


STATE OF ALABAMA       )  
                                     :  
COUNTY OF SHELBY       )

  
20141125000371800 1/2 \$18.00  
Shelby Cnty Judge of Probate, AL  
11/25/2014 01:38:52 PM FILED/CERT

**AFFIDAVIT**

Before me, a Notary Public, in and for said State at Large, personally appeared Harold B. Yellin, who, being first duly sworn, deposes on oath and says as follows:

“My name is Harold B. Yellin. I am an attorney actively engaged in the practice of law in Savannah, Georgia and represent Valleydale Village, LLC, a Delaware limited liability company, in connection with the purchase from Valleydale, LLC of certain property known as Valleydale Village, Birmingham, Alabama. A tenant in that shopping center is Publix, as evidenced by Memorandum of Lease between Valleydale, LLC, and Publix Alabama, LLC, recorded in the Office of the Judge of Probate of Shelby County, Alabama, in Instrument No. 20020729000351010 and as amended by instrument recorded in Instrument No. 20020729000109790.

Attached to this Affidavit as Exhibit “A” is a true and correct copy of a letter dated November 18, 2014 that has been received in connection with the sale of Valleydale Village. The reference in the letter to “The Rosen Group, Inc.” is the original named purchaser under the contract to buy the property from Valleydale, LLC. The Rosen Group, Inc. has assigned its rights to buy the property under the contract to Valleydale Village, LLC, and the latter entity is acquiring the property.

This Affidavit is made for the purpose of clarifying the relationship between The Rosen Group, Inc. and Valleydale Village, LLC, and for the purpose of establishing matters set forth in the attached letter.”

Dated this 19<sup>th</sup> day of November, 2014.

Harold B. Yellin (L.S.)  
Harold B. Yellin

SWORN TO and SUBSCRIBED before me this 19<sup>th</sup> day of November, 2014.

(SEAL)

Theresa Mays  
Notary Public  
My commission expires \_\_\_\_\_

This instrument was prepared by:  
Jeffrey W. Blitz, Esq.  
Rushton, Stakely, Johnston & Garrett, P.A.  
Post Office Box 270  
Montgomery, Alabama 36101-0270  
(334) 206-3100  
9708-0001

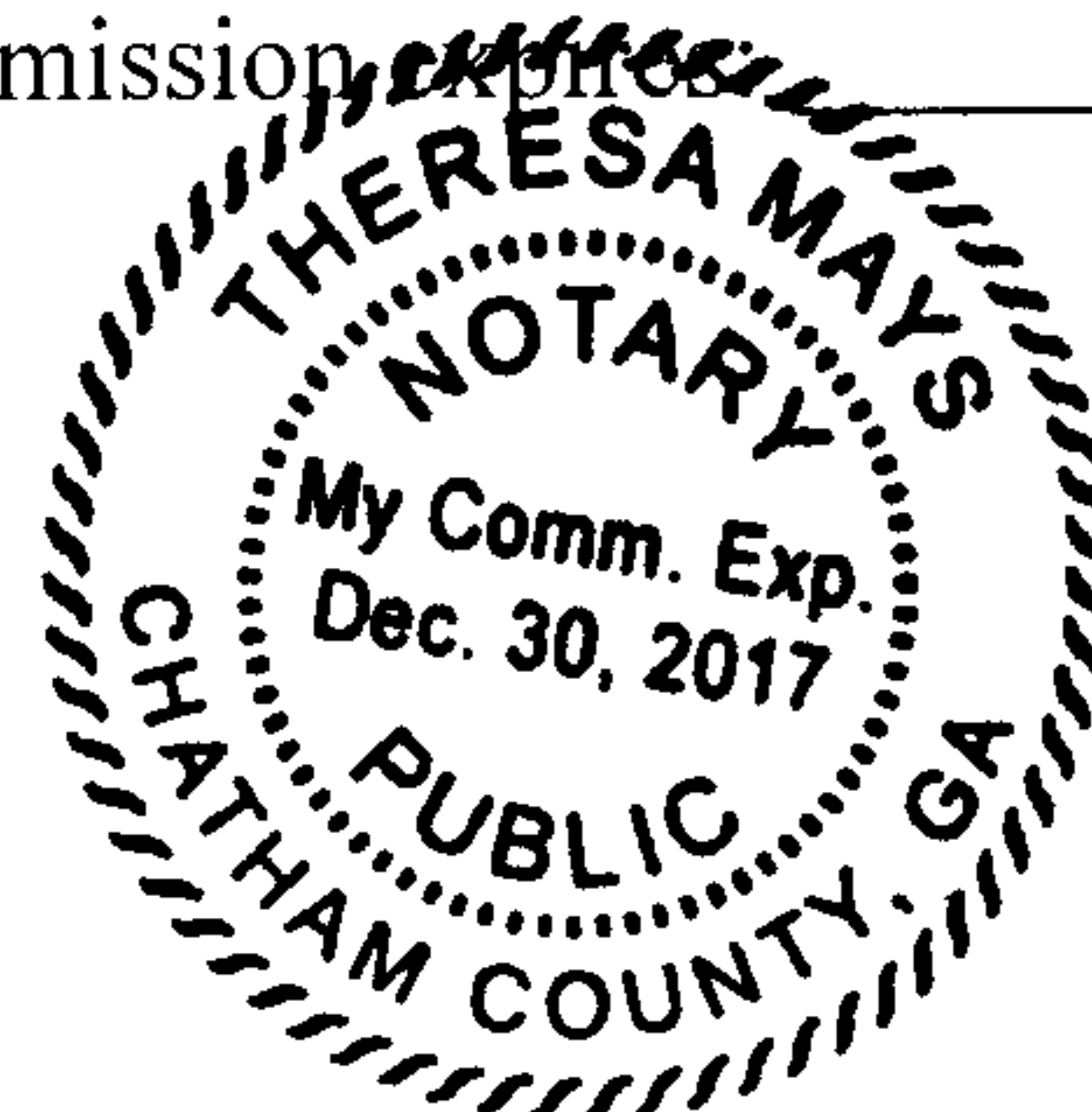


Exhibit "A"

20141125000371800 2/2 \$18.00  
Shelby Cnty Judge of Probate, AL  
11/25/2014 01:38:52 PM FILED/CERT

Publix

November 18, 2014

Scott Porter  
One Independent Drive  
Suite 114  
Jacksonville, FL 32202

Re: Lease between Valleydale, LLC and  
Publix Super Markets, Inc.  
Valleydale Village  
Birmingham, AL (Publix #0838)

Mr. Porter:

The purpose of this letter is to confirm that, pursuant to Section 49.05 of the Lease Agreement, the Right of First Refusal for the benefit of Publix Super Markets, Inc. (as referenced in the Fourth Amendment to Lease Agreement dated November 10, 2014), does not apply to the current sale of Valleydale Village from Valleydale, LLC to The Rosen Group, Inc.

If you have any further questions on this matter, please feel free to contact me at (863) 688-7407 ext. 52270.

Sincerely,



Woody Rayburn  
Director of Real Estate Assets

Publix Super Markets, Inc. \* P.O. Box 407 \* Lakeland, FL 33802  
(863) 688-7407 \* fax (863) 499-5465

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