

ESTOPPEL AFFIDAVIT

Affidavit of: William D. Murray, Individually and as President of Bill's Contracting Service, Inc.

State of: Alabama

County of: Jefferson

William D. Murray, individually and as President of Bill's Contracting Service, Inc., being first duly sworn, deposes and says: That he as president of Bill's Contracting Service, Inc. made, executed, and delivered that certain deed to Weatherly Lands, LLC, dated the 7th day of February 1997, conveying the following described property, to-wit:

Lots 331, 333, 335, 350, 351 and 355, Weatherly Wixford Moor, Sector 24, Map Book 20, Page 144.

That the aforesaid deed was intended to be and was an absolute conveyance of the title to said premises to the grantee named therein, and was not and is not now intended as a mortgage, trust conveyance, or security of any kind; that it was the intention of affiant, as grantor in said deed, to convey, and by said deed this affiant did convey to the grantee therein all right, title, and interest absolutely in and to said premises; that possession of said premises has been surrendered to the grantee;

That in the execution and delivery of said deed affiant was not acting under any misapprehension as to the effect thereof, and acted freely and voluntarily and was not acting under coercion or duress;

That aforesaid deed was not given as a preference against any other creditors of the deponent of Bill's Contracting Service, Inc.; that at the time it was given there was no other person or persons, firms or corporations, other than the grantee therein named interested, either directly or indirectly in said premises; that these deponents are solvent and have no other creditors whose rights would be prejudiced by such conveyance, and that deponents are not obligated upon any bond other mortgage whereby any lien has been created or exists against the premises described in said deed.

That the consideration for said deed was and is payment to affiant of the sum of \$153,138.31 by grantee and that at the time of making said deed affiant believed and now believe that the aforesaid consideration therefore represents the fair value of the property so deeded;

This affidavit is made for the protection and benefit of the grantee in said deed, his successors and assigns, and all other parties hereafter dealing with or who may acquire an interest in the property herein described.

That affiant, and each of them will testify, declare, depose, or certify before any competent tribunal, officer, or person, in any case now pending or which may hereafter be instituted, to the truth of the particular facts hereinabove set forth.

Bill Cash, Attorney General, Ala.  
By William D. Murray, Presd.  
William D. Murray

THE STATE OF ALABAMA  
Jefferson COUNTY.

02/07/1997-04187  
03:53 PM CERTIFIED  
JEFFERSON COUNTY JUDGE OF PROBATE  
11.00

Inst # 1997-04187

I, the undersigned notary public, hereby certify that William D. Murray, whose name is signed to the foregoing affidavit, and who is known to me, acknowledged before me on this day that, being informed of the contents of the affidavit, he executed the same voluntarily on the day the same bears date. Given under my hand this 7th day of February A.D. 1997.

Pamela C. Seld

Notary Public

MY COMMISSION EXPIRES FEBRUARY 24, 1997

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

State of: Alabama

County of: Jefferson

I, Thomas J. Thornton, am the Managing Member of Weatherly Lands, L.L.C., the developer of the subdivision containing the lots described herein. I am familiar with and have personal knowledge of the value of the lots in the subdivision and current sales prices of lots. The consideration given for the conveyance referenced herein represents the market value of the lots.

Thomas J. Thornton

THE STATE OF ALABAMA  
JEFFERSON COUNTY

I, the undersigned notary public hereby certify that Thomas J. Thornton, whose name is signed to the foregoing affidavit, and who is known to me, acknowledged before me on this day that, being informed of the contents of the affidavit, he executed the same voluntarily on the day the same bears date. Given under my hand this 7th day of February A.D. 1997.

Pamela C. Seld

Notary Public

MY COMMISSION EXPIRES FEBRUARY 24, 1997

Inst # 1997-04187

02/07/1997-04187  
03:53 PM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
002 HCD 11.00