

This Instrument Prepared By:  
James F. Burford, III  
Attorney at Law  
1318 Alford Avenue Suite 101  
Birmingham, Alabama 35226

STATE OF ALABAMA )  
SHELBY COUNTY )

AFFIDAVIT

Paul F. Polhill as President of Franklin Automotive, Inc., and Robert Dow, after first being duly sworn deposes and state as follows: Our names are Robert Dow and Paul F. Polhill. We are both over the age of 21 years, of sound mind and have personal knowledge of the facts stated herein. Paul F. Polhill is the president of Franklin Automotive, Inc. Robert Dow was a general partner of the Partnership (as hereinafter defined) on June 27, 1997.

On June 27, 1997, Dow, Wideman, Lawaczeck and Childs, a general partnership (the Partnership) executed a deed to Franklin Automotive, Inc. (Franklin), which Deed is recorded in Inst. # 1997-36369 Probate Office of Shelby County, Alabama (the Deed). Described in the Deed and attached as Exhibit A to the Deed is an easement (the Easement). The Deed grants the Easement as a non-exclusive easement from the Partnership to Franklin.

The Easement was initially granted to the Partnership by Eugene Grater and Mary Ann Grater by document recorded in Inst. # 1994-32739 Probate Office of Shelby County, Alabama (the Original Easement). The description of the Original Easement was defective in that the quarter-quarter section wherein the Easement is located was incorrectly described. This defect was corrected by Corrective Easement recorded instrument #1995-18540 Probate Office of Shelby County, Alabama.

The purpose of this Affidavit is to state that since November 1, 1994, the Partnership has used the Easement as a means of ingress and egress and since June 27, 1997, Franklin has used the Easement as a means of ingress and egress. There exists a road upon the Easement which is visible and the use of the Easement has been open. The use of the easement and the rights thereto have been continuous since November 1, 1994, and the rights to use the Easement have not been disputed by any person, firm or corporation.

Done and intended to be effective the date and year that this Affidavit has been executed as indicated below

By: [Signature]  
Robert Dow (Date)

Franklin Automotive, Inc.  
By: [Signature]  
Paul F. Polhill, President (Date)

01/04/2002-00867  
02:39 PM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
11:00  
001 MEL

STATE OF ALABAMA )  
[Signature] COUNTY )

I, the undersigned, a Notary Public for the State of Alabama at Large do hereby certify that Robert Dow, whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me this day that, being informed of the contents of said instrument, he executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 26 day of Dec, 2001.

[Signature]  
Notary Public  
My Commission Exp. 3-1-02

STATE OF ALABAMA )  
[Signature] COUNTY )

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Paul F. Polhill, whose name as President of Franklin Automotive, Inc., a corporation is signed to the foregoing instrument, and who is known to me, acknowledged before me this day that, being informed of the contents of the instrument, he, as such officer and with full authority, executed the same voluntarily for and as the act of the corporation.

Given under my hand and official seal this 26 day of Dec, 2001.

[Signature]  
Notary Public  
My Commission Exp. 3-1-02