

STATE OF ALABAMA )  
SHELBY COUNTY )

1942

AFFIDAVIT

Before me the undersigned authority, a Notary Public in and for said County, in said State, personally appeared SAMUEL J. MARTIN, who is known to me, and who, being by me first duly Sworn, deposes and says as follows:

My name is Samuel J. Martin, and I am a Registered Land Surveyor in the State of Alabama, having registration number 12501. At the instruction of the owner, Franklin Properties, Inc., I prepared the surveys for the plat or map of the subdivisions known as CEDAR COVE - PHASE II and CEDAR COVE - PHASE III. Each of these surveys show the true and correct division of said lands, giving the lengths and bearings of the boundaries of each lot and its number. The survey of the subdivision known as Cedar Cove - Phase II is recorded in Map Book 9, at page 111, in the Probate Office of Shelby County, Alabama, and the survey of the subdivision known as Cedar Cove - Phase III is recorded in Map Book 10, at page 34, in the Probate Office of Shelby County, Alabama. The subdivision known as Cedar Cove - Phase III contains one and only one lot numbered 8. It is my understanding that there is now some confusion as to whether this lot numbered 8 is a part of Block 2, the remainder of which Block appears on the map or plat recorded as Cedar Cove - Phase II, or a part of Block 3, which is depicted on the map or plat recorded as Cedar Cove - Phase III.

It was my intention that the lot numbered 8, be a part of Block 2, as further depicted on the map or plat known as Cedar Cove - Phase II, and therefore legally described as Lot 8, Block 2, Cedar Cove - Phase III, as recorded in Map Book 10, page 34. However, because of the proximity of this lot numbered 8 depicted on the plat or map known as Cedar Cove - Phase III, to Lot 9, in Block 3, the legal description of this lot numbered 8 could be justly interpreted to be Lot 8, Block 3, Cedar Cove - Phase III, as recorded in Map Book 10, page 34. It is my opinion that because there is only one lot numbered 8 depicted on the plat or map known as Cedar Cove - Phase III, which is recorded in Map Book 10, page 34, regardless of whether or not it is described as Lot 8, Block 2, or as Lot 8, Block 3, either description would indicate the same parcel of land.

I have also been informed that the instruments which appear of record in the Probate Office of Shelby County, Alabama, in Real Volume 156, page 561 (a deed), Real Volume 121, page 332 (a mortgage), and Real Volume 167, page 697 (a foreclosure deed), all give the legal description of the above lot numbered 8 as being Lot 8, Block 3, Cedar Cove - Phase III, as recorded in Map Book 10, page 34, whereas, these should have given the legal description as Lot 8, Block 2, Cedar Cove - Phase III, as recorded in Map Book 10, page 34. Because there is one and only one lot numbered 8 depicted on the plat or map known as Cedar Cove - Phase III, the above instruments describe one and the same parcel of land regards of the Block number indicated on the instruments.

BOOK 253 PAGE 661

*Samuel J. Martin*  
Samuel J. Martin

Sworn to and subscribed before me this 28th day of August, 1989.  
I CERTIFY THIS INSTRUMENT WAS FILED

89 AUG 30 AM 8:34

*Thomas A. Saunders, Jr.*  
JUDGE OF PROBATE

*Wm. R. ...*  
Notary Public

My Commission Expires: 1-2-92

This instrument was prepared by:  
Larry R. Newman, Attorney  
3021 Lorna Road  
Birmingham, Alabama 35216

NOTARY FEES  
Notary Fee \$2.50  
Cert 1.00  
3.00  
TOTAL 6.50

*Phahat Tittle*