

STATE OF ALABAMA  
JEFFERSON COUNTY

**AFFIDAVIT**

Before me, the undersigned Notary Public, did this day personally appear before me Jay H. Clark, who is known to me and, after being duly sworn did testify and affirm as follows:

My name is Jay H. Clark, I am over the age of 19, am competent to testify, and have personal knowledge of the matters set forth herein.

I am an attorney at law, licensed to practice law in the State of Alabama. On July 1, 1999, I served as the closing agent for a real estate transaction wherein John C. Fay, Jr. executed a mortgage in favor of First Commercial Bank on certain real property located in the State of Alabama, Shelby County, and being more particularly described as Exhibit "A" attached hereto and incorporated by reference. This mortgage was filed for record in the Office of the Judge of Probate of Shelby County, Alabama in Instrument #1999-28264.

This affidavit is executed to clarify that John C. Fay, Jr. only held an undivided 1/2 interest in and to the parcel identified as Parcel A at the time the mortgage was executed to First Commercial Bank. It was the parties' intent that said mortgage was to be secured by John C. Fay, Jr.'s undivided 1/2 interest in Parcel A, and a full interest to both Parcel B and Parcel C.

This affidavit is given for the purpose of inducing Land Title Company of Alabama to issue its policy of title insurance in connection with the above referenced transaction.

Further, affiant sayeth not.

  
JAY H. CLARK

Sworn to and subscribed before me on this the 20<sup>th</sup> day of September, 1999.

  
NOTARY PUBLIC

My Commission Expires: 8-3-2002

Inst # 1999-41418

10/05/1999-41418  
09:38 AM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
001 CJ1 8.50