


This instrument was prepared by and upon recording returned to:
Calvert C. Sullins, Esq.
Burr & Forman LLP
420 N. 20th Street, Suite 3100
Birmingham, Alabama 35203


20051102000570810 1/3 \$17.00
Shelby Cnty Judge of Probate, AL
11/02/2005 03:10:44PM FILED/CERT

AFFIDAVIT

STATE OF ALABAMA)
SHELBY COUNTY)

Before me, the undersigned Notary Public, personally appeared Christopher W. Hoyt, who being duly sworn, deposes and says as follows:

My name is Christopher W. Hoyt and I am the Manager of Calera Commons LLC ("Calera Commons").

Calera Commons purchased certain real property described on Exhibit A attached hereto (the "Property") from the Industrial Development Board, City of Calera (the "IDB"), which Property was acquired by the IDB from the State of Alabama, Alabama Department of Transportation ("ALDOT").

Attached hereto as Exhibit B is the letter provided to Calera Commons by the IDB evidencing ALDOT's refusal of its right of repurchase the Property pursuant to Ala. Code § 9-15-82 (1975).

This Affidavit is made this 1st day of November, 2005.

FURTHER, Affiant saith not.

CALERA COMMONS LLC

By: 

Christopher W. Hoyt
Its Manager

STATE OF ALABAMA)
COUNTY OF JEFFERSON)

I, Edward Christian, a Notary Public in and for said County in said State, hereby certify that Christopher W. Hoyt, whose name as Manager of **CALERA COMMONS LLC**, 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 such instrument, he, as such manager and with full authority, executed the same voluntarily for and as the act of said limited liability company.


Given under my hand and seal, this 31st day of Nov 2005.


NOTARY PUBLIC

[SEAL]

My Commission Expires: 5/14/06

EXHIBIT A
Legal Description of the Property


20051102000570810 2/3 \$17.00
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A parcel of land situated in Section 4, Township 22 South, Range 2 West, being more particularly described as follows:

Beginning at an iron pin located at the NE Corner of the NE 1/4 of the SE 1/4, Sec. 4, T-22-S, R-2-W, said point being the POINT of BEGINNING of the property being conveyed, thence S 0° 0' 1" W and along the east line of said 1/4 1/4 a distance of 367.37 feet, more or less, to a found open top iron; thence S 88° 30' 50" W and along a line a distance of 1350.08 feet, more or less; thence N 5° 51' 0" E and along a line a distance of 91.93 feet, more or less, to a point; thence N 7° 1' 28" E and continuing along said line a distance of 451.28 feet more or less, to a point on the south R/W line of a Dirt Road with a R/W of unknown width thence S 89° 28' 10" E and along said R/W a distance of 666.23 feet, more or less, to a point; thence S 88° 25' 30" E and continuing along said R/W line a distance of 619.11 feet, more or less, to a set iron pin on the 1/4 1/4 line of Section 4; thence S 0° 0' 0" W and along said 1/4 1/4 line a distance of 113.74 feet, more or less, to the point and place of Beginning.

EXHIBIT B
Letter

20051102000570810 3/3 \$17.00
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11/02/2005 03:10:44PM FILED/CERT

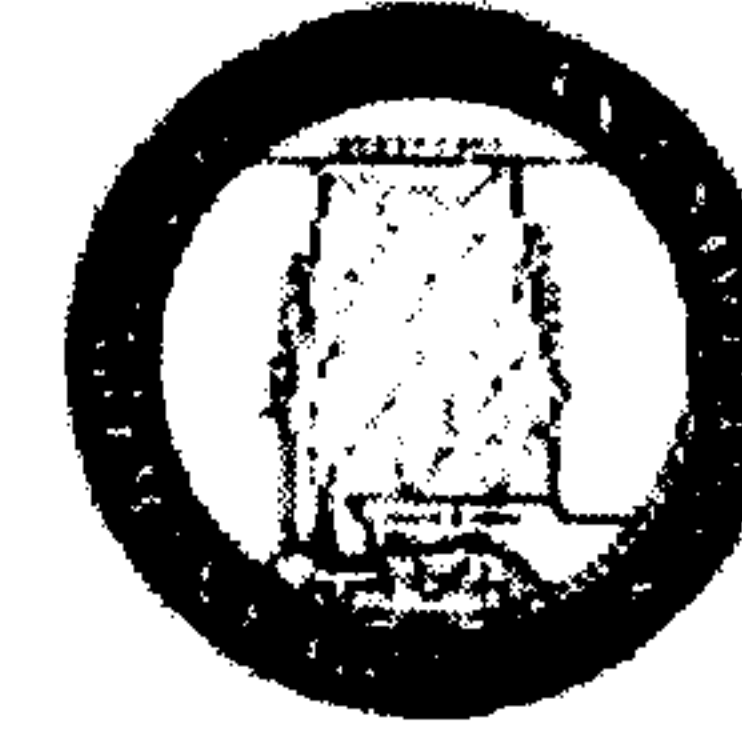


Bob Riley
Governor

ALABAMA DEPARTMENT OF TRANSPORTATION

1409 Coliseum Boulevard
P.O. Box 303050
Montgomery, Alabama 36130-3050

Telephone: 334/242-6311 - Fax No.: 334/262-8041



Joe McInnes
Transportation Director

October 28, 2005

Mr. Bill Schroeder, Chairman
Industrial Development Board,
City of Calera
P. O. Box 180
Calera, Alabama 35040

RE: Re-Purchase of Former Department of
Transportation District Property

Dear Mr. Schroeder *Bill*

As you are aware, the Department of Transportation has exchanged its former district office with the Calera Industrial Development Board for new property on which new district offices have been constructed.

Under Ala. Code § 9-15-82 (1975), if property sold by the State is re-sold within five (5) years from the date it was acquired, the State has the right to re-purchase the property at the price it was sold by the State.

Since the Department of Transportation exchanged the property and buildings thereon for new property and the construction of new buildings and facilities, the Department hereby declines and waives any right to re-purchase the original district office complex and property.

Thank you for your cooperation and assistance.

Sincerely,

Joe McInnes
Transportation Director

JDM/JRIJr/lab

cc: ALDOT Legal Bureau