

**AFFIDAVIT OF DOCUMENT PREPARER**

STATE OF ALABAMA

COUNTY OF JEFFERSON

Before me, the undersigned authority in and for said County in said State, personally appeared William H. McGowen III, who having been by me first duly sworn, deposes and says that he prepared the Warranty Deed conveying certain real property in Shelby County, Alabama described on Exhibit "A" attached hereto, which was and is not the homestead of the grantor, Stacey L. DeFranco, that the Warranty Deed was executed by the grantor, Stacey L. DeFranco, to CARMELLO PROPERTIES, LLC, the grantee, on or about the 1st day of February, 2002, and that said Warranty Deed was recorded March 1, 2002 in the Office of the Judge of Probate of Shelby County and assigned Instrument # 2002-10087.

Executed this the 7<sup>th</sup> day of March, 2005.

William H. McGowen III

I, Ginger B. Donahoe, a Notary Public in and for said County in the State of Alabama, hereby certify that William H. McGowen III, whose name is signed to the foregoing Affidavit, and who is known to me, acknowledged before me on this day, that, being informed of the contents of this Affidavit, he executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 7 day of March, 2005.

SEAL

Ginger B. Donahoe  
Notary Public

MY COMMISSION EXPIRES JULY 10, 2007

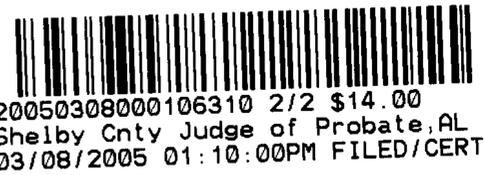


EXHIBIT "A"

A parcel of land located in the SE ¼ of the SE ¼ of Section 21, Township 20 South, Range 3 West, Shelby County, Alabama, being more particularly described as follows:

Begin at the NW corner of Lot 76, Ashley Brook, as recorded in Map Book 22, page 78, in the Probate Office of Shelby County, Alabama; thence South 22°17'42" West along the West line of said Lot 76, a distance of 223.25 feet to a point on the Northerly ROW line of Ashley Brook Lane (50' ROW); said point lying on a curve to the left having a radius of 175.00 feet, a central angle of 21°39'26" and subtended by a chord which bears South 77°13'49" West a distance of 65.76 feet; thence along the arc of said curve and said ROW line a distance of 66.15 feet to end of said curve; thence South 66°24'06" West along said ROW line a distance of 32.84 feet to the beginning of a curve to the right having a radius of 40.00 feet, a central angle of 87°45'21" and subtended by a chord which bears North 69°43'14" West a distance of 61.27 feet to a point, said point lying on the Northeasterly ROW line of Shelby County Highway #17 (80' ROW); thence North 25°50'33" West along said ROW line a distance of 193.67 feet; thence leaving said ROW North 64°09'27" West, a distance of 300.10 feet to a point lying on the West line of Lot 63, of said Ashley Brook Subdivision; thence South 28°28'41" East along said lot line a distance of 41.34 feet, to the point of beginning.

20 FOOT "COMMON" EASEMENT

A 20 foot wide "Common" Easement located in the SE ¼ of the SE ¼ of Section 21, Township 20 South, Range 3 West, Shelby County, Alabama, lying 10 feet on each side of and parallel to the following described centerline:

Commence at the NW corner of Lot 76, Ashley Brook, as recorded in Map Book 22, page 78, in the Probate Office of Shelby County, Alabama; thence North 28°28'41" West along the West line of Lot 63 of said Ashley Brook, a distance of 41.34 feet; thence South 64°09'27" West a distance of 269.10 feet to the point of beginning; said point being the centerline of said 20 foot wide "Common" Easement; thence South 25°50'33" East along said centerline a distance of 116.88 feet to the beginning of a curve to the left, having a radius of 38.0 feet, a central angle of 67°20'31" and subtended by a chord which bears South 59°30'49" East a distance of 42.14 feet; thence along the arc of said curve and said centerline a distance of 44.66 feet to the end of said curve and the beginning of a curve to the right having a radius of 32.0 feet, a central angle of 55°41'38" and subtended by a chord which bears South 65°20'15" East a distance of 29.90 feet; thence along the arc of said curve and said centerline a distance of 31.11 feet to a point on the Northerly ROW line of Ashley Brook Lane, (50' ROW), and the end of herein described easement.