

THIS INSTRUMENT WAS PREPARED BY:

MIKE T. ATCHISON, ATTORNEY
P.O. BOX 822
COLUMBIANA, ALABAMA 35051

STATE OF ALABAMA
SHELBY COUNTY

AFFIDAVIT

Before me, the undersigned authority, a Notary Public, in and for said County, in said State, personally appeared BettyEB. Wright, who after being by me first duly sworn, deposes, and says on oath as follows:

My name is BettyEB. Wright, and I am over the age of 21 years, and am familiar with the following facts:

I am the sole remaining Trustee under the Irrevocable Indenture of Trust created by Rhett G. Barnes, Sr., as recorded in Real Record 157, Page 682, and Real Record 157, Page 693, in the Probate Office of Shelby County, Alabama. My brother, Rhett G. Barnes, Jr. died on or about the 25th day of February, 1991, and my father, Rhett G. Barnes, Sr. died on or about the 9th day of September, 1996.

It has been brought to my attention that there is some ambiguity in the language regarding the termination of the respective Trusts. The Trust recorded in Real Volume 157, Page 682, indicates that it was to expire on January 4, 1989. The Trust recorded in Real Volume 157, page 693, indicates that it was to expire on December 27, 1988. At that point, the Trustees were to convey to the Beneficiaries of the Trust their respective shares of the Trust. However, under Item (A) (4) of Article Two of the Trusts, the Trustees were granted the following powers and authorities, in addition to others now or hereafter conferred by law with respect to any property contained in the trust estate: "To sell, auction, convey, exchange, lease or rent for a period beyond the possible termination of the trust (or for less period) for improvement or otherwise, or to grant options for or in connection with such purposes, or otherwise dispose of all of any portion of the trust, in such manner and upon such terms and conditions as the Trustees may approve."

The intent of the Trust was for the Trustees to continue to manage the property with full authority to sell, lease, mortgage, convey the property until such time as all the property covered under the Trust was disposed of. Based on the Article Two language, and acting upon the intent of the Trust, the Trustees have conveyed several parcels of lands subsequent to the specified termination dates of the respective trusts, including but not limited to the following, namely: (1) Real Record 331, Page 621, to Charles O. Tidmore and Joe L. Tidmore; (2) Instrument #1993-14561 to Ralph W. Hill and Janice C. Hill; (3) Instrument #1994-30748, to H & H Construction Co., Inc.; (4) Instrument #1995-19387, to Eddie R. Gentry; (5) Instrument #1996-14271, to Robert L. Kirkland and Janet A. Kirkland; and (6) Instrument #1996-14268, to McCullough Snappy Service Oil Co., Inc. All proceeds from the above sales have been distributed in accordance with Trust provisions and there is currently no beneficiary claiming an individual interest in any of the trust's property, subsequent to 1989.

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This affidavit is given to clear up any question about the authority of the Trustees in the above recited transactions and to further establish the ongoing operating authority of the Trustees under the Trusts referred to hereinabove.

Further the affiant saith not.

Betty B. Wright
Betty B. Wright

Sworn to and subscribed to before me
this 6th day of December, 1996.

Anne P. Marshall
Notary Public

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