

CONTRACTOR'S AFFIDAVIT AND INDEMNITY

STATE OF ALABAMA)

COUNTY OF SHELBY)

I, Allen Howard, President of Allen Howard Construction, Inc., being first duly sworn deposes and says as follows:

That he is the contractor who constructed or repaired, or caused to be constructed or repaired, the improvements on property described below, being in Shelby County, Alabama, to-wit:

Lot 850, according to Brook Highland, an Eddleman Community, 8th sector, 2nd Phase, as recorded in Map Book 16, Page 96 in the Probate Office of Shelby County, Alabama.

That all changes and costs for labor performed, material furnished and fixtures installed on said premises have been fully paid; that said premises are free and clear of all lienable claims whatsoever arising under and by virtue of said construction, and affiant agrees to hold William H. Garner, Ann Boland Garner, and FIRST AMERICAN TITLE INSURANCE COMPANY, a California corporation, free from any and all loss, costs, damage and expense of every kind, including attorney's fees which it shall or may suffer under its said policy and policies now to be issued, or any reissue, renewal, or extension thereof, or new policy at any time issued upon said real estate, part thereof or interest therein, arising, directly or indirectly, out of or on account of any such mechanics' or materialmen's liens. That no chattel mortgages, conditional sale contracts, security agreements, financing statements, retention of title agreements, or personal property leases have been given or are now outstanding as to any materials, fixtures, appliances, furnishings or equipment placed upon or installed in or upon the aforesaid premises or the improvements thereon, and all plumbing, heating, lighting, and other equipment is fully paid for, including all bills for the repair thereof, except as follows: (if none, state "none").

That Allen Howard Coonstruction, Inc., hereby waives and releases (its) (his) (their) right to file a mechanics' or materialmen's lien against said property.

That said construction was completed on September 3, 1993.

This affidavit is given to induce Willim H. Garner and Ann Boland Garner to make the final payment due contractor under the contract of construction and to induce FIRST AMERICAN TITLE INSURANCE COMPANY, a California corporation, to issue its title insurance policy or policies without exception to claims for mechanics', materialmen's and laborers' liens.

Allen Howard Construction, Inc.
General Contractor

By: *Allen Howard*

Title: PRESIDENT

September, 1993. Subscribed, and sworn to before me this *24* day of

[Signature]
Notary Public

Expires 12/2/94

The Peoples Bank of Alabama
Woodstock, Ala. 35183

09/21/1993-29040
11:35 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
001 MCO 8.50

Inst # 1993-29040