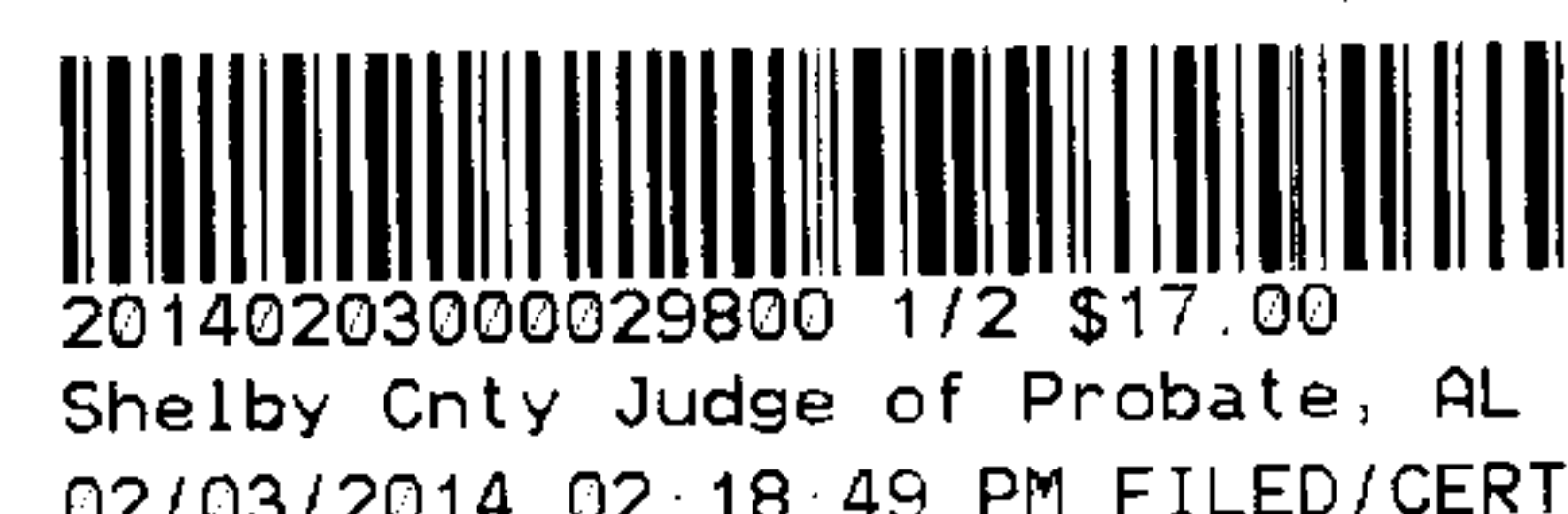




AFFIDAVIT

STATE OF ALABAMA
COUNTY OF SHELBY

Before me, the undersigned, a Notary Public in and for said county in said state, personally appeared Kristi L. Parker and Ralph C. Parker, who after being duly sworn, depose and say as follows:

1. My name is Kristi L. Parker/Ralph C. Parker. Our address is: 531 Castlebridge Lane, Birmingham, Al. 35242. We were the Sellers of property located at 1328 Legacy Drive, Birmingham, Al. 35242 and further described as:

Lot 518A, according to the Resurvey of Lots 7, 516A and 518 and Common Area B, Greystone Legacy, 5th Sector as recorded in Map Book 35, page 6 in the Office of the Judge of Probate of Shelby County, Alabama.

2. We entered into a Real Estate Sales Contract with Christopher T. Ary and Misty Ary to sell the above mentioned property. Title work was completed by South Oak Title (Binder 13-138). However, the title search discovered a Mechanic's Lien - Verified Statement of Lien against this property recorded in Instrument #20130410000148300 and recorded on April 10, 2013 in favor of Windham Landscape, LLC against Kristi L. Parker in the amount of \$1872.50.

3. In December, 2012 Windham Landscape, LLC agreed to perform landscaping work on the above mentioned property (a 3-4 day project) for a \$4,000 price. Work on the property was started in December, 2012 and lasted for a day and a half.

4. We contacted Windham Landscape, LLC and requested that they return to the property and secure the site from erosion issues which had developed, and after Greystone Residential Association sent out a warning letter as to same, accompanied by a phone call from the City of Hoover because of a disturbance to the property next door – a result of the work performed by Windham Landscape, LLC, or rather, the noncompletion of the work.

5. In January, 2013, Windham Landscape, LLC returned to the property and worked for two days, planting trees, seed and scattering straw, which completed the project to 50% completion. However, the site was still incomplete as to the erosion and sprinkler system issues.

6. In February, 2013 multiple attempts were made to contact Windham Landscape to complete the project, secure the site and repair the damage done to adjacent properties. There was no response forthcoming from Windham Landscape, LLC.

7. In February, 2013 we were forced to hire another contractor to stabilize the site to prevent further damage. That contractor was Phillip Edwards Trucking.

8. In March, 2013 we hired Landscape Workshop, LLC to complete the project as we had a sales

contract for the property, and all work needed to be finished by the time of the closing April 30, 2013. Several problems were discovered once the work was begun owing to the previous work performed by Windham Landscape, LLC as follows:

1. Sprinkler system breaks that were buried under planted trees.
2. Crushed French drains caused by grading machines and not repaired.
3. Internet and cable lines cut and damaged.
4. Trees planted incorrectly which had to be replanted to correct depths.

9. Due to the damage to the site and non-performance by Windham Landscape, LLC, we incurred a cost overrun in making the site acceptable, i.e. \$7,608.00, as follows:

\$2,000 paid to Windham Landscape, LLC

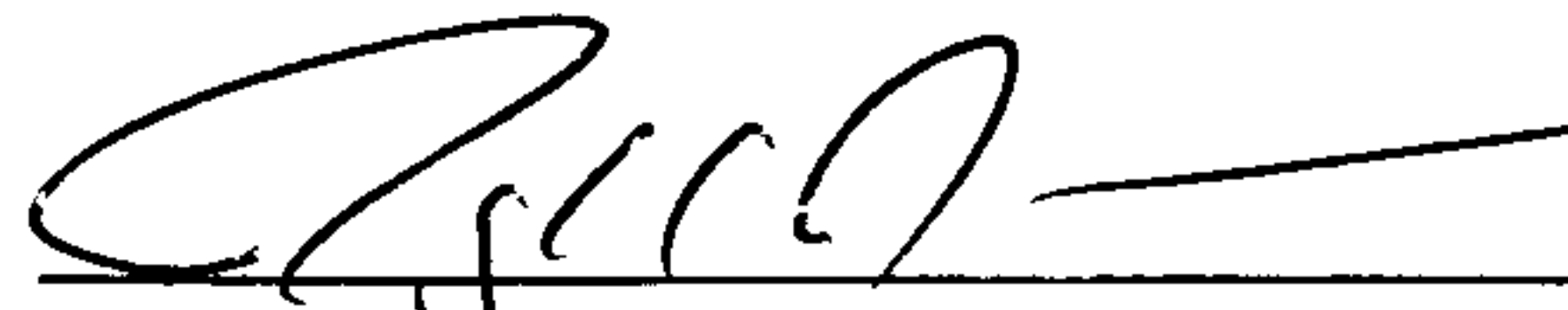
380 to Phillip Edwards Trucking to secure the site

5,228 to Landscape Workshop to complete the job

10. To summarize, this 3-4 day project took 4 months to complete and correct previous work and cost an overage of \$3,608.00 from the original price.

11. It has now been over six months since any materials were ordered or work done on this property. Windham Landscape, LLC has not perfected its lien by filing a lawsuit since that time. Therefore, it is the purpose of this affidavit to request that South Oak Title refund the Sellers' \$2808.75, monies escrowed at closing in attempts to resolve this issue and to issue the final title policy clear of this lien.


KRISTI L. PARKER


RALPH E. PARKER

Sworn to and subscribed before me on this the 23 day of JANUARY, 2014.


NOTARY PUBLIC

MY COMMISSION EXPIRES: 10-13-14

Prepared By:
Marcus L. Hunt
2803 Greystone Commercial Blvd.
Suite 12
Birmingham, AL 35242


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Shelby Cnty Judge of Probate, AL
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