

use the facilities by any present or future owners of the Projects.

AGREEMENT

In consideration of the above-stated purposes and the mutual promises and covenants contained herein and of the receipt of the sum of Ten Dollars (\$10.00) and other valuable considerations, the adequacy, sufficiency and receipt of which are hereby acknowledged by the parties, the parties, for themselves and their respective successors and assigns, hereby agree as follows:

1. Recreational and Access Easements Benefiting Haywood Holding's Property. Crossing hereby grants, bargains, sells and conveys to Haywood Holding, its successors and assigns, a nonexclusive easement and right to use, without charge except as specified hereinbelow, the recreational facilities and amenities now or hereafter located on Crossing's Property. Such easement and right of use and enjoyment shall include, without limitation, the right of ingress, egress and regress for pedestrian and vehicular traffic over and across any and all roads, sidewalks, paths and lanes within Crossing's Property which provide reasonably direct access between Haywood Holding's Property and the recreational facilities and amenities located on Crossing's Property, including also the right to use parking lots, as then may exist from time to time, within Crossing's Property in the vicinity of such facilities in conjunction with the use and enjoyment of such easement. The recreational facilities and amenities presently located upon Crossing's Property are more particularly described on Exhibit C attached hereto and made a part hereof by reference. This section, however, shall not be deemed a requirement on the part of Crossing to construct or develop any specific recreational facilities upon Crossing's property except those presently completed and existing thereon or to maintain, repair or restore any such facility or amenity. In the event Crossing or Haywood Holding subdivides its respective property and develops separate phases of apartment projects therein, then each such phase shall be a distinct and separate parcel of property and the provisions of this Agreement shall continue to benefit and burden each such phase.