

STATE OF ALABAMA )  
 )  
SHELBY COUNTY )

SS: AFFIDAVIT AND AGREEMENT

BEFORE ME, a Notary Public, in and for said County and State, personally appeared Terry W. Smith, who being by me first duly sworn, deposes and states on an oath as follows:

1. My name is Terry W. Smith, I have also been known as Terry Wayne Smith, Sr. I reside at 65. McBRIDE D. in Alabama.

2. I am the purchaser of the following described real estate situated in Shelby County, Alabama:

From the Southwest corner of Section 3, Township 19 South, Range 2 East, Shelby County, Alabama proceed Northerly a distance of 1598.7 feet to an Iron Bar; thence deflect right 07 deg. 23' 47" and proceed Northerly a distance of 161.63 feet to a point on the North boundary of a Chert Road; thence deflect right 97 deg. 51' 57" and proceed Southeasterly along the Northerly boundary of said road a distance of 366.54 feet to the POINT OF BEGINNING of herein described parcel of land; thence deflect right 07 deg. 52' 01" and continue Southeasterly along said road for a distance of 485.47 feet to a point; thence deflect left 105 deg. 43' 59" and proceed Northerly for a distance of 544.74 feet to a point; thence deflect left 56 deg. 24' 22" and proceed Northwesterly for a distance of 301.98 feet to a point; thence deflect left 103 deg. 11' 47" and proceed Southwesterly for a distance of 619.0 feet back to the Point of Beginning of herein described parcel of land. Containing 5.01 acres, more or less. The above described property is located in the West one-half of Section 3, Township 19 South, Range 2 East, Shelby County, Alabama.

3. I have been informed by Gregory S. Graham, Attorney at Law, who is closing a sale of the said property, that there appear(s) 4 (four) judgement(s) against a person named "Wayne Smith; Wayne Smith, Smith Plumbing; Wayne Smith and Wesley Smith", which is similar to my name, which is/are recorded in Instrument Nos. 1993-38803; 1999-25911; Book 370 at Page 223 and Book 358 at Page 877. I am not the person whom said judgement(s) was/were entered. Further, I have never lived 100 Heritage Road, Shelby, Alabama 35143; 2172 Pelham Pkwy, Pelham, AL 35124; 6077 Bear Creek road, Sterrett, AL 35178 or 4 Hwy 25 No., Sterrett, AL. I do not have any unpaid obligations except current bills and neither have I received any notice of any suit(s) or judgement(s) having been filed against me. I am definitely not the same person against whom said judgement(s) and or tax lien(s) are of record.

4. I make this Affidavit for the purpose of inducing **COMMONWEALTH LAND TITLE INSURANCE COMPANY**, to issue a Title Opinion Letter/Title Policy concerning said property, which does not show said judgement(s) as an exception to title.

5. I hereby request **COMMONWEALTH LAND TITLE INSURANCE COMPANY**, to issue a Title Opinion Letter/Title Policy of said judgement(s) or endorsement(s) thereto, upon said real estate without exception therein as to any of and in consideration thereof, and as inducement therefor, the undersigned does hereby agree to indemnify and hold harmless the said **COMMONWEALTH LAND TITLE INSURANCE COMPANY**, of and from any and all loss, cost, damage and expense of every kind including attorney's fees, which said **COMMONWEALTH LAND TITLE INSURANCE COMPANY**, shall suffer or may suffer or incur or become liable for under said Title Opinion Letter/Title Policy now to be issued, or any reissue, renewal or extension thereof, anytime issued upon said real estate, part thereof or interest therein arising, directly or indirectly, out of or on account of any such judgements.

**FURTHER, I HAVE NEVER FILED A PETITION IN BANKRUPTCY**

Further affiant saith not.

Terry W. Smith Sr.  
Terry W. Smith - Affiant

SWORN TO AND SUBSCRIBED before me on this 8th day of February, 2000 at Talladega County, Alabama, witness my hand and official seal of office.

[Signature]  
Notary Public  
My Commission Expires: 11/17/2001

02/10/2000-04219  
09:08 AM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
001 198 8.50

Inst # 2000-04219