

We hereby covenant and agree that neither of us, nor any person claiming through either of us, including our heirs, devisees, executors, administrators, and assigns shall seek any judicial partition of the above described property for a period of ten (10) years, beginning January 1, 1977 and ending December 31, 1986.

The agreement herein made shall constitute a full and complete defense to any action brought by either of the contracting parties or the owner of any interest derived from either of them to any action for the judicial partition of said land for the period of time stated.

The contracting parties have agreed that this period of time is reasonable. The agreement is made for what the contracting parties consider to be good and sufficient reasons.

The agreement not to institute or carry out a judicial action for partition does not, of course, in any manner limit the right of the competent owners of this property to seek court approval of a private sale of any or all thereof, where such approval is required because some owner of an interest is under a legal disability. Such an action is not considered by the contracting parties to be an action in partition.

This agreement shall be binding upon ourselves, our heirs, devisees, executors, administrators, and assigns.

In witness whereof we have hereunto set our hands and seal this 10 day of December, 1976.

James P. Moore (SEAL)
James P. Moore (SEAL)

WITNESSES:

George F. Fawcett
Diane Hall

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