

AFFIDAVIT

STATE OF ALABAMA )

COUNTY OF SHELBY )

KNOW ALL MEN BY THESE PRESENTS, that before me personally appeared J. DAN TAYLOR, as Managing Member of GENESIS GROUP, L.L.C., Developer, and as President of OAK PARK HOMEOWNERS ASSOCIATION, INC. ("Affiant") who is the Developer of and is the President of the Homeowners Association of the following described real estate situated in Shelby County, Alabama, to wit:

Lot 219, Sector 2, according to the Final Plat The Woodlands, Sector 2, 4 and 5, as recorded in Map Book 29, Page 99, in the Probate Office of Shelby County, Alabama.

The Affiant personally states as follows:

That, the Survey of the property described herein reveals that there is an encroachment of the structure and appurtenances into the area designated by the Covenants and Restrictions as the "Tree Conservation Area", as shown on the attached Survey known as "Exhibit A"; and

That, Affiant acknowledges that he has reviewed the Survey and as Developer of The Woodlands and that, as President and Director of the Architectural Control Committee of the Oak Park Homeowners Association, Inc., he consents to and allows the encroachment to exist and that such encroachment is a de minimus encroachment and as such, does not violate the Tree Conservation Area and will be allowed exist and remain without exception or violation to the Covenants and Restrictions of The Woodlands.

This is a covenant which shall run with the land.

Witness my hand and seal this 6<sup>th</sup> day of April, 2004.

Agreed to and Approved by:

GENESIS GROUP, L.L.C.

BY: [Signature]  
Affiant J. DAN TAYLOR  
MANAGING MEMBER

OAK PARK HOMEOWNERS ASSOCIATION, INC.

BY: [Signature]  
J. DAN TAYLOR  
PRESIDENT and DIRECTOR OF THE  
ARCHITECTURAL CONTROL COMMITTEE

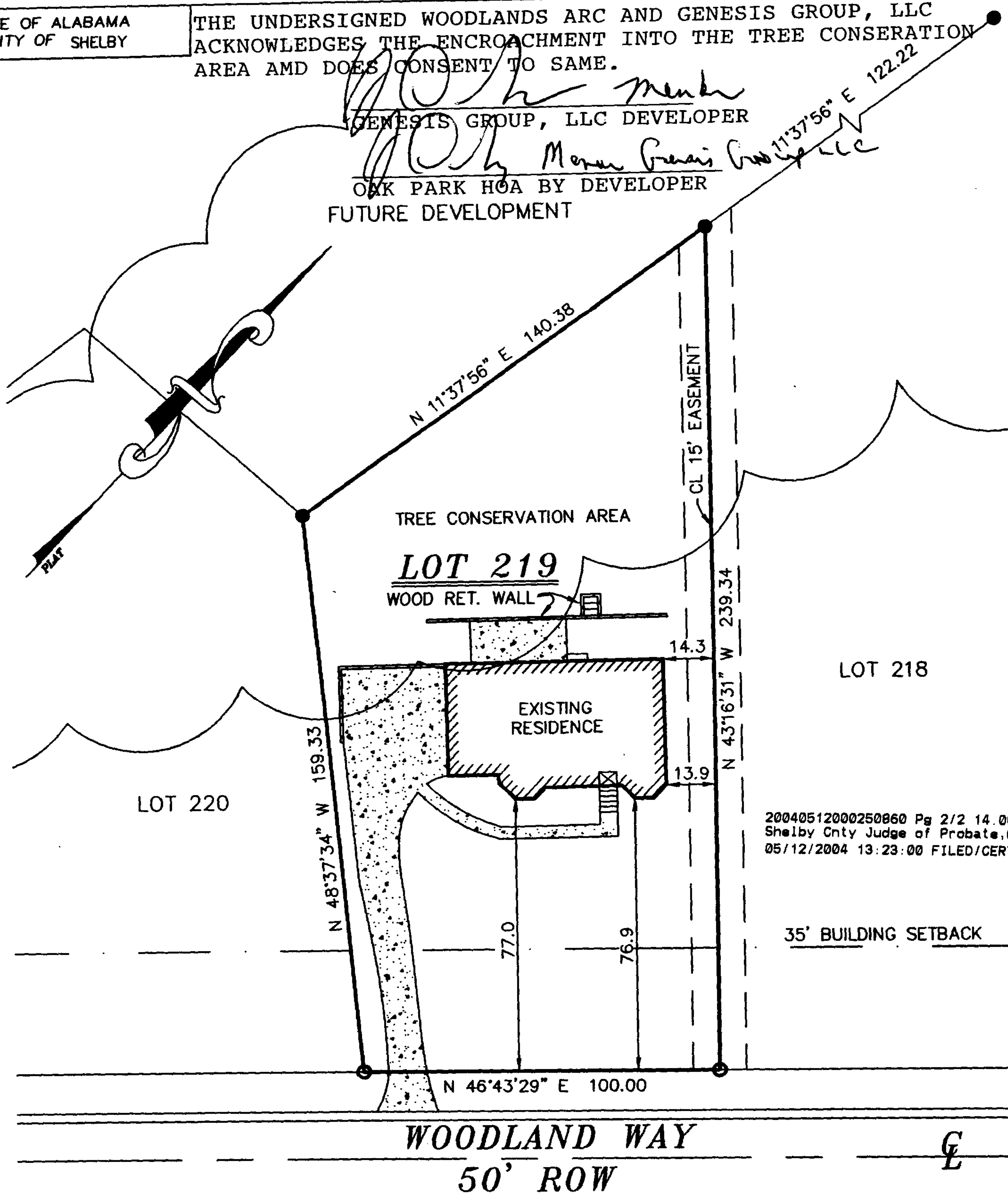
Sworn to and Subscribed Before  
Me this 6th day of April, 2004.

[Signature]  
NOTARY PUBLIC Carla Martin Kirk  
My commission expires: 5/30/05

ANNE R. STRICKLAND  
ATTORNEY AT LAW  
5330 STADIUM TRACE PKWY STE. 250  
BIRMINGHAM, AL 35244

STATE OF ALABAMA  
COUNTY OF SHELBYTHE UNDERSIGNED WOODLANDS ARC AND GENESIS GROUP, LLC  
ACKNOWLEDGES THE ENCROACHMENT INTO THE TREE CONSERVATION  
AREA AND DOES CONSENT TO SAME.

GENESIS GROUP, LLC DEVELOPER

OK PARK HOA BY DEVELOPER  
FUTURE DEVELOPMENT

Survey of Lot 219, Block \_\_\_\_\_ according to FINAL PLAT THE WOODLANDS SECTORS 2, 4 & 5, as recorded in the Office of the Judge of Probate of afore-said County in Plat Book 29, Page 99. The address based on reliable information and sources of said Lot is 1214 WOODLAND WAY, the CITY OF HOOVER, Alabama and is INSIDE the corporate limits of F.I.R.M. Community-Panel Number 010191 0065 B Dated SEPT. 16, 1982.

SURVEY FOR: ADAMS

REQUESTED BY: CARLA &amp; DIANE TAYLOR

TYPE OF SURVEY: MORTGAGE SURVEY

DATE OF FIELD SURVEY: 5/3/04