

AFFIDAVIT OF CONSENT TO TRANSFER TITLE
SUBJECT TO RIGHT OF FIRST REFUSAL

STATE OF ALABAMA)
COUNTY OF SHELBY)

RE: Lot 2709, according to the Survey of Highland Lakes, 27th Sector, an Eddleman Community, as recorded in Map Book 32, Page 20, the Probate Office of Shelby County, Alabama; being situated in Shelby County, Alabama.

Whereas, the undersigned Highland Lakes Development, Ltd., an Alabama Limited Partnership, being the grantor in that certain deed recorded in Instrument No. 20031205000791640 in the Probate Office of Shelby County, Alabama did retain a right of first refusal to repurchase the above described property.

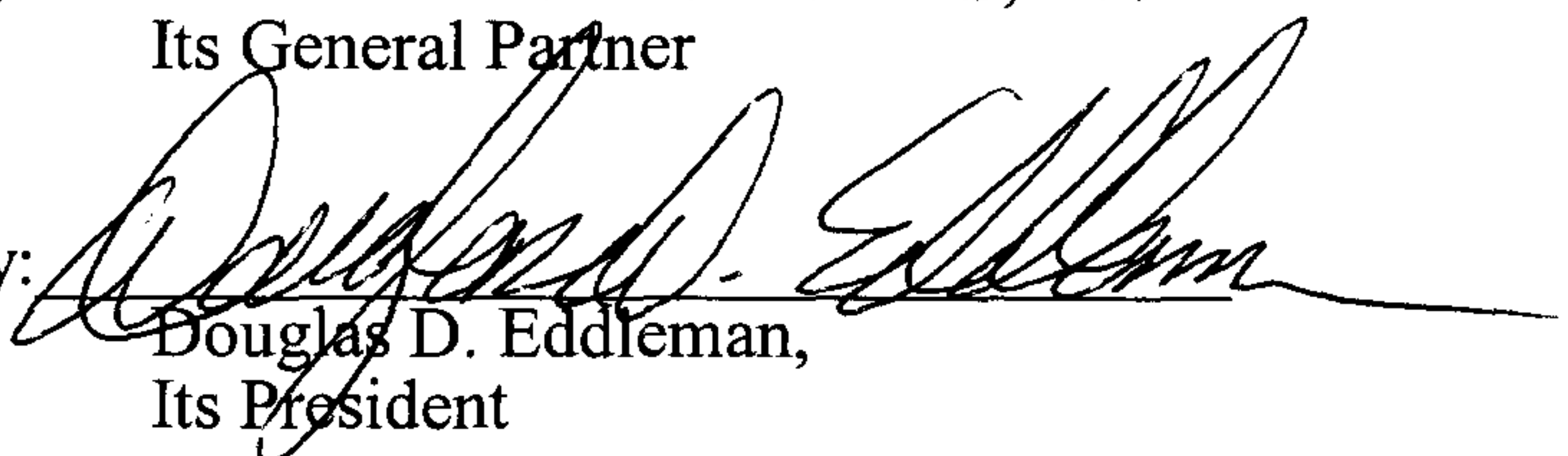
Whereas, Carroll Enterprises, LLC, the Grantee, has not constructed a residence in compliance with the terms set forth in that certain deed recorded in Instrument No. 20031205000791640; and Whereas, Carroll Enterprises, LLC desires to convey said Lot 2709 to Distinctive Builders, Inc.; and Whereas, Highland Lakes Development, Ltd. hereby consents to the transfer of title subject to the terms of the deed, specifically, the right of first refusal to repurchase the above described property, and the exclusive right to sell listing agreement with Eddleman Properties, Inc., so that Carroll Enterprises, LLC can convey the above described Lot 2709.

Now Therefore, Highland Lakes Development, Ltd. hereby consents to the transfer of title subject to Distinctive Builders, Inc. commencing construction within the remaining six months of the right of first refusal to repurchase the above described Lot 2709, and subject to the dwelling to be constructed on said property being listed through the exclusive right to sell listing agreement with Eddleman Properties, Inc.

In Witness Whereof, the undersigned, Highland Lakes Development, Ltd., has caused this consent to transfer of title subject to the right of first refusal on this the 4th day of June, 2004.

HIGHLAND LAKES DEVELOPMENT, LTD.

By: EDDLEMAN PROPERTIES, INC.
Its General Partner

By: 
Douglas D. Eddleman,
Its President

STATE OF ALABAMA)
COUNTY OF JEFFERSON)

I, the undersigned, a Notary Public in and for said County in said State hereby certify that Douglas D. Eddleman, whose name as President of Eddleman Properties, Inc., an Alabama Corporation, which is General Partner of Highland Lakes Development, Ltd., an Alabama Limited Partnership, is signed to the foregoing Deed, and who is known to me, acknowledged before me on this day that, being informed of the contents of the above and foregoing Deed, he, as such officer, and with full authority, executed the same voluntarily for and as the act of said Corporation acting in its capacity as general partner of said limited partnership.

Given under my hand and official seal of office this the 4th day of June, 2004.

NOTARY PUBLIC

My Commission expires: 6-5-2007