

AFFIDAVIT

COUNTY OF JEFFERSON

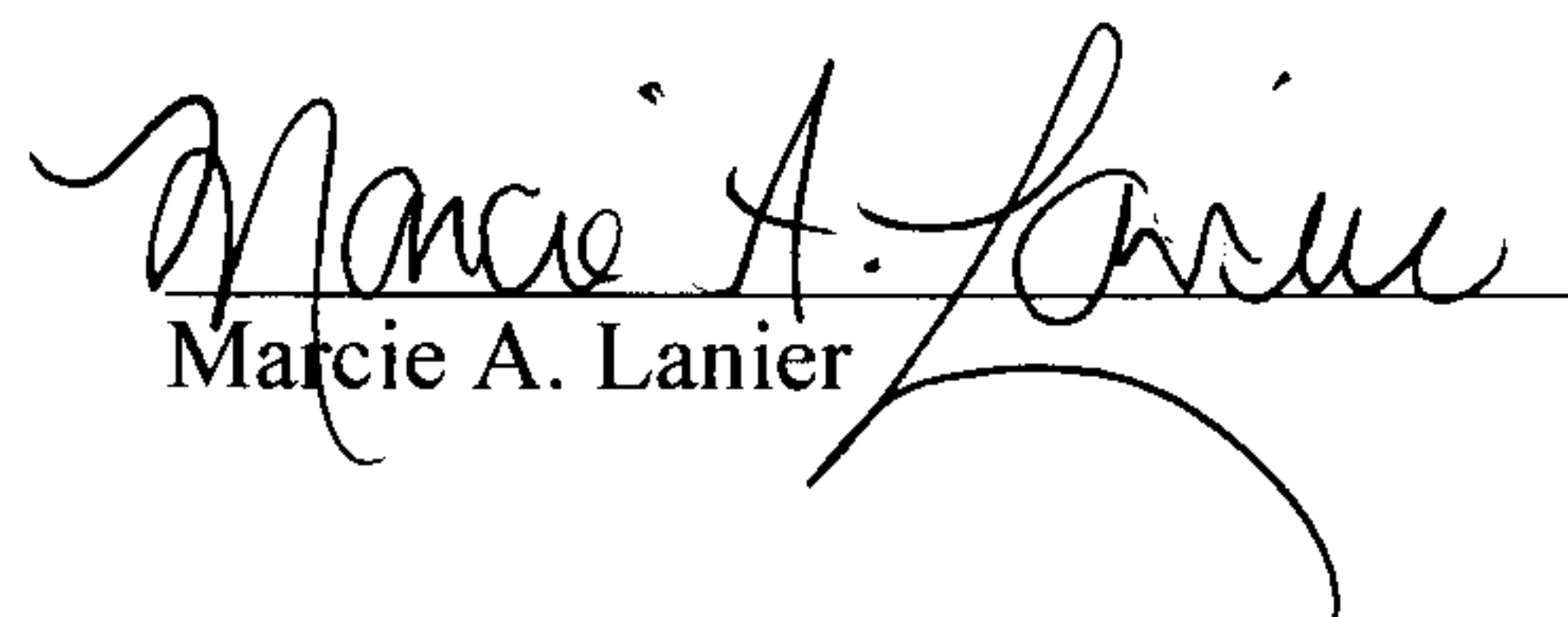
STATE OF ALABAMA

The warranty deed from Grantors Frank C. Ellis, III, LLC, executed by Frank C. Ellis, III, as Managing Member and S K Properties, LLC executed by Shannon Kilgore, as Managing Member to Brittany Shell conveying real estate situated in Shelby County, Alabama and more particularly described as: Commence at the SouthWest corner of the Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 31, Township 20 South, Range 2 East; thence run Easterly along the South line thereof 97.00 feet to the Southeasterly right of way of Shelby County Highway 25 and the Point of Beginning; thence continue along the last described course for 218.20 feet; thence 73 deg. 25 min. 01 sec. left run Northeasterly for 56.77 feet; thence 84 deg. 49 min. 30 sec. left run Northeasterly for 182.28 feet to the Southeasterly right of way of aforesaid county highway; thence 83 deg. 40 min. 00 sec. left run Southwesterly along said right of way for 138.27 feet to the point of beginning; being situated in Shelby County, Alabama, has been executed as required by the Articles of Organization and Operating Agreement of each entity.

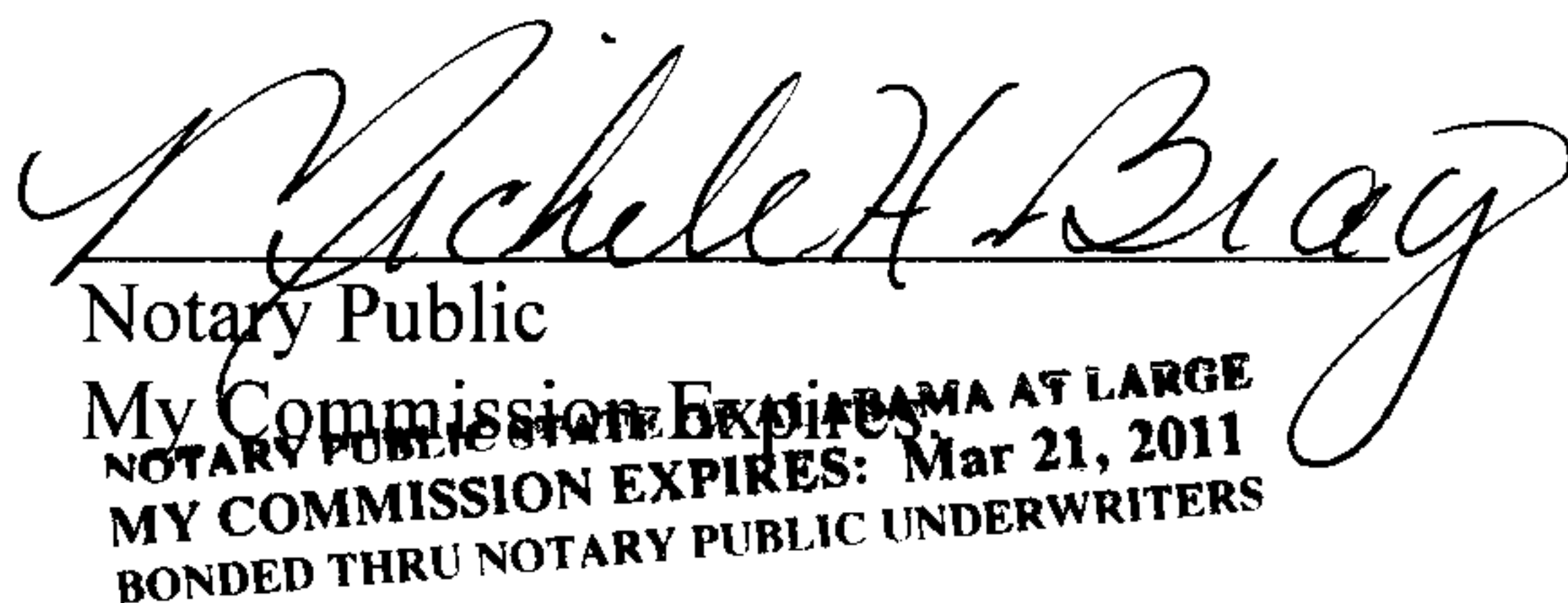
The Articles of Organization of Frank C. Ellis, III, LLC, which is one and the same entity as Frank Corly Ellis, III, LLC, paragraph 5, provides that the Initial Member of the Company is Frank C. Ellis, III. Paragraph 8 provides that the management of the Company is vested in the Initial Member. The Operating Agreement of Frank C. Ellis, III, LLC, paragraph 7.5(c) provides that the Managing Member shall have the right to approve the sale of real estate owned by the Company and do all things necessary to carry out the sale and disposition of Property. Furthermore, no changes have been made to the Articles of Organization nor the Operating Agreement since execution of same.

The Amended Articles of Organization of S K Properties, LLC, paragraph 5, provides that the initial member of the LLC is Shannon Kilgore. Paragraph 8 further provides that the LLC shall be managed by the Managing Member as set out in the Operating Agreement. The Operating Agreement of S K Properties, LLC, paragraph 7.5(c) provides that the Managing Member shall have the right to approve the sale of real estate owned by the Company and do all things necessary to carry out the sale and disposition of Property. Furthermore, no changes have been made to the Articles of Organization of S K Properties, LLC nor the Operating Agreement of S K Properties, LLC other than Amending the Articles of Organization to provide that the sole initial member of the LLC is Shannon Kilgore.

IN WITNESS WHEREOF, the undersigned has executed this affidavit this 20th day of September, 2007.


Marcie A. Lanier

Signed, sealed and delivered in the presence of:


Notary Public
My Commission Expires: Mar 21, 2011
NOTARY PUBLIC STATE OF ALABAMA AT LARGE
MY COMMISSION EXPIRES: Mar 21, 2011
BONDED THRU NOTARY PUBLIC UNDERWRITERS

[NOTOTIAL SEAL]

Eric Johnston