

STATE OF ALABAMA                    )  
  :  
COUNTY OF SHELBY                 )

**AFFIDAVIT**

McKay Affidavit  
Inst # 2002-13471  
03/21/2002-13471  
04:15 PM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
17.00  
002 KSB

Before me, a notary public in and for said county in said state, personally appeared Joseph E. McKay who, having been duly sworn and deposed, says as follows:

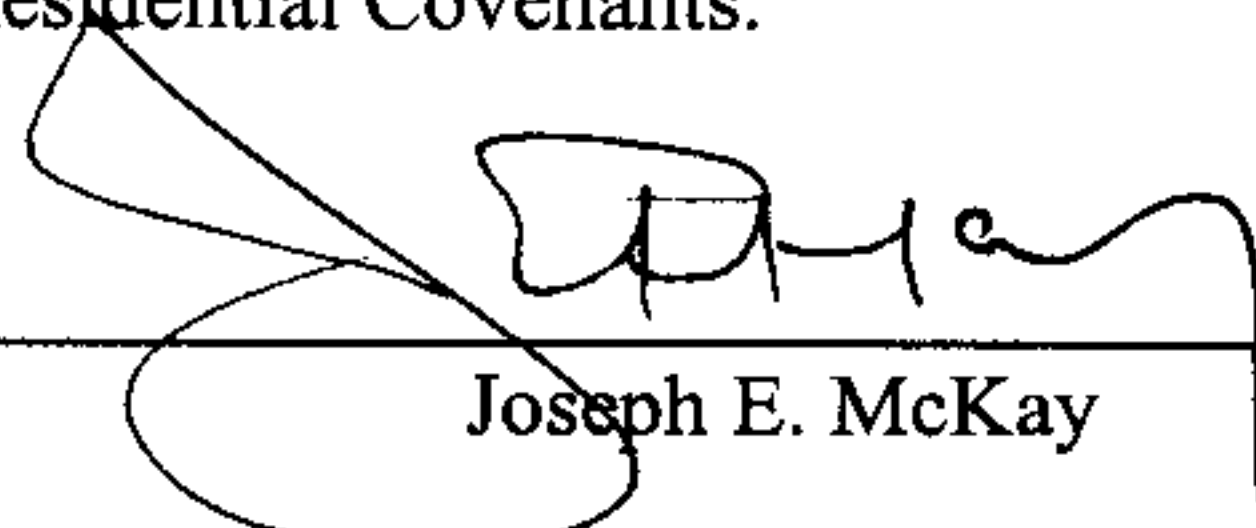
1. My name is Joseph E. McKay and I am the president of McKay Management Corporation, an Alabama corporation ("McKay Management").

2. Since 1992, McKay Management has been the manager of the Riverchase Residential Association, Inc., an Alabama nonprofit corporation (the "Association"). The Association was formed for, among other reasons, to exercise various rights granted to the Association under the Declaration of Protective Covenants, Agreements, Easements, Charges and Liens for Riverchase (Residential) recorded in Misc. Book 14, Page 536 in the Office of the Judge of Probate of Shelby County, Alabama, as amended by Amendment No. 1 recorded in Misc. Book 17, Page 550 in said Probate Office (collectively, the "Riverchase Residential Covenants").


3. From 1985 until 1992, I was the manager of the Harbert-Equitable Joint Venture and my duties included, without limitation, administrative oversight of all aspects of the Association.

4. I am familiar with that certain real property situated in Shelby County, Alabama which is more particularly described in Exhibit A attached hereto and incorporated herein by reference (the "Property"). It is my understanding that the Property is currently owned by EBSCO Industries, Inc., a Delaware corporation.

5. To the best of my knowledge, and without independent inquiry, during the period since 1985, (a) no portion of the Property has been utilized as either a public roadway or for access purposes in order to provide access to any other real property situated adjacent to or in close proximity with the Property and (b) no portion of the Property has been used as a road or driveway by any "Member", as defined in the Riverchase Residential Covenants.

  
\_\_\_\_\_  
Joseph E. McKay

Sworn to and subscribed before me on this 19<sup>th</sup> day of March, 2002.

  
\_\_\_\_\_  
Notary Public  
My commission expires: MY COMMISSION EXPIRES DEC. 16, 2003

**EXHIBIT A**

Part of the East ½ of SE ¼ of NE ¼ of Section 26, Township 19 South, Range 3 West, Shelby County, Alabama, being more particularly described as follows:

From the NW corner of said East ½ of SE ¼ of NE ¼, run in an Easterly direction along the North line of said East ½ of SE ¼ of NE ¼ for a distance of 77.11 feet to an existing iron pin being the point of beginning. Thence continue along last mentioned course for a distance of 127.80 feet, thence turn angle to the right 1138°18'38" and run in a Southwesterly direction for a distance of 270.97 feet, more or less, to a point on the West line of said East ½ of SE ¼ of NE ¼, thence turn an angle to the right 130°52'24" and run in a Northerly direction along said West line of said East ½ of SE ¼ of NE ¼ for a distance of 112.41 feet, more or less, to an existing iron pin, thence turn an angle to the right 49°07'36" and run in a Northeasterly direction for a distance of 101.97 feet, more or less, to the point of beginning. Containing 0.364 acres more or less.

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**002 MSB 17.00**