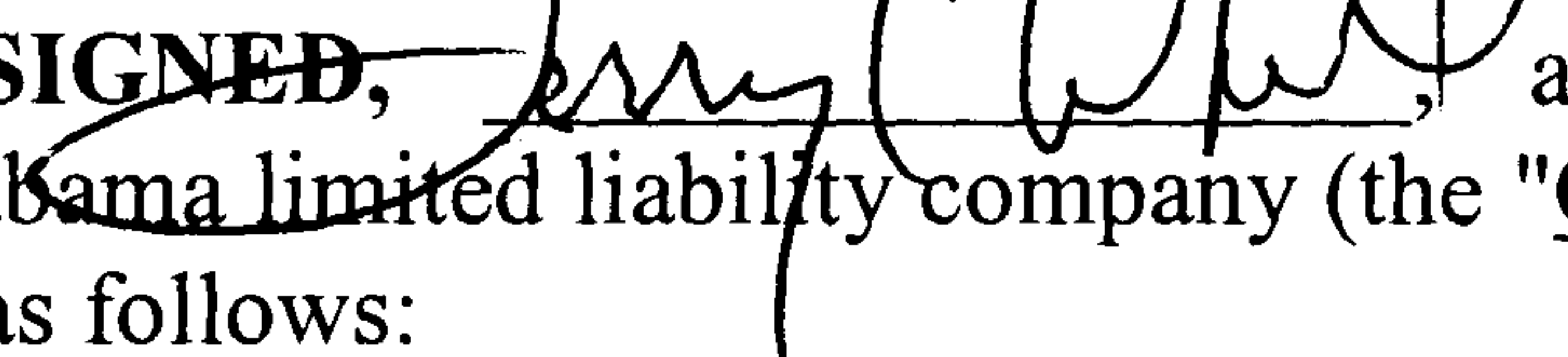


SELLER'S AFFIDAVIT

STATE OF ALABAMA)

SHELBY COUNTY)

THE UNDERSIGNED, , as MEMBER of Tocoa Minerals, L.L.C., an Alabama limited liability company (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 three (3) months, 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.

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.

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.

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.

Dated: October 25, 2005

OWNER:

TACOA MINERALS, LLC
an Alabama limited liability company

By: Jerry C. Whitt

Name: Jerry C. Whitt

Its: member

STATE OF ALABAMA)
SHELBY COUNTY)

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Jerry C. Whitt, whose name as A Member of Tocoa Minerals, L.L.C., an Alabama limited liability company, 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 member, 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 25th day of October, 2005.

Sellen C. Prescott
NOTARY PUBLIC

My Commission expires: 2/3/08

EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

PARCEL I

A tract of land, situated in the East half of the Northeast quarter of Section 29, Township 21 South, Range 4 West of the Huntsville Principal Meridian, Shelby County, Alabama being more particularly described as follows:

Commence at the Northeast corner of Section 29, Township 21 South, Range 4 West; thence in a Westerly direction along the North boundary of said Section 180.22 feet; thence turning an angle of 50 degrees 31 minutes 33 seconds to the left in a Southwesterly direction, 482.08 feet to the point of beginning of tract herein described; thence turning an angle of 93 degrees 21 minutes 45 seconds to the left in a Southeasterly direction 96.69 feet; thence turning an angle of 61 degrees 53 minutes 18 seconds to the right in a Southwesterly direction, 323.04 feet; thence turning an angle of 16 degrees 19 minutes 28 seconds to the right in a Southwesterly direction, 801.74 feet; thence turning an angle of 20 degrees 57 minutes 16 seconds to the right in a Southwesterly direction, 303.15 feet; thence turning an angle of 55 degrees 21 minutes 07 seconds to the right in a Northwesterly direction 258.54 feet; thence turning an angle of 91 degrees 40 minutes 24 seconds to the right in a Northeasterly direction, 535.80 feet; thence turning an angle of 7 degrees 42 minutes 34 seconds to the right in a Northeasterly direction 122.28 feet thence turning on an angle of 10 degrees 18 minutes 36 seconds to the right in a Northeasterly direction 193.10 feet; thence turning an angle of 2 degrees 11 minutes 48 seconds to the right in a Northeasterly direction, 191.47 feet; thence turning an angle of 6 degrees 59 minutes 06 seconds to the right in a Northeasterly direction, 490.22 feet; thence turning an angle of 86 degrees 36 minutes 15 seconds to the right in a Southeasterly direction 121.64 feet to the point of beginning.

PARCEL II

Commence at the Southeast corner of Section 20, Township 21 South, Range 4 West; thence run Northwesterly 292.73 feet along the North line of the South diagonal of the South half of the Southeast quarter of the Southeast quarter of said Section 20, Township 21 South, Range 4 West to the East right-of-way line of Southern Railway Company, said point being the point of beginning; thence continue Northwesterly 1,198.36 feet to the Northwest corner of the Southwest quarter of the Southeast quarter of the Southeast quarter of said Section 20, Township 21 South, Range 4 West; thence run Southwesterly 933.19 feet to the Southwest corner of the Southeast quarter of the Southwest quarter of the Southeast quarter of said Section 20, Township 21 South, Range 4 West, said point also being on the South line of said Section 20, Township 21 South, Range 4 West; and also being on the North line of Section 29, Township 21 South, Range 4 West; thence run 1,361.87 feet to the Southeast corner of the Southwest quarter of the Southwest quarter of the Northwest quarter of the Northeast quarter of said Section 29, Township 21 South, Range 4 West, said point also being on the South line of the North half of the Northeast quarter of said Section 29, Township 21, South, Range 4 West; thence run Easterly 1,127.39 feet along the South line of said North half of the Northeast quarter of said Section 29, Township 21 South, Range 4 West, to a point on the West line of a tract of land quitclaimed by USX Corporation to Oak Mountain Energy Corporation by deed dated August 24, 1996; thence run Northeasterly along the

West line of said tract 208.38 feet; thence turn a deflection angle to the right of 7 degrees 42 minutes 34 seconds and run Northeasterly along the West line of said tract 122.28 feet; thence turn a deflection angle to the right of 10 degrees 18 minutes 36 seconds and run Northeasterly along the West line of said tract 193.10 feet; thence turn a deflection angle to the right of 2 degrees 11 minutes 48 seconds and run Northeasterly along the West line of said tract 191.47 feet thence turn a deflection angle to the right of 6 degrees 59 minutes 06 seconds and run Northeasterly 490.22 feet; thence turn a deflection angle to the right of 86 degrees 36 minutes 15 seconds and run Southeasterly 100 feet to the East right-of-way line of Southern Railroad Company; thence run Northeasterly along said East right-of-way line of Southern Railway Company 547.31 feet to the point of beginning.

PARCEL III

A tract of land lying in the Northwest quarter of the Southwest quarter and the Northeast quarter of the Southwest quarter of Section 28, Township 21 South, Range 4 West, more particularly described as follows:

Commence at the Southwest corner of the Southwest quarter of the Southwest quarter of Section 28, Township 21 South, Range 4 West; Thence run North along the West line of said Section 28 a distance of 1760.98 feet; thence turn right 90 degrees 0 minutes 00 seconds and run Easterly 1274.44 feet to the point of beginning; thence turn left 78 degrees 39 minutes 30 seconds and run Northeasterly 219.49 feet; thence turn right 89 degrees 59 minute 56 seconds and run Southeasterly 87.15 feet; thence turn right 90 degrees 00 minutes 00 seconds and run Southwesterly 219.49 feet; thence turn right 90 degrees 00 minutes 19 seconds and run Northwesterly 87.15 feet to the point of beginning.

PARCEL IV

A tract of land, situated in the Southeast quarter of the Northwest quarter of Section 28, Township 21 South, Range 4 West more particularly described as follows:

Commence at the Southwest corner of Section 28, Township 21 South, Range 4 West; thence run North along the West line of said Section 28 a distance of 3388.73 feet; thence turn right 90 degrees and run Easterly a distance of 1942.04 feet to the point of beginning; thence turn left 48 degrees 49 minutes 55 seconds and run Northeasterly a distance of 189.06 feet; thence turn right 72 degrees 12 minutes 18 seconds and run Southeasterly a distance of 203.99 feet; thence turn right 90 degrees 42 minutes 46 seconds and run Southwesterly a distance of 200.80 feet; thence turn right 93 degrees 52 minutes 03 seconds and run Northwesterly a distance of 260.10 feet to the point of beginning.

PARCEL V

A tract of land lying in the Southeast quarter of the Southeast quarter of Section 20, Township 21 South, Range 4 West and also in the West half of the Southwest quarter of Section 21, Township 21 South, Range 4 West more particularly described as follows:



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Commence at the Southwest corner of the Southwest quarter of the Southwest quarter of Section 21, Township 21 South, Range 4 West; thence run North along the West line of said Section 21, 890.01 feet to the point of beginning; thence turn left 88 degrees 31 minutes 17 seconds and run Westerly 103.06 feet to a point on the Westerly right of way of Southern Railroad; thence turn right 107 degrees 37 minutes 39 seconds and run Northeasterly along said right of way 708.44 feet; thence turn 90 degrees and run Southeasterly 184.26 feet; thence turn right 30 degrees 13 minutes 17 seconds and run Southeasterly 226.97 feet; thence turn right 33 degrees 50 minutes 13 seconds and run Southeasterly 144.96 feet; thence turn left 0 degrees 19 minutes 22 seconds and run Southeasterly 192.25 feet; thence turn right 107 degrees 11 minutes 36 seconds and run Northwesterly 96.36 feet; thence turn left 45 degrees 53 minutes 31 seconds and run Southwesterly 217.55 feet; thence turn right 37 degrees 20 minutes 08 seconds and run Westerly 220.97 feet to the point of beginning.