

STATE OF ALABAMA     )  
SHELBY COUNTY         )

**AFFIDAVIT OF PHILIP DOUGLAS BLACK**

Comes now the undersigned affiant after being duly sworn who deposes and states the following:

1. My name is Philip Douglas Black. I am over the age of 19 years old. I have personal knowledge of the events, facts, occurrences, and transactions described below.

2. I make this affidavit relating to the property located at 233 Highland Park Drive, situated in Shelby County, Alabama, whose legal description is:

**Lot 1701 Highland Lakes 17<sup>th</sup> Sector An Eddleman Community recorded in Map Volume 27, on Page 90, in the Office of the Judge of Probate Shelby County, Alabama.**

3. Stephen Stamp and/or the entity known as ~~Custom Homes by Stephen Stamp~~ <sup>STAMP HOMEBUILDERS, LLC</sup> are the current owners of the above-described property. Stephen Stamp and/or the entity known as ~~Custom Homes by Stephen Stamp~~ <sup>STAMP HOMEBUILDERS, LLC</sup> are constructing a home on said property.

4. John and Jeannie Gustafson plan to purchase the property on or around February 28, 2002.

5. In January of 2002, Stephen Stamp and/or the entity known as ~~Custom Homes by Stephen Stamp~~ <sup>STAMP HOMEBUILDERS, LLC</sup> began constructing a retaining wall for the above-said property that encroached onto my property (i.e. 229 Highland Park Drive).

6. I notified Mr. Stamp that I would not permit such an encroachment and that I expected him to repair the damages proximately caused by his improper actions.

7. Despite my requests, Mr. Stamp, besides for laying a new footing for the retaining wall on his property, has refused to correct the problems and has ignored my written correspondence regarding the situation.

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8. The damages that I have suffered as a direct result of Stephen Stamp's encroachment of my property include, but are not limited to, the following items:

- a) Removal and destruction of Bermuda sod grass.
- b) Removal and destruction of a matured hardwood tree.
- c) Relocation and destruction of various healthy shrubs.
- d) Removal and destruction of extensive amounts of soil, causing an uneven and improper grade on my land.

9. The monetary damages proximately caused by Stamp's encroachment total approximately \$2,500.00.

10. This affidavit is executed for the purpose of recording the claim Philip Douglas Black has for damages caused him during construction on the property whose legal description is **Lot 1701 Highland Lakes 17<sup>th</sup> Sector An Eddleman Community recorded in Map Volume 27, on Page 90, in the Office of the Judge of Probate Shelby County, Alabama**, situated in Shelby County, Alabama.

11. This affidavit is further executed for the purpose of requiring Stephen Stamp and/or the entity known as ~~Custom Homes by Stephen Stamp~~ <sup>STAMP HOMEBUILDERS, LLC</sup> to clear up this dispute prior to transferring ownership of the above-described property to John and Jeannie Gustafson. FURTHER SAITH THE AFFIANT NOT.

  
Philip Douglas Black

STATE OF ALABAMA     )  
SHELBY COUNTY        )

I, Kelli Cleveland a Notary Public in and for said County in said State, hereby certify that **Philip Douglas Black** whose name is signed to the foregoing affidavit and who is known to me, acknowledges before me on this day that being informed of the contents of the Affidavit, he executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 20<sup>th</sup> of February, 2002.

MY COMMISSION EXPIRES 12/10/03

Kelli A. Cleveland  
Notary Public  
My Commission Expires:

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