

AFFIDAVIT OF TERMINATION OF RIGHT OF FIRST REFUSAL

STATE OF ALABAMA)
COUNTY OF SHELBY)

RE: Lot 1129, according to the Map of Highland Lakes, 11th Sector, an Eddleman Community, as recorded in Map Book 27, page 84 A,B,C & D in the Probate Office of Shelby County, Alabama; being situated in Shelby County, Alabama.

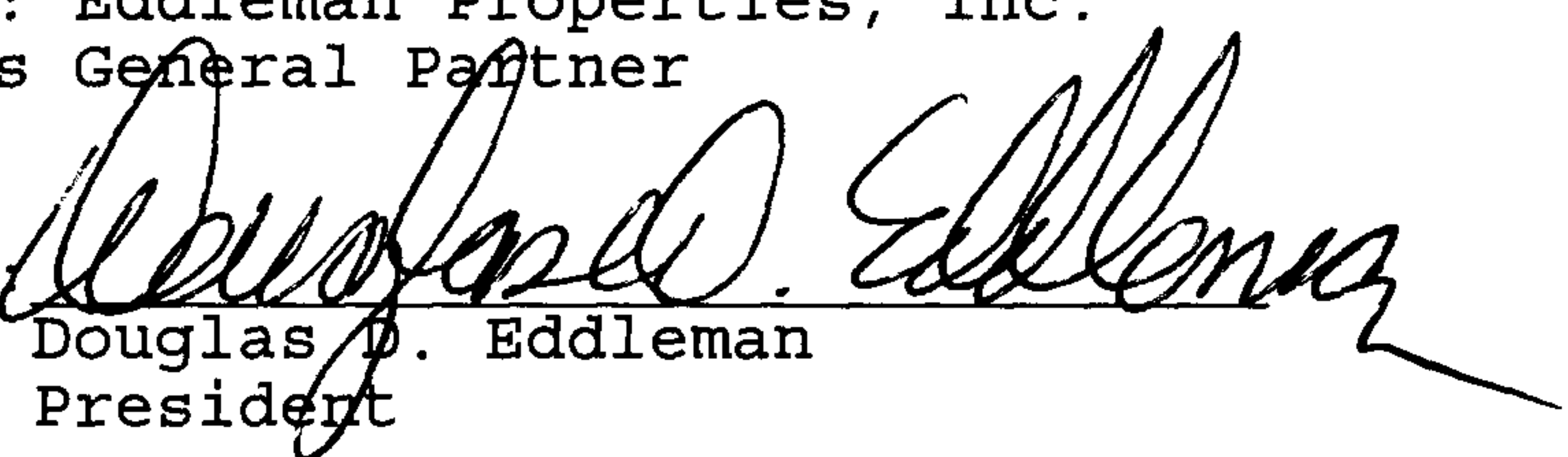
Whereas, the Undersigned Highland Lakes Development, Ltd., an Alabama limited partnership, being the grantor in that certain deed recorded in Inst #2001-47260 in the Probate Office of Shelby County, Alabama did retain a right of first refusal to repurchase the above described property. Whereas, Simmons Homebuilders, LLC. Grantee has constructed a residence in compliance with the terms set forth in that certain deed recorded in Inst #2001-47260; and Whereas, Highland Lakes Development, Ltd. and hereby terminates its right of first refusal to repurchase the above described property so that Simmons Homebuilders, LLC convey the above described Lot 1129, free and clear of the right to repurchase.

Now Therefore, Highland Lakes Development, Ltd. hereby terminates its right of first refusal to repurchase the above described Lot 1129.

In Witness Whereof, the undersigned, Douglas D. Eddleman, as President of Eddleman Properties, Inc., has caused this termination of its right of first refusal on this the 16th day of October, 2002.

Highland Lakes Development, Ltd.
by: Eddleman Properties, Inc.
Its General Partner

BY


Douglas D. Eddleman
President

STATE OF ALABAMA)
COUNTY OF JEFFERSON)

I, the undersigned, a Notary Public in and for said County in said State hereby certify that Douglas D. Eddleman, whose name as President of Eddleman Properties, Inc., an Alabama Corporation, which is General Partner of Highland Lakes Development, Ltd., an Alabama Limited Partnership, is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of the above and foregoing conveyance, 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 general partner of said limited partnership.

Given under my hand and official seal of office this the 16th day of October, 2002.


NOTARY PUBLIC

My Commission expires: 12/2/04

CLAYTON T. SWEENEY, ATTORNEY AT LAW