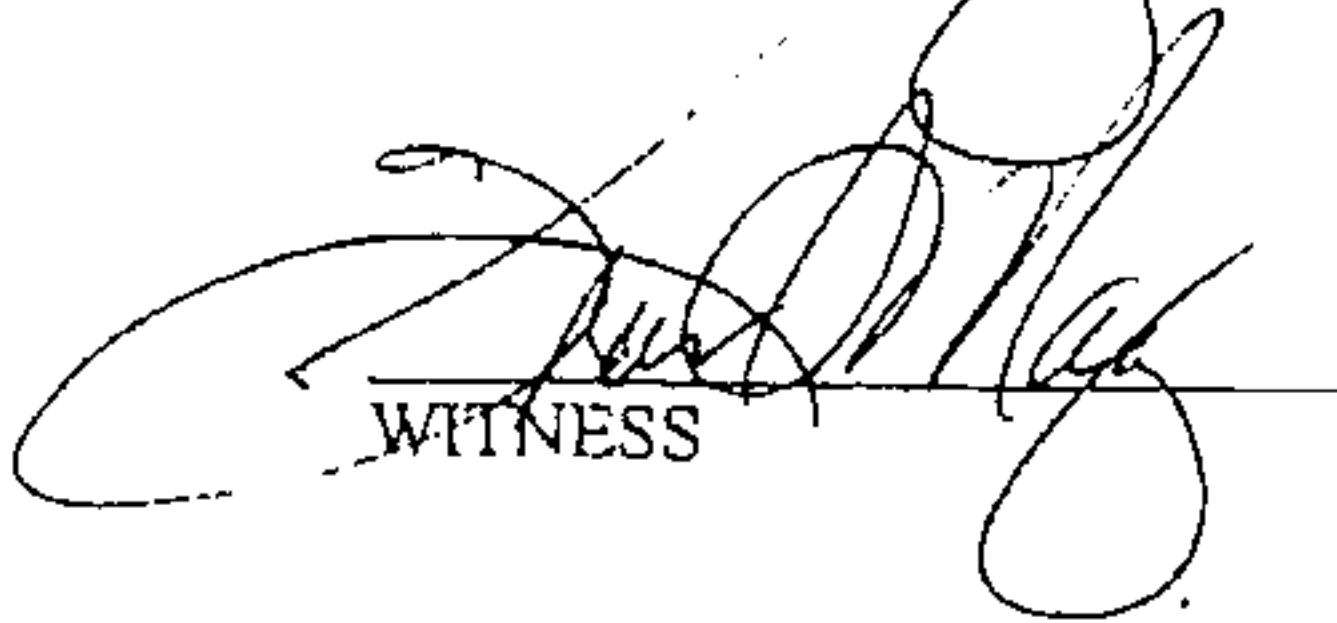
We, BOB and BONNIE ALVORD, are prospective purchasers at Lake Woodmere, Inc., and, as such, hereby certify that we have received copies of the following:

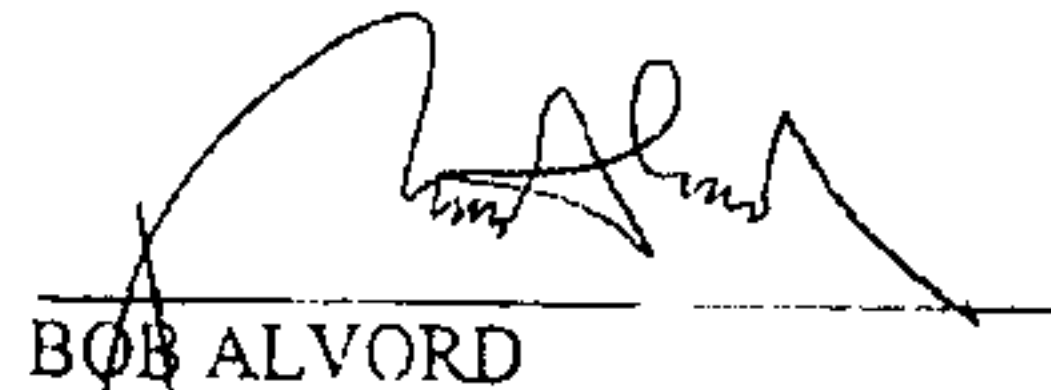
Lake Woodmere Stockholders List, dated July 2014;
Rules and Regulations, dated July 30, 2014; and,
Amended and Restated Restrictive Covenants, dated June 10, 2007.

We further certify that we are familiar with both the Rules and Regulations, along with the Restrictive Covenants; know that the Restrictive Covenants are applicable to the property we are purchasing; and, once we are approved by a vote of the requisite number of current stockholders, we certify that we intend to abide by the Rules, Regulations, and Restrictive Covenants of Lake Woodmere, Inc.

DATED: 8-13-2014


WITNESS


WITNESS


BOB ALVORD


BONNIE ALVORD


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