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 MS. BRENDA SOLLENBERGER
 CHICAGO TITLE INSURANCE COMPANY
 4170 ASHFORD DUNWOODY ROAD
 SUITE 460
 ATLANTA, GEORGIA 30319

57346



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 Fee Amt: \$14.00 Page 1 of 3
 Forsyth, GA
 Douglas Sorrells Clerk Superior Ct

BK **3184** PG **153-155**

MEMORANDUM OF TREATMENT PLANT USE AGREEMENT

This Memorandum of Treatment Plant Use Agreement is made and entered into this 9th day of January, 2004, by and between BIG CREEK UTILITY COMPANY, INC., a Georgia corporation ("Utility") and POLO FIELDS II, LLC, a Georgia limited liability company ("Noro");

WITNESSETH THAT:

WHEREAS, Utility owns the Treatment Plant, sanitary sewer lines, and related sanitary sewer facilities (collectively the "Sanitary Sewer System") described in that certain Easement Agreement dated October 27, 1987, between Atlanta Polo, Ltd., Brookfield West, Inc., and Utility, recorded in Deed Book 394, Page 93, Forsyth County, Georgia, records, and in that certain Easement Agreement dated July 1, 1988, between Atlanta Polo, Ltd. and Utility, recorded in Deed Book 415, Page 518, aforesaid records (individually an "Easement Agreement" and collectively the "Easement Agreements") (Capitalized terms not defined herein shall have the meanings ascribed to them in the Easement Agreements);

WHEREAS, Noro is contemporaneously herewith acquiring fee simple title to that certain approximately 12.96 acre parcel of real property more particularly described in Exhibit "A" attached hereto and made a part hereof (the "Noro Property"); and

WHEREAS, Utility desires to grant to Noro, for the benefit of the Noro Property, the right to use the Sanitary Sewer System to discharge sanitary sewage from the Noro Property into the Treatment Plant in accordance with the terms described in that certain Treatment Plant Use Agreement being made and entered into contemporaneously herewith by Utility and Noro (the "Treatment Agreement"), which Treatment Agreement is incorporated herein and made a part hereof by reference.

A

Utility agrees to provide Noro, its successors, assigns, and successors-in-title, and the tenants and subtenants of the Noro Property, with the perpetual right to use the Sanitary Sewer System in accordance with the terms and provisions of the Treatment Agreement, and Noro agrees to make certain payments to Utility for the use of the Sanitary Sewer System in accordance with the terms and provisions of the Treatment Agreement. This Agreement is being executed and recorded in order to provide public notice of the existence of the Treatment Agreement, and in the event of any inconsistency between the terms of this Agreement and the terms of the Treatment Agreement, the terms of the Treatment Agreement shall prevail.

WITNESS the hands and seals of the undersigned as of the date and year first written above.

BIG CREEK UTILITY COMPANY, INC.

By: Willis B. Jones
Willis B. Jones, its Vice President

(CORPORATE SEAL)

Sworn to and subscribed before me this
9 day of January, 2004.

[Signature]
Witness

[Signature]
Notary Public



POLO FIELDS II, LLC

By: [Signature]
Its: Manager

(COMPANY SEAL)

Sworn to and subscribed before me this
9 day of January, 2004.

[Signature]
Witness

[Signature]
Notary Public

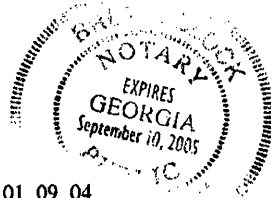


EXHIBIT "A"

LEGAL DESCRIPTION

Tract 1 = 12.96 Acres

A parcel of land lying and being a part of Land Lot 243, of the 2nd District, 2nd Section, of Forsyth County, Georgia, said tract of land being more particularly described as follows.

BEGINNING at an iron pin set at the Southerly mitered intersection of the Southwesterly right-of-way line Majors Road (60' R/W) and State Route #371 (a.k.a. Post Road 80' R/W); THENCE North 77 degrees 01 minutes 36 seconds East for a distance of 36.60 feet to an right-of-way monument found; THENCE proceed along the right-of-way line of Majors Road South 58 degrees 32 minutes 47 seconds East for a distance of 65.10 feet to an right-of-way monument found; THENCE South 63 degrees 05 minutes 33 seconds East for a distance of 124.86 feet to an right-of-way monument found; THENCE South 58 degrees 30 minutes 38 seconds East for a distance of 182.23 feet to an right-of-way monument found; THENCE along a curve to the right having a radius of 411.81 feet and an arc length of 104.08 feet, being subtended by a chord of South 51 degrees 54 minutes 21 seconds East for a distance of 103.80 feet to an right-of-way monument found; THENCE North 47 degrees 13 minutes 34 seconds East for a distance of 18.07 feet to an iron pin set; THENCE South 42 degrees 49 minutes 07 seconds East for a distance of 196.36 feet to a point; THENCE South 45 degrees 11 minutes 18 seconds East for a distance of 106.20 feet to an iron pin set; THENCE South 46 degrees 28 minutes 45 seconds West for a distance of 205.96 feet to an ½" rebar found disturbed; THENCE South 60 degrees 54 minutes 11 seconds West for a distance of 935.07 feet to ½" rebar found; THENCE North 00 degrees 27 minutes 48 seconds East for a distance of 660.04 feet to an ½" rebar found lying on the right-of-way line of State Route #371; THENCE proceed along the right-of-way line North 36 degrees 38 minutes 42 seconds East for a distance of 68.03 feet to an right-of-way monument found; THENCE North 40 degrees 35 minutes 39 seconds East for a distance of 180.33 feet to an right-of-way monument; THENCE North 37 degrees 18 minutes 39 seconds East for a distance of 106.35 feet to an right-of-way monument found; THENCE along a curve to the left having a radius of 1959.86 feet and an arc length of 133.07 feet, being subtended by a chord of North 35 degrees 21 minutes 00 seconds East for a distance of 133.04 feet to a point, said point being the TRUE POINT OF BEGINNING.