

**AFFIDAVIT
REGARDING FENCE ENCROACHMENT**

State of Alabama)
County of Shelby)

I, being first duly sworn, on oath depose and state that Lake Providence, L.L.C., an Alabama corporation, owns the following property (the "Property"):

See Exhibit A attached hereto.

Lake Providence, L.L.C. owns the Property and, during all the time that Lake Providence, L.L.C. has owned the property, its enjoyment thereof has been peaceable and undisturbed and the title to said property has never been disputed to my knowledge, nor do I know of any facts by reason of which the title to, or possession of, said property might be disputed or by reason of which any claim to any of said property might be asserted adversely to Lake Providence, L.L.C. and more particularly:

1. There is a fence encroaching upon a portion of the Property from real property owned by W.C. Bowden.
2. Said fence is missing sections and does not block or completely hinder travel across the Property.
3. I, as a member of Lake Providence, L.L.C., was duly appointed by the members and managers of Lake Providence, L.L.C. to communicate with Mr. W.C. Bowden, the permission of Lake Providence, L.L.C. to Mr. Bowden's temporary maintenance of the fence upon the Property.
4. Mr. Jimmy Roberts, acting for himself and for Mr. W.C. Bowden, has agreed that the fence which begins on his real property encroaches upon the Property and agreed that the common boundary between his real property and the Property is as described on Exhibit A hereto, and not along said fence.
5. I have personally delivered the letter attached hereto as Exhibit B to Mr. W.C. Bowden in confirmation of my discussions with him.

IN WITNESS WHEREOF, Edward T. Wright has executed this Affidavit as of the 22nd day of December, 1999 as a duly authorized member of Lake Providence, L.L.C.

LAKE PROVIDENCE, L.L.C.

By: Edward T. Wright
Edward T. Wright
Its Member

STATE OF ALABAMA)
COUNTY OF JEFFERSON)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Edward T. Wright, whose name as member of Lake Providence, L.L.C., a corporation, is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day, that being informed of the contents thereof, he, 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 the 22nd day of December, 1999.

Victoria B. Cross
Notary Public
My Commission Expires: 6/11/2001

12/30/1999-52679
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SHELBY COUNTY JUDGE OF PROBATE
19.30

Inst # 1999-52679

EXHIBIT A

Legal Description of Lake Providence, L.L.C. Property

EXHIBIT "A"

Commence at a 3" capped pipe in place accepted as the Northwest corner of Section 8, Township 18 South, Range 1 East, Shelby County, Alabama, said point being the point of beginning. From this beginning point proceed South 88° 48' 08" East along the North boundary of said section for a distance of 1329.73 feet to a 1" crimp top pipe in place; thence proceed South 88° 30' 02" East along the North boundary of said section for a distance of 1317.46 feet; thence proceed South 00° East along the East boundary of said quarter-quarter section for a distance of 437.68 feet to its point of intersection with the North right-of-way line of County Highway No. 41; thence proceed South 65° 00' West along the North right-of-way line of said road for a distance of 1883.70 feet to a concrete right-of-way monument; thence proceed Southwesterly along the North right-of-way line of said road for a chord bearing and distance of South 54° 56' 39" West, 674.96 feet; thence proceed North 63° 49' 51" West for a distance of 790.09 feet; thence proceed North 50° 22' 04" West for a distance of 1726.78 feet; thence proceed North 46° 05' 45" East for a distance of 352.86 feet to a pine knot in place accepted as the Northwest corner of the Northeast one-fourth of the Northeast one-fourth of Section 7, Township 18 South, Range 1 East, Shelby County, Alabama; thence proceed South 89° 33' 17" East along the North boundary of said quarter-quarter section for a distance of 1398.08 feet to the point of beginning.

Less and accept lots 1-10, according to the survey of Lake Providence, as recorded in Map Book 24, Page 73, in the Probate Office of Shelby County, Alabama.

EXHIBIT B

Correspondence Confirming Agreement

LAKE PROVIDENCE, L.L.C.
63 COVENANT COVE
LEEDS, ALABAMA 35094

Mr. W. C. Bowden
Mr. Jimmy Roberts
Highway 41
Leeds, Alabama 35094

Re: Common Property Line

Dear Mr. Bowden and Jimmy:

Thank you for discussing the location of the common property line between our parcels of real estate with me over the past weeks. Pursuant to my discussion with Jimmy on Sunday, December 19, 1999, I understand that you agree that the location of the property line as flagged by our surveyor, Ray Gilliland, is the proper boundary line location. For your records, I have attached a copy of the legal description of our property which, contains the line flagged by our surveyor.

As you know, the current fence line, which crosses a portion of our property, does not currently interfere with the use of our property. Accordingly this letter grants you permission to maintain your fence where it is presently located on the property of Lake Providence, L.L.C. for the present time.

Also, as we have discussed with you, Lake Providence, L.L.C., (or the Homeowner's Association created by it) is interested in obtaining an access easement from you to allow easier use of the eastern portion of our property. We will be in touch with you soon to discuss whether you are willing to grant such an easement to us.

We hope you and your families have a joyous Christmas season.

Very truly yours,



Edward T. Wright

Inst # 1999-52679

EW/lfd

12/30/1999-52679
02:37 PM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
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