

### DRAINAGE AGREEMENT

THIS COVENANT made this 28<sup>TH</sup> day of December       , 2005, by and between:

Don K. Naylor, OWNER of Lot numbered 13, Block 11, Tract 1, Unit 3, North Albuquerque Acres

AND

Don Grady, OWNER of Lot numbered 14, Block 11, Tract 1, Unit 3, North Albuquerque Acres

The Owner (which term includes successors and assigns) of Lot numbered 14 grants to the Owner of Lot numbered 13 the right to grade and construct a temporary side slope and retention pond, and construct retaining walls, per Exhibit A, dated 12/09/05, prepared by Brasher & Lorenz, Inc.

This DRAINAGE AGREEMENT is binding upon the Owner(s), his heirs and assigns and will continue to run with said property until construction and acceptance of permanent grading and drainage improvements for Baron's Run. This document shall released by a recorded document by the Owner(s) of the above described real properties. The Owner of Lot 13 shall maintain the drainage improvements at Owner's expense in accordance with the approved Grading and Drainage Plan.

OWNER 13

Don K. Naylor 12/28/05  
Signature Date

OWNER 14

[Signature] 12/28/05  
Signature Date