

SELLERS/OWNERS AFFIDAVIT AND INDEMNITY

STATE OF ALABAMA)

SHELBY COUNTY)

THE UNDERSIGNED, Michael R. Inman, as Division President and Vice President of D.R. Horton, Inc. - Birmingham, an Alabama corporation (the "Owner") being first duly sworn, on oath deposes and states as follows:

1. The Owner has owned the real estate situated in Shelby County, Alabama being more particularly described on Exhibit A attached hereto (the "Property") continuously for over one (1) year, and its enjoyment thereof has been peaceable and undisturbed. The title of said Property has never been disrupted to its knowledge, nor does it know of any facts by reason of which the title to, or possession of, said Property might be disputed or of any reason which any claim to any of said Property might be asserted adversely to it.

2. There are no actual or pending suits, proceedings, judgments, bankruptcies, liens or executions against the Owner or the Property other than the liens described in that certain Title Commitment Number 6566R05 issued by Land Title Company of Alabama for Chicago Title Insurance Company (the "Title Company").

3. Any construction, alteration or repairs of any structures or improvements to the Property have been paid by the Owner.

4. The Owner has paid all due taxes, unpaid sewer liens, special assessments for repairs, roads, sewers, or the like, fire district dues, library dues, or other charges.

5. To the best of its knowledge, no party other than Owner is in possession of any portion of the premises above described.

6. Owner, during the time of ownership, of said Property have conveyed no portion of the Property nor done any act nor allowed any act to be done which has changed or could change the boundaries of the Property, except as disclosed in the title commitment.

7. The Owner has allowed no encroachments on said Property by an adjoining land owner, nor have the undersigned encroached upon any property of adjoining land owners.

8. The Owner has allowed no easements, rights of way, continuous driveway usage, drain, sewer, water, gas or pipeline or other rights of passage to others over the Property above described and has no knowledge of such adverse rights, except as disclosed in the Title Commitment.

9. The Owner has no knowledge of any highways, abandoned roads, lanes, cemetery or family burial grounds bordering or running through the Property.

10. The Owner has not allowed, and know of no material violation of any covenants, restrictions, agreements, or conditions affecting the Property and have paid in full all liens for assessments.

OWNER:

D.R. HORTON, INC. - BIRMINGHAM
an Alabama corporation

By: Michael R. Inman
Michael R. Inman
Its Division President and Vice President

STATE OF ALABAMA)
JEFFERSON COUNTY)

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Michael R. Inman, whose name as Division President and Vice President of D.R. Horton, Inc. - Birmingham, an Alabama corporation, is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, and as such officer, he executed the same voluntarily and with full authority for and as the act of said corporation.

Given under my hand and official seal this 2th day of March, 2005.

Begina H. Ellis
NOTARY PUBLIC
My Commission expires: 10-29-05



20050426000199610 3/3 \$17.00
Shelby Cnty Judge of Probate, AL
04/26/2005 01:48:00PM FILED/CERT

EXHIBIT A

Lots 40 and 41, according to the Survey of Grande View Garden & Townhomes,
First Addition as recorded in Map Book 26, page 16 in the Probate Office of
Shelby County, Alabama.