<u>AFFIDAVIT</u>

We, Gerald Graham and wife, Denise D. Graham, are the owners of the following described real property located in Shelby County, Alabama:

Lot 39, according to the Map and Survey of Dogwood Forest, Third Phase, as recorded in Map Book 14, Page 46, in the Probate Office of Shelby County, Alabama.

We hereby certify that we have been made aware that the improvements constructed on our property, as shown on the survey prepared by James W. Elliott and dated September 2, 1992 (a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference) appear to violate the restrictive covenants recorded in Book 296, Page 879, in the Office of the Probate Judge of Shelby County, Alabama, which covenants are applicable to Lots 25 through 39, Phase III, Dogwood Forest.

We further acknowledge that the Developer of Dogwood Forest, Phase III, and the Architectural Control Committee has entered into a Conditional Approval of said violation by an instrument dated September 23, 1992.

We hereby acknowledge and agree that we will make no claims against Collateral Mortgage, Ltd., its successors and/or assigns, Jefferson Title Corporation, Mississippi Valley Title, and/or Courtney Mason & Associates, P.C. arising from said violation of the restrictive covenants or location of the improvements on our property.

Consid Casham

Denise D. Graham

STATE OF ALABAMA)
SHELBY COUNTY)

I, the undersigned, a Notary Public, in and for said County in said State, hereby certify that Gerald Graham and wife, Denise D. Graham, whose names are signed to the foregoing instrument and who are known to me, acknowledged before me on this day that, being informed of the contents of the foregoing instrument, they executed the same voluntarily on the date the same bears date.

October

Given under my hand and seal this the $\frac{28}{100}$ th day of September, 1992.

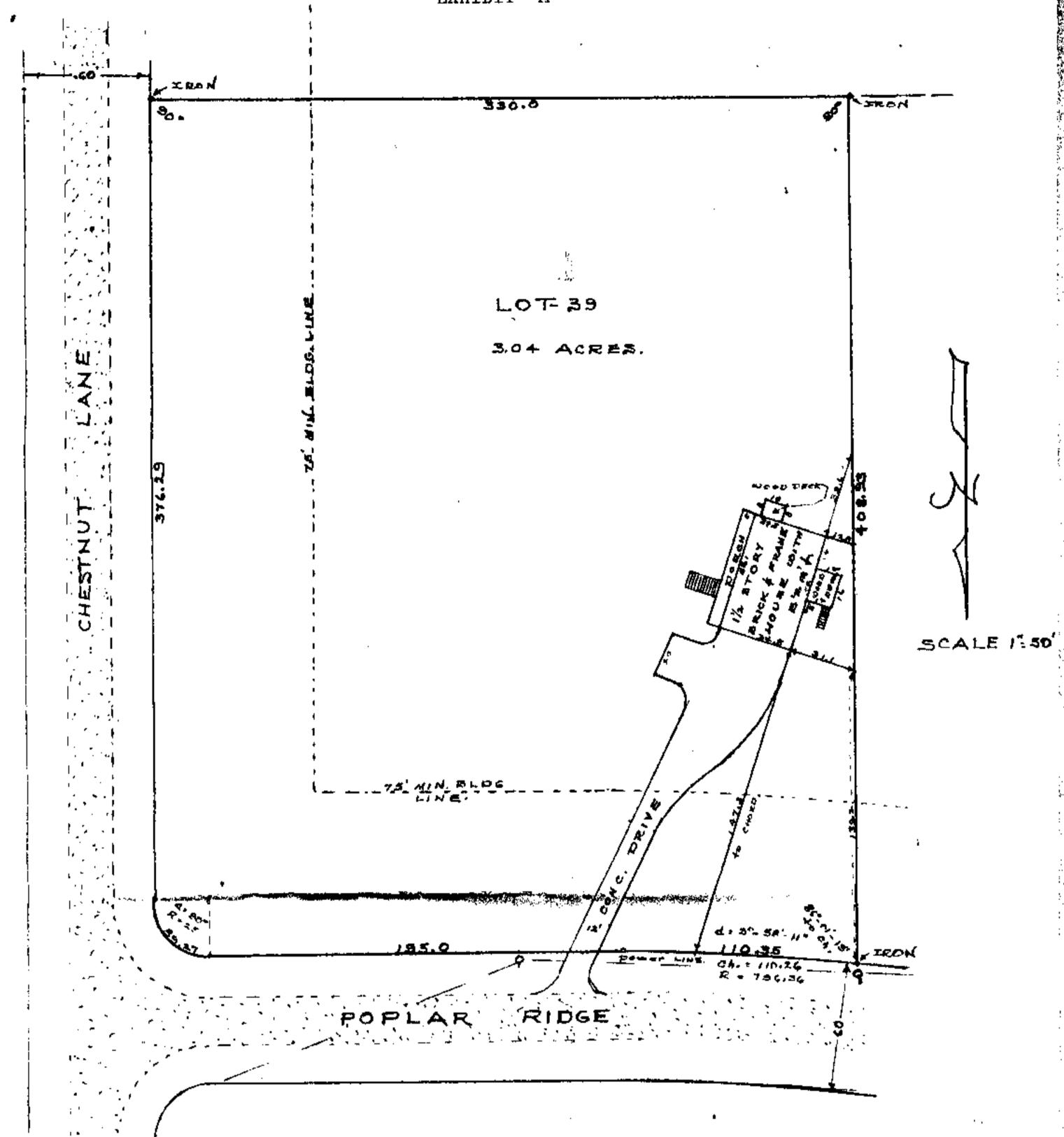
My Commission Expires:

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Inst # 1992-25545

W:\WP\CLOSINGS\GRAHAM-2.AFF

11/03/1992-25545
11:59 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
002 HCB 9.00



STATE OF ALABAMA COUNTY OF SHELBY

I. James W. Elliott, a Registered Engineer-Land Surveyor hereby certify that the foregoing is a true and correct map or plat of Lot 39. Dogwood Forest, Third Phase, as recorded in Map Book 14. Page 46. Judge of Probate Office, Shelby County, Alabama.

that the building now erected on said lot is within the lines of same; that there are no encroachments by buildings on adjoining property; that there are no easements, rights-of-way, or joint driveways over or across said lot visible on the surface, except as shown; that there are no electric or telephone wires, excluding wires which serve the premises only, or structures or supports therefor, including poles, anchors, and guy wires on or over said let visible on the surface, except as shown.

this is to certify that I have consulted the Federal Insurance Flood Hazard Maps and found that the above described lot is not located in a special flood basard area.

I certify that the survey was made in accordance with the minimum technical standards for land surveying in the State of Alabama.

311 Chestnut Lane

State of Alabama.

311 Chestnut Lane
that the correct address is _____ Poplar Ridge, Alabama.

according to my survey this 2nd, day of September, 1992,

James W. Elliott Register # 3009

