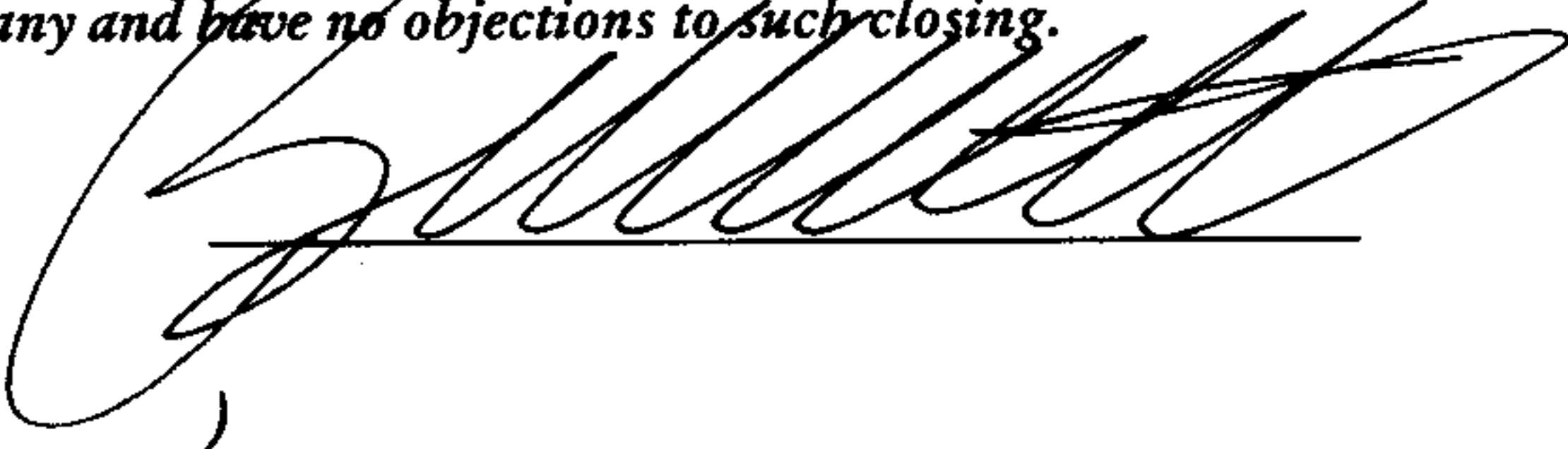


AFFIDAVIT

I, Bernie Higginbotham, President of Higginbotham Oil Co., do hereby certify that we do not utilize nor have any intention of utilizing and recognizing as private the road known on the tax map as Old Harpersville Private Road found in Section 27, Township 19, Range 1 West. I understand that this road is being closed by Birmingham Realty Company and have no objections to such closing.



STATE OF ALABAMA)

COUNTY OF SHELBY)

I, the undersigned Notary Public, in and for said County in said State, hereby certify that Bernie Higginbotham, whose name as President of Higginbotham Oil Company, Inc., is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument be/she, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation.

Given under my hand and official seal this 7 day of December, 1998.

C. Paul M. Hardin
Notary Public

MY COMMISSION EXPIRES APRIL 11, 2000
Commission Expiration

(NOTARY SEAL)

02/04/1999-05015
11:18 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
001 HNS 8.50

Inst # 1999-05015