

**AFFIDAVIT AS TO MARITAL STATUS
AND HOMESTEAD**

STATE OF ALABAMA

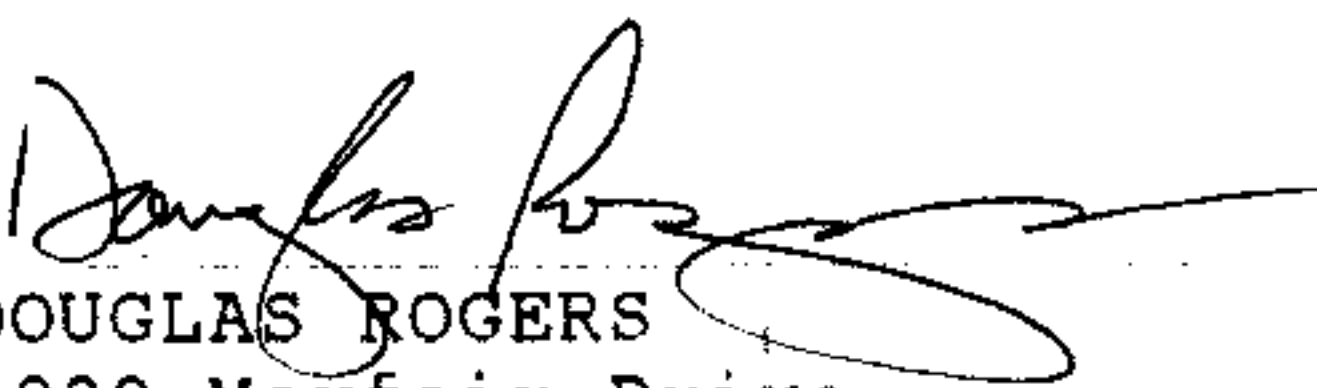
COUNTY OF JEFFERSON

Before me, the undersigned, a notary public in and for said County, in said State, personally appeared Douglas Rogers, whose name is signed to this Affidavit and who is known to me and being by my first duly sworn, deposes and says as follows:

That my name is Douglas Rogers and I am an attorney practicing in Jefferson and Shelby County, Alabama, and I am familiar with the real property conveyed in that certain deed dated June 25, 1993, wherein David Joseph Smelcer was Grantor and Joan Faith Hopping was Grantee with said deed being recorded at INST. 1993-20794, in the Probate Office of Shelby County, Alabama. On the before mentioned deed, the marital status of the Grantor was omitted from said deed and I know of my own knowledge that the said David Joseph Smelcer was a married man on June 25, 1993, and that the property conveyed was not his homestead nor the homestead of his wife and was commercial property with a business building being located thereon.

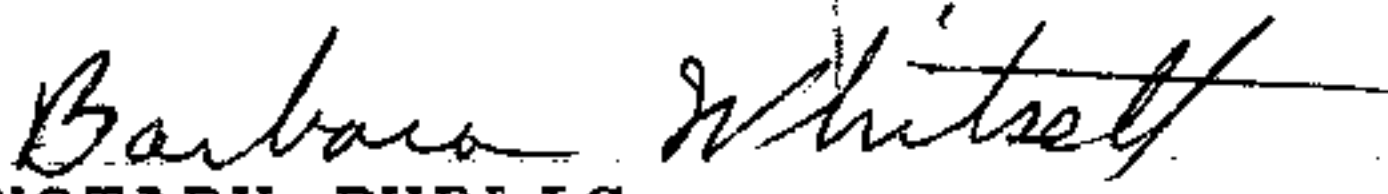
IN WITNESS WHEREOF, I have hereunto set my hand and seal on this the 8th day of September, 1994.

Inst # 1994-31765


DOUGLAS ROGERS
1920 Mayfair Drive
Birmingham, Alabama 35209

Sworn to and subscribed to before me on this the 8th day of September, 1994.

10/21/1994-31765
10:56 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
001 SNA 8.50


NOTARY PUBLIC

MY COMMISSION EXPIRES OCTOBER 24, 1994