

AFFIDAVIT AND AGREEMENT

STATE OF ALABAMA

COUNTY OF SHELBY

Before me, the undersigned, personally appeared John B. Davis, Jr., the managing member of Flagstone Construction, LLC, who being duly sworn hereby deposes and says as follows:

1. My name is John B. Davis, Jr. and I am the managing member of Flagstone Construction, LLC ("Mortgagor"), the mortgagor in that certain mortgage in favor of ServisFirst Bank ("Lender") dated November 19, 2008 and recorded in the office of the Judge of Probate of Shelby County, Alabama in Instrument #20081204000457110 as amended by various amendments also recorded in the Office of the Judge of Probate of Shelby County, Alabama (collectively, as amended, the "Mortgage").

2. Mortgagor is informed and aware that ServisFirst Bank has previously executed, delivered and recorded that certain Partial Release of Recorded Lien recorded in the office of the Judge of Probate of Shelby County, Alabama in Instrument #20090917000356060 (the "Partial Release").

3. Notwithstanding any language in the Partial Release purportedly acknowledging full payment of the indebtedness secured by the Mortgage, Mortgagor acknowledges, affirms and agrees (i) that the indebtedness secured by the Mortgage has not been paid in full and that the Mortgage and all other Loan Documents as defined in the Mortgage remain in full force and effect, and (ii) that the Partial Release only released the specific parcel or parcels of real property identified in the Partial Release.

DATE: January 12, 2010.

FLAGSTONE CONSTRUCTION, LLC

By: [Signature]
Name: John B. Davis, Jr.
Title: Managing Member

Sworn to and subscribed before me
this 12th day of January, 2010

[Signature]

Notary Public

My commission expires: _____

NOTARY PUBLIC STATE OF ALABAMA AT LARGE
COMMISSION EXPIRES: Mar 19, 2012
NOTARY PUBLIC UNDERWRITER