

STATE OF ALABAMA )

JEFFERSON COUNTY )

**AFFIDAVIT**

The undersigned South Edge, Inc., the sole manager of Double Oak Water Reclamation, LLC, an Alabama limited liability company, does hereby certify to Covington County Bank and First Commercial Bank the following:

References are made in the loan documents listed on **Exhibit A** (the "Loan Documents") to the Borrower or Debtor (as applicable) in some cases as Double Oak Water Reclamation, L.L.C., rather than to Double Oak Water Reclamation, LLC. It is and always has been understood by the undersigned, as manager, as well as by Double Oak Water Reclamation, LLC, that all references to Double Oak Water Reclamation, L.L.C. in the Loan Documents were intended and are understood to be references to Double Oak Water Reclamation, LLC. Furthermore, each and every one of the obligations and liabilities under the Loan Documents were intended and are understood to be obligations and liabilities of Double Oak Water Reclamation, LLC. Double Oak Water Reclamation, L.L.C., is one and the same entity as Double Oak Water Reclamation, LLC, and the authorization, execution and delivery of the Loan Documents in the name of Double Oak Water Reclamation, L.L.C. constituted and constitute the authorization, execution and delivery of such Loan Documents by Double Oak Water Reclamation, LLC. As further assurance to you, and in order to avoid even the possibility of any misunderstanding or confusion as to the enforcement of the Loan Documents, Double Oak Water Reclamation, LLC hereby ratifies and confirms all of its obligations and liabilities under the Loan Documents just as if the name of the Borrower or Debtor (as applicable) had been initially identified as Double Oak Water Reclamation, LLC upon execution of the Loan Documents.

IN WITNESS WHEREOF, this Affidavit has been executed as of the 23<sup>rd</sup> day of November, 1999.

SOUTH EDGE, INC.

By: \_\_\_\_\_

Michael D. Fuller

Its: President

Inst # 1999-49393

12/07/1999-49393

09:57 AM CERTIFIED

SHELBY COUNTY JUDGE OF PROBATE

003 MMS 13.50

STATE OF ALABAMA )

JEFFERSON COUNTY )

I, the undersigned, a notary public in and for said county in said state, hereby certify that Michael D. Fuller, whose name as President of South Edge, Inc., an Alabama corporation, as manager of Double Oak Water Reclamation, LLC, an Alabama limited liability company, is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of said instrument, he, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation, acting in its capacity as manager as aforesaid.

Given under my hand and official seal this 23<sup>rd</sup> day of November 1999.

Mary Paulette Johnson  
Notary Public

[NOTARIAL SEAL]

My commission expires: 7/24/2001

## **EXHIBIT A**

### **LOAN DOCUMENTS**

1. Amended and Restated Loan Agreement
2. Amended and Restated Promissory Note
3. Amended and Restated Commercial Security Agreement
4. Mortgage dated as of June 18, 1998 and recorded as Instrument # 1998-24241 and re-recorded as Instrument #1998-33507 in the Office of the Judge of Probate of Shelby County, Alabama, as amended by Mortgage Amendment dated as of November 17, 1999 and recorded contemporaneously herewith in said Probate Office.
5. Assignment of Contracts
6. Commercial Guaranty executed by each of (a) Michael D. Fuller and (b) William L. Thornton, III.
7. UCC-1 Financing Statements recorded with the (a)Alabama Secretary of State on June 30, 1998 as Instrument # 98-27859 and (b) Office of the Judge of Probate of Shelby County, Alabama on June 30, 1998 as Instrument # 1998-24243.

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