

STATE OF ALABAMA)

COUNTY OF SHELBY)

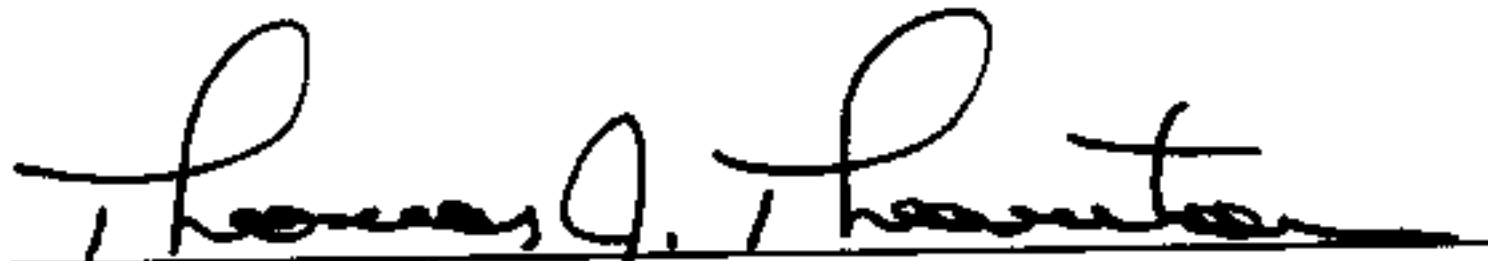
AFFIDAVIT


Before me, the undersigned, a Notary Public in and for said County and State, personally appeared Thomas J. Thornton and Jack H. Harrison, Managing Members of Weatherly Lands, L.L.C., who, after first being duly sworn, deposed and stated as follows:

Weatherly Lands, L.L.C., an Alabama limited liability company, is the owner of that certain tract of land described on the attached Exhibit "A." Alabama Title Co., Inc. has issued its commitment for title insurance to AmSouth Bank of Alabama insuring a construction loan to Weatherly Lands, L.L.C. in the amount of \$300,000.00, with an exception for "covenant and agreement for water service and tap fees as set forth by instrument recorded in 1995-06003." The instrument states that "Tap Fees shall be payable only for those parcels of land using water from the Tank that are, in whole or in part, at or above an elevation of 725 feet above sea level."


The purpose of this affidavit is to establish that the property described in the attached Exhibit "A" lies below an elevation of 725 feet and therefore, that the instrument recorded in 1995-06003 does not apply to such property, and further, that the exception shown as Item 3 under Schedule B - Section 2 of Commitment Number 95-28046 should be deleted.

Further deponents saith not.


Thomas J. Thornton, Managing Member of
Weatherly Lands, L.L.C.


Jack H. Harrison, Managing Member of
Weatherly Lands, L.L.C.

Sworn to and subscribed before me on
this the 16th day of November, 1995.


Notary Public

My commission expires: _____

NOTARY PUBLIC STATE OF ALABAMA AT LARGE
MY COMMISSION EXPIRES: June 21, 1997.
BONDED THROUGH NOTARY PUBLIC WRITERS.

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EXHIBIT "A"

Part of the Southwest 1/4 of Section 31, Township 20 South, Range 2 West, Shelby County, Alabama, being more particularly described as follows:

Beginning at the most Southerly corner of Lot 116, Weatherly Brentwood Sector 15-Phase II, as recorded in the Office of the Judge of Probate, Shelby County, Alabama in Map Book 20, Page 08, run in a Northeasterly direction along the Southeast line of Lot 116 and its Northeasterly extension thereof for a distance of 388.56 feet to an existing iron pin being on the curved Southwest right of way line of Weatherly Club Drive said Southwesterly right of way line of Weatherly Club Drive being concave in a Southwest direction and having a central angle of 26 degrees 55' 54" and radius of 1050.0 feet; thence turn an angle to the right (98 degrees 30' 30" to the chord of said curve) and run in a Southeasterly direction along the arc of said curve and Southwesterly right of way line for a distance of 493.55 feet to an existing iron rebar being at a point of intersection with the Northwest right of way line of Wembley Way; thence turn an angle to the right (112 degrees 27' 23" from last mentioned chord line) and run in a Southwesterly direction along the Northwest right of way line of said Wembley Way for a distance of 184.92 feet to an existing iron pin being the point of beginning of a curve, said curve being concave in a Southeasterly direction and having a central angle of 36 degrees 39' 09" and a radius of 349.28 feet; thence turn an angle to the left and run in a Southwesterly direction along the Northwest right of way line Wembley Way for a distance of 223.44 feet to the point of ending of said curve; thence continue in a Southwesterly direction along the Northwest right of way line of said Wembley Way and along the line tangent to the end of said curve for a distance of 37.71 feet to an existing iron pin; thence turn an angle to the right of 90 degrees 00' 39" and run in a Northwesterly direction for a distance of 50.0 feet to an existing iron pin; thence turn an angle to the right of 19 degrees 55' 37" and run in a Northerly direction for a distance of 249.99 feet to an existing iron pin; thence turn an angle to the right of 17 degrees 48' 27" and run in a Northerly direction for a distance of 61.50 feet to an existing iron pin, said iron pin being a corner on Lot 115 of said Weatherly Brentwood Sector 15-Phase II, thence turn an angle to the right of 57 degrees 56' 33" and run in a Northeasterly direction along the Southeast line of said Lot 115 for a distance of 5.0 feet, more or less, to the point of beginning.

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