

KNOW ALL MEN BY THESE PRESENTS, That we, John L. Drake, and Mary L. Drake, for value received, and in consideration of the mutual benefits accruing and to accrue to each of us respectively, enter into the following agreement:

All real estate described in the above Whereas clause, and all other real estate acquired by us, or by either of us, during the time we both shall live, shall be retained and not sold, except with the written consent of us both, and shall be put to the following uses:

- (1) During the life of both of us, each shall use his or her property as he or she cares, receiving to his or her use the income therefrom; and the property owned by us in common shall be used as we see fit, during the time we both shall live;
- (2) Upon the death of either of us, the survivor shall receive the rents and income from all of said property, for his or her own use and benefit, so long as said survivor shall live; and,
- (3) Upon the death of the survivor, one-half of all of said real estate shall go, in fee simple, to Lowery C. Drake; son of the said John L. Drake, or if he be dead, to John Furman Drake, the son of the said Lowery C. Drake, unless the said John L. Drake shall make a will in which other disposition thereof is made; and the other one-half of all of said real estate shall go, in fee simple, to such persons as the said Mary L. Drake shall by her will provide.
- (4) So much of the said Jarrell Seven Thousand (\$7,000.00) Dollar note and mortgage as may be needed to pay the said Savings and Loan mortgage debt shall be used to pay said Savings and Loan debt.
- (5) The parties hereto - John L. Drake and Mary L. Drake - agree to execute joint or several wills carrying out the terms of this contract, and to maintain such will or wills in force.

In event John L. Drake should pre-decease Mary L. Drake, and should she desire to sell any or all of said real estate, she may do so, provided: the said Lowery C. Drake consents in writing to said sale, and provided further, that she pays to the said Lowery C. Drake, or to such other person or persons as the said John L.