

AFFIDAVIT AS TO DEEDS AND ADVERSE POSSESSION

State of Alabama
County of Shelby

Before me the undersigned a Notary Public in and for said County in said State, personally appeared before me, **Helon Sims Herth** (formerly known as **Helon S. Roberts**) and spouse **Gary J. Herth** (jointly, severally and collectively referred to as the first personal pronoun), whose names are signed to this affidavit and who are known to me, and who being by me first duly sworn depose and say as follows:

1. We are Helon Sims Herth (formerly known as Helon S. Roberts) and Gary J. Herth.
2. In 1982, we purchased and took possession of the following described property, to wit:

Lot # 5, according to the Survey of Chelsea South Estates, Sector One, as recorded in Map Book 8, Page 14, in the Office of the Judge of Probate, Shelby County, Alabama.

Subject to: i) building lines, rights of ways, easements, restrictions, reservations and conditions of record; ii) title to all oil, gas, and minerals within and underlying the premises as set forth in Deed Book 280, page 191, and Deed Book 324, page 381; iii) right of way to Shelby County Alabama as set forth in Deed Book 207, page 52; iv) restrictions, limitations and conditions shown on recorded map; and v) easements and building lines as shown on recorded map.

3. In 1985, we received a deed from Cahaba Land & Timber Company, Inc correcting a deed recorded in Book 338, page 463, a copy of which is attached hereto.
4. Also in 1985, we received a deed from Weaver Agency of Bessemer, Inc, a copy of which is attached hereto.
5. At one time we had possessions of the originals of the aforementioned deeds (copies of which are attached hereto) but our recent diligent search for same only disclosed the copies which are attached hereto.
6. Since 1982, our possession of the above described property has been open, notorious and adverse to all persons, and during such time, we have not received any notices or contacts denying our right title and interest in the aforementioned property.
7. Further since 1982, we have paid all the taxes due on the aforementioned property.
8. Due to our adverse possession of this property for over twenty-six (26) years, we are entitled to clear title to this property.

The undersigned makes this affidavit to induce RELI, INC and COMMONWEALTH LAND TITLE INSURANCE COMPANY (hereinafter "Title Company") to issue an owner's title insurance policy to Charles Randy Erwin in connection with a sale of this property to them. As an inducement therefore, the undersigned agrees to indemnify and hold Title Company and/or its agent harmless of and from any and all loss, cost, damage and expense of every kind, including attorneys' fees, which the Title Company and/or its agent shall or may suffer or incur or become liable for under its said policy or policies now to be issued, or any reissue, renewal or extension thereof, directly or indirectly, if the Title Company determines to issue the policy as a result of any misrepresentation herewith.

Helon Sims Herth
Helon Sims Herth (formerly known as
Helon S. Roberts) (Affiant)

Gary J. Herth
Gary J. Herth (Affiant)

Sworn to and Subscribed before me this
the 6 day of June, 2008

William B. Hairston
NOTARY PUBLIC
My Commission Expires 6/7/11

This Instrument Prepared in connection
with a title commitment issued by Reli, Inc
bearing File Number GAR0800302 by:
William B. Hairston, III
ENGEL HAIRSTON & JOHANSON, P.C.
P.O. Box 11405
Birmingham, Alabama 35202

This instrument was prepared by

Name) Cahaba Land & Timber Company, Inc.
3340 Peachtree Rd. N.E. #2929
Address) Atlanta, Georgia 30026



20080609000233310 3/6 \$26.00
Shelby Cnty Judge of Probate, AL
06/09/2008 11:31:10AM FILED/CERT

**CORRECTIVE
Corporation Form Warranty Deed**

STATE OF ALABAMA)

COUNTY OF SHELBY)

KNOW ALL MEN BY THESE PRESENTS,

That in consideration of One Hundred Dollars and Other Valuable Considerations (\$100.00) DOLLARS,

of the undersigned grantor, CAHABA LAND & TIMBER COMPANY, INC. a corporation

herein referred to as GRANTOR) in hand paid by the grantee herein, the receipt of which is hereby acknowledged, he said GRANTOR does by these presents, grant, bargain, sell and convey unto

HELON S. ROBERTS

herein referred to as GRANTEE, whether one or more), the following described real estate, situated in

See Attached Exhibit "A" for a more complete and accurate description of said property tract.

Subject to all easements, rights of way, reservations, restrictions, restrictive covenants, zoning ordinances and other matters of record.

This Corrective Warranty Deed is given for the purpose of correcting the legal description in the original Warranty Deed from Cahaba Land & Timber Company, Inc. to Helon S. Roberts as recorded in Book 338, Page 463, Probate Office of Shelby County, Alabama.

TO HAVE AND TO HOLD, To the said GRANTEE, his, her or their heirs and assigns forever.

And said GRANTOR does for itself, its successors and assigns, covenant with said GRANTEE, his, her or their heirs and assigns, that it is lawfully seized in fee simple of said premises, that they are free from all encumbrances, that it has a good right to sell and convey the same as aforesaid, and that it will, and its successors and assigns shall, warrant and defend the same to the said GRANTEE, his, her or their heirs, executors and assigns forever, against the lawful claims of all persons.

IN WITNESS WHEREOF, the said GRANTOR by its President, who is authorized to execute this conveyance, hereto set its signature and seal.

is the 12th day of March, 19 85.

WITNESSETH

Wete Bailey, Jr.
Wete Bailey, Jr., Secretary

By *William M. Harrington, Jr.*
William M. Harrington, Jr., President

STATE OF GEORGIA)

COUNTY OF FULTON)

I, _____ the undersigned

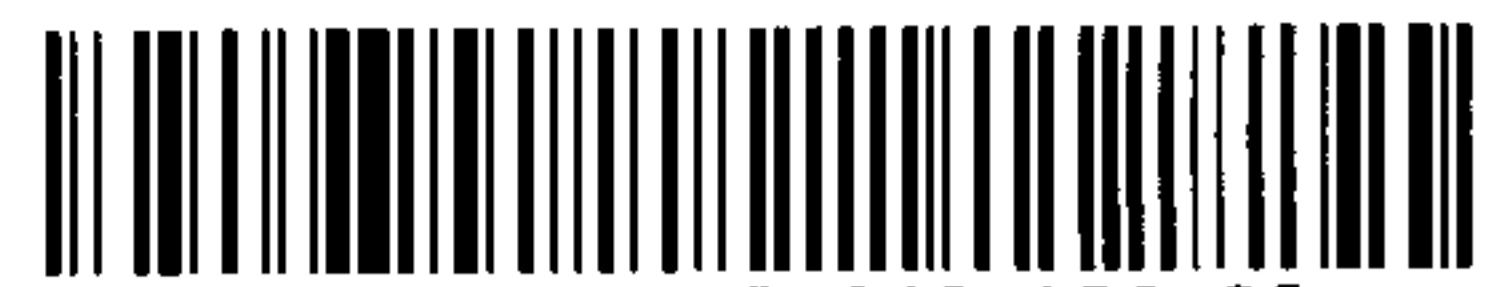
a Notary Public in and for said County, in said State,

do hereby certify that William M. Harrington, Jr.

whose name as President of Cahaba Land & Timber Company, Inc., a corporation, is signed on the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, he, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation.

Given under my hand and official seal, this the 12th day of March, 19 85.

Sara L. Guise
Notary Public



20080609000233310 4/6 \$26.00
Shelby Cnty Judge of Probate, AL
06/09/2008 11:31:10AM FILED/CERT

****LEGAL DESCRIPTION**

A part of Lot #5, according to CHELSEA SOUTH ESTATES, SECTOR ONE as recorded in Map Book 8, Page 14, in the Office of the Judge of Probate, Shelby County, Alabama and being more particularly described as follows;

Begin at the Southeast Corner of the S.W.¼ of the S.W.¼ of Section 18, Township 20 South, Range 1 East of Shelby County, Alabama; Thence run West along the South line of said ¼-¼ section a distance of 109.37 feet, more or less, to the Point of Beginning; Thence continue along the last described course a distance of 199.90 feet to the Northeasterly Right-of-Way line of Shelby County Highway #49 (being an 80.0' R/W), said right-of-way line being in a curve to the left, having a central angle of 8⁰09'34" and a radius of 1472.08 feet; Thence from the last described course turn right 68⁰24'21" to the tangent of said curve and run Northwesterly along said Northeasterly Right-of-Way line an arc distance of 209.64 feet to the Point of Tangency; Thence continue Northwesterly along said Right-of-Way line a distance of 339.90 feet to the Southeasterly Right-of-Way line of Wall Farm Road (being an 80.0' R/W); Thence turn right 104⁰22' and run Northeasterly along the Southeasterly Right-of-Way line of said Road a distance of 393.52 feet; Thence turn right 90⁰00' and run Southeasterly a distance of 313.32 feet to the intersection with the East line of said Lot #5; Thence turn right 16⁰01'36" and run South along the East line of said Lot #5 a distance of 286.24 feet to the Point of Beginning. All being situated in Shelby County, Alabama and containing 4.0 acres, more or less.

This instrument prepared by:
Samuel J. Martin
B-D & ASSOCIATES, INC.
P.O. BOX 209
ADAMSVILLE, AL. 35005

798-3550

**Not meant to represent a field run survey

LAND TITLE COMPANY OF ALABAMA

317 NORTH 20th STREET
BIRMINGHAM, ALABAMA 35203

QUIT CLAIM DEED FORM 117

PRINTED AND FOR SALE BY ALABAMA STATIONERS & EQUIPMENT, INC

The State of Alabama, }
JEFFERSON County }



20080609000233310 5/6 \$26.00
Shelby Cnty Judge of Probate, AL
06/09/2008 11:31:10AM FILED/CERT

KNOW ALL MEN BY THESE PRESENTS, That in consideration of the sum of.....
Ten and no/100 (\$10.00)-----DOLLARS
to.....Weaver Agency of Bessemer, Inc.....in hand paid
by.....Gary J. Herth and wife, Helon Sims Herth.....the receipt whereof
is hereby acknowledged.....we.....do remise, release, quit claim and convey to the said.....
Gary J. Herth and wife, Helon Sims Herth.....all.....our.....
right, title, interest, and claim in or to the following described real estate, to wit

Lot #5, according to Chelsea South Estates, Sector One as recorded in.....
Map Book 8, Page 14, in the Office of the Judge of Probate, Shelby.....
County, Alabama.....

SUBJECT TO all reservations, restrictions, easements and right of.....
ways of record.....

The purpose of this instrument is to correct that certain deed recorded.....
in Deed Book 338, Page 463 of the Probate Office of Shelby County,.....
Alabama.....

situated in.....Shelby.....County, Alabama

TO HAVE AND TO HOLD to the said.....Gary J. Herth and wife,.....
Helon Sims Herth.....heirs and assigns forever.

Given under.....our hand.....and seal.....this 11th day of.....April.....AD. 19 85.

Executed and delivered in the presence of

Helon Sims Herth
Gary J. Herth

Tommy D. Weaver (SEAL)
Vice President (SEAL)
Weaver Agency of Bessemer Inc (SEAL)
.....(SEAL)

The State of Alabama }
JEFFERSON County

20080609000233310 6/6 \$26.00
Shelby Cnty Judge of Probate, AL
06/09/2008 11:31:10AM FILED/CERT

I, the undersigned authority, a Notary Public
in and for said County, in said State, hereby certify that Tommy G. Weaver, as Vice President
of Weaver Agency of Bessemer, Inc.
whose name is signed to the foregoing conveyance, and who is known to me, acknowledged
before me on this day that, being informed of the contents of the conveyance, he executed
the same voluntarily on the day the same bears date.

Given under my hand, this 11th day of April, 1985.

Nancy Carol Allison

The State of Alabama }
..... County

I,, a,
in and for said State and County aforesaid, hereby certify that
subscribing witness to the foregoing conveyance, known to me, appeared before me this day, and being sworn,
stated that

the grantor voluntarily executed the same in his presence and in the presence of the other subscribing
witness, on the day the same bears date; that he attested the same in the presence of the grantor, and of
the other witness, and that such other witness subscribed his name as a witness in his presence.

Given under my hand, this day of, A.D. 19.....

TO

QUIT CLAIM DEED

THE STATE OF ALABAMA }
..... COUNTY

I,
Judge of the Probate Court of said County, hereby
certify that the within conveyance was filed for
registration in this office on the
day of, 19.....
and was recorded in Vol. Record of
Deeds, Pages
on the day of, 19.....
.....
Judge of Probate.
Record Fee, \$