

STATE OF ALABAMA
COUNTY OF SHELBY

AFFIDAVIT

Before the undersigned Notary Public in and for said State and County personally appeared Wendy W. Nunnally, who is known to me, and who says on oath as follows:

I am Wendy W. Nunnally, and I reside at 67 Overhill Road Montevallo, Shelby County, Alabama. I have personal knowledge of the ownership and use of the property in Shelby County, Alabama, described as follows:

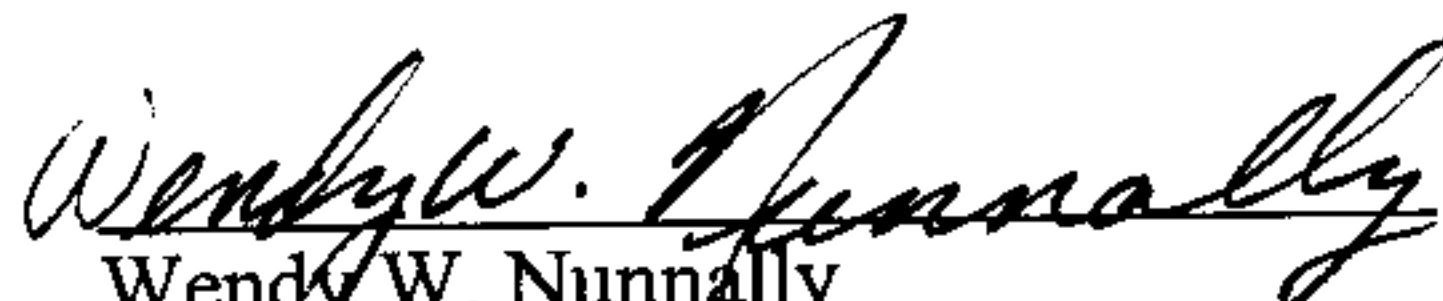
The NW 1/4 of the SW 1/4 of Section 3, Township 20, Range 3 West, Shelby County, Alabama (the "Property").

I was married in the year 1951 to Luther H. Nunnally. I know that the Property had been in my husband's family for many years prior to our marriage, and the McLendon family home was situated on this site. Since 1951, I have personal knowledge that the Property has been owned and possessed by my husband, then my children and later by me. I have purchased this land in different parcels beginning in 1985.

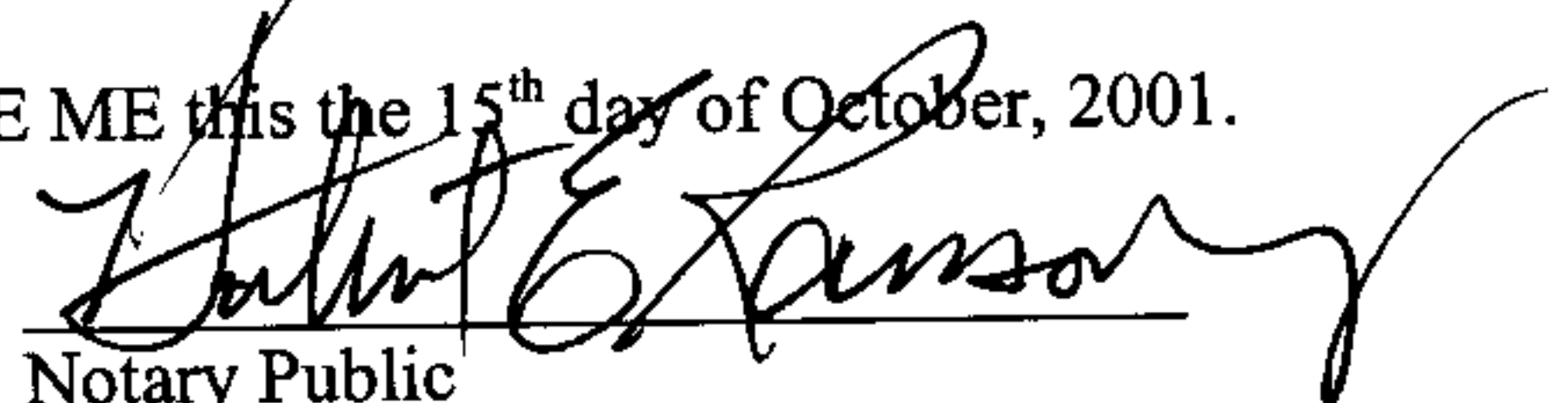
I am familiar with the fact that the road leading to the Property from Main Road in the Town of Helena (now known as Highway 261), and continuing in a northerly direction to the Property and beyond, has been used for many years as the access road to the Property. I have personally known that since 1951, it has been used for such access, and to the best of my knowledge, it was used for many years prior to then. Since 1951, my family has continued to use the road for access to the Property without objection from anyone, and without having to ask permission from anyone. Our use has been continuous over that period of time, and I have no knowledge of anyone claiming that we did not have the full right to use the road.

This Affidavit is given in conjunction with my proposed sale of the Property to provide evidence to the buyer that the buyer has the right to use the above-described, established road as a right-of-way to the Property.

Done this 15th day of October, 2001.


Wendy W. Nunnally

SWORN TO AND SUBSCRIBED BEFORE ME this the 15th day of October, 2001.


Notary Public
State of Alabama at Large

My Commission Expires 5/7/2005

10/18/2001-45195
02:05 PM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
001 KEL 12.00

Inst # 2001-45195