

STATE OF ALABAMA  
COUNTY OF SHELBY

This document was prepared by:  
Michael M. Partain, Esq.  
USX Corporation  
P.O. Box 599  
Fairfield, Alabama 35064

AFFIDAVIT

KNOW ALL MEN BY THESE PRESENTS, THAT:

Before me, the undersigned Notary Public in and for said County and State, personally appeared Thomas G. Howard ("Affiant") who is known to me and who being first duly sworn, deposes and says as follows:

That he is over the age of nineteen and is employed as General Manager-Southeast of USX Realty Development, a Division of U.S. Steel Group, USX Corporation, located in Fairfield, Alabama, and that he has personal knowledge of the matters set forth herein; and

That said USX Corporation ("USX") is the owner and developer of that certain residential subdivision situated in Shelby County, Alabama, known as Heatherwood, and that USX executed certain General Covenants, Restrictions, and Easements ("Covenants") for Heatherwood, Ninth Sector, dated February 14, 1994, as recorded in Instrument No. 1994-06271 in the Probate Office in and for said County; and

That no real estate has been conveyed subject to or otherwise encumbered by said Covenants as of the date hereof; and

That said Covenants are hereby declared null and void and of no force and effect by USX effective October 18, 1994; and

That said Covenants have been replaced by those certain General Covenants, Restrictions, and Easements for Heatherwood, Ninth Sector, Phase I, dated October 19, 1994 ("Phase I Covenants"), as recorded in Instrument Number 1994-31604, and those certain General Covenants, Restrictions, and Easements for Heatherwood, Ninth Sector, Phase II, dated October 19, 1994 ("Phase II Covenants"), as recorded in Instrument Number 1994-31605, in said Probate Office; and

That said Phase I Covenants shall encumber all lots in Heatherwood, Ninth Sector, Phase I, as recorded in Map Book 18, Page 130, in said Probate Office effective October 19, 1994; and

That said Phase II Covenants shall encumber all lots in Heatherwood, Ninth Sector, Phase II, as recorded in Map Book 19, Page 17, in said Probate Office effective October 19, 1994.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on this the 24th day of October, 1994.

AFFIANT:

  
Thomas G. Howard

Inst # 1994-32455

Sworn to and subscribed before me this the 24th day of October, 1994.

  
Notary Public

NOTARY PUBLIC STATE OF ALABAMA AT LARGE  
MY COMMISSION EXPIRES: Feb. 25, 1997.  
BONDED THRU NOTARY PUBLIC UNDERWRITERS.

10/31/1994-32455  
09:02 AM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
001 MCD 9.50

Inst # 1994-32455