

*This instrument was prepared by
and when recorded return to:*
Claude McCain Moncus, Esq.
CORLEY MONCUS, P.C.
728 Shades Creek Parkway, Suite 100
Birmingham, Alabama 35209
205.879.5959

AFFIDAVIT

Before me, the undersigned authority, a Notary Public, personally appeared the undersigned affiant, Jack W. Kidd who after first being duly sworn, deposes and says the following:

I am a resident of Shelby County, Alabama, and I am over the age of nineteen (19) years.

I was a General Partner in Eastwood Mini-Storage Company, an Alabama general partnership ("**Eastwood**") and have personal knowledge of the facts set forth herein.

Eastwood and I own what is known as Walt Drive, Shelby County, which is a certain thirty (30) foot private right-of-way for ingress and egress described in Exhibit "**A**" attached hereto and made a part hereof. Prior to 1997, Walt Drive was established and to be used by a 400 Unit Mini Storage Facility (the "**Mini Storage Facility**"), a 12 Unit Office Warehouse Facility (the "**Office Warehouse Facility**"), a Hotel originally known as the Suburban Lodge Hotel Facility (the "**Hotel Facility**") and a Car Wash Facility (the "**Car Wash Facility**"). The Mini Storage Facility is currently owned by Life Storage LP, the Office Warehouse Facility is currently owned by me/Eastwood, the Hotel Facility (now a Budgetel Hotel) is currently owned by The Mountain Lodge BAL, LLC, a Georgia limited liability company, and the Car Wash Facility is currently owned by AJK, LLC, an Alabama limited liability company (my son's company).

By Grant of Easement dated August 27, 1997 and recorded on September 3, 1997 at Instrument No. 1997-28141 in the Shelby County Probate Office, Eastwood granted to me as the owner of the Hotel Facility ingress and egress along Walt Drive.

On September 5, 1997, a Road Maintenance Agreement was entered into by Eastwood and Cahaba Valley Self-Storage, an Alabama general partnership, which Road Maintenance Agreement was recorded on September 19, 1997, at Instrument No. 1997-30269 in the Shelby County Probate Office. The Road Maintenance Agreement was entered into for the purposes of maintaining Walt Drive by the Mini Storage Facility, the Office Warehouse Facility, the Hotel Facility, and the Car Wash Facility, and their successors and assigns. .

By Grant of Easement dated December 5, 2008 and recorded December 17, 2008 at Instrument No. 2001217000467410 in the Shelby County Probate Office, Eastwood granted to FDK, LLC (the owner of the Hotel Facility) and to AJK, LLC (the owner of the Car Wash Facility) ingress and egress along Walt Drive. This Grant of Easement was subject to the Road Maintenance Agreement.

By Easement dated November 22, 1995, and recorded on November 25, 1995 at Book 50, Page 412, Shelby County Probate Office, William W. Wright and Rosemary Wright, granted a 25 foot easement to Robert D. L. Smith and Susie Smith. (the "**Smith Easement**").

By Easement dated November 23, 1995, and recorded on November 25, 1995 at Book 50, Page 414, Shelby County Probate Office, Robert D. L. Smith and Susie Smith granted a 25 foot non-exclusive easement for ingress and egress to William W. Wright and Rosemary Wright (the "**Wright Easement**").

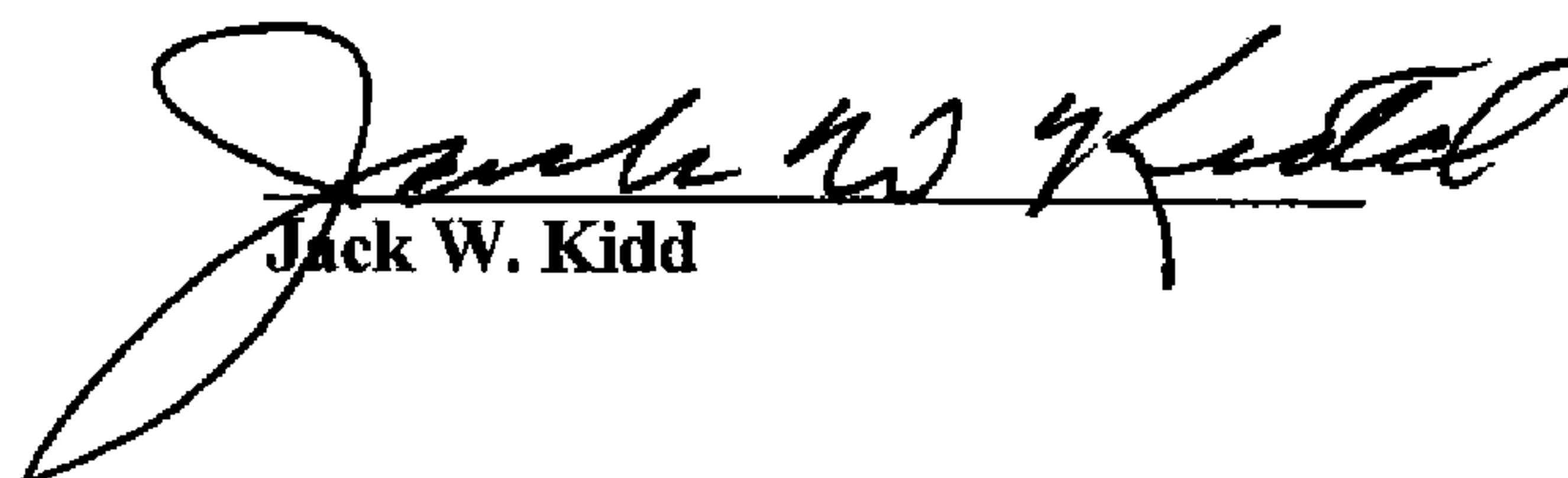
By Corrected Easement dated December 17, 1985, and recorded on January 8, 1996 at Book 56, Page 336, Shelby County Probate Office, wherein the Smith Easement was corrected (the "**Corrected Easement**").

From prior to 1997 to the present the Mini Storage Facility, the Office Warehouse Facility, the Hotel Facility, and the Car Wash Facility have used Walt Drive as their sole means of ingress and egress to their respective properties.

On or about May 9, 2003, AJK, LLC (my son's company) acquired its property, closed a construction loan with First Commercial Bank, and built the Car Wash Facility. The Wright Easement, the Smith Easement and the Corrected Easement were not reflected in the title searches or the title policies issued by The Title Group, Incorporated as agent for First American Title Insurance. The Car Wash Facility was built on top of the Wright Easement and the Smith Easement (as corrected).

At some time prior to 1997, or at least by 2003, the Wright Easement and the Smith Easement (as corrected) were abandoned, terminated and vacated by the then current property owners. Neither the Wright Easement nor the Smith Easement (as corrected) were used by the public or open to the public as they were private easements serving one another's property. Neither the Wright Easement nor the Smith Easement (as corrected) were ever used by the Mini Storage Facility, the Office Warehouse Facility, the Hotel Facility, and the Car Wash Facility. The successor property owner(s) had the right to abandon, terminate and vacate such easements.

In Witness Whereof, the undersigned has set his hand and seal on this 26th day of June, 2017.

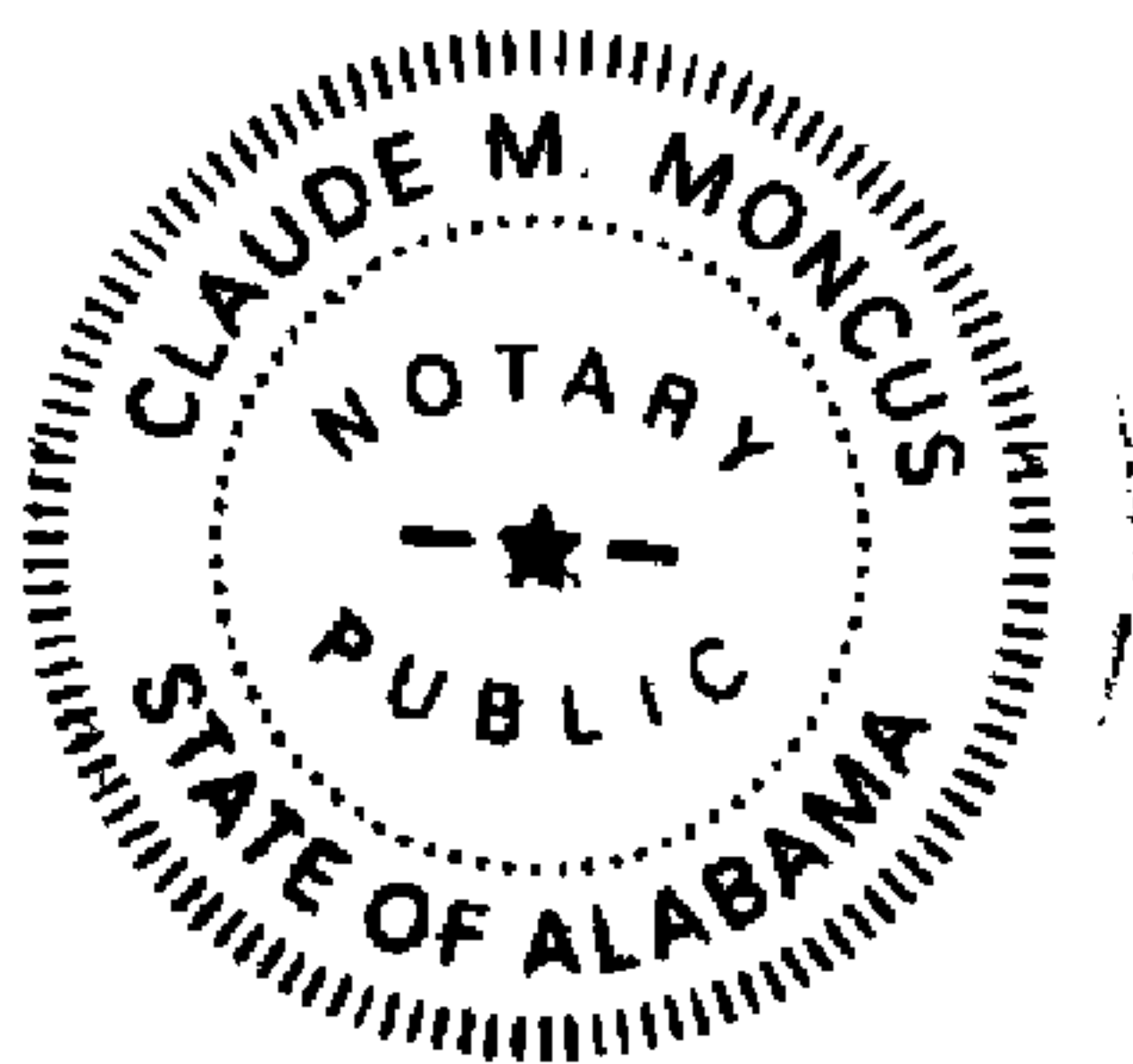

Jack W. Kidd

**SWORN AND SUBSCRIBED BEFORE
THE UNDERSIGNED NOTARY PUBLIC
THIS 26TH DAY OF JUNE, 2017**


Notary Public

My Commission Expires: 12/21/2019

[Notary Seal]



Filed and Recorded
Official Public Records
Judge James W. Fuhrmeister, Probate Judge,
County Clerk
Shelby County, AL
06/27/2017 07:55:00 AM
\$18.00 CHERRY
20170627000228100

