

**STATE OF ALABAMA
JEFFERSON COUNTY**

AFFIDAVIT REGARDING TITLE TO REAL PROPERTY

Before me, the undersigned, personally appeared David Pryor and Steve Pryor who, after being duly sworn, depose and say the following:

Our names are David Pryor and Steve Pryor, as Trustee of the Betty Pryor Trust dated 9/17/09 and Steve Pryor, as Trustee of the Mary C. Martin Trust dated 9/17/09 and we are over the age of twenty-one years, and are resident citizens of ~~Jefferson~~ County, Alabama. *SHELBY SP*

In connection with a pending sale transaction from David Pryor on certain real property located in Shelby County, Alabama, Land Title Company issued a title insurance commitment which discloses a number of discrepancies in the description of said real property contained in certain deeds in the chain of title. The purpose of this affidavit is to acknowledge the discrepancies and clarify the true and accurate legal description of the properties at issue.

According to Land Title's commitment, Dolphus Lester Martin, Mary Lee Martin and Betty Jean Pryor purchased a piece of acreage property containing approximately nineteen (19) acres located in Section 9, Township 21 South, Range 2 West in Shelby County, Alabama (hereafter the "19-Acre Metes and Bounds Legal"), as evidenced by Warranty Deed dated 5/15/1984 and recorded in Book 355, page 674 in the Probate Office of Shelby County, Alabama.

In 1984, the entire 19-Acre Metes and Bounds Legal was surveyed, along with adjacent and adjoining acreage owned by a number of other parties, into a residential subdivision known as Camp Branch Estates, Second Addition, the plat of which was recorded in the Probate Office of Shelby County, Alabama. Upon recordation of the plat, the entire 19-Acre Metes and Bounds Legal became known as Lots 30 and 31, Camp Branch Estates, Second Addition, as recorded in Map Book 11, page 104 in the Probate Office of Shelby County, Alabama (hereafter "Camp Branch Legal").

Fifteen years later, in 1999, another subdivision plat was recorded on a portion of the original 19-Acre Metes and Bounds Legal. This is a one-lot subdivision which includes three (3) of the original nineteen (19) acres, and is known as Pryor Subdivision, the plat of which was recorded in the Probate Office of Shelby County, Alabama. This map does not reference the fact that the parcel was formerly part of Lots 30 and 31 Camp Branch Estates, Second Addition. Upon recording of the plat, the tract became known as Lot 1, Pryor Subdivision, as recorded in Map Book 25, page 96 in the Probate Office of Shelby County, Alabama.



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As of this date, the two proper descriptions which comprise the original 19-acre tract are as follows:

Legal #1 (currently owned by David Pryor) :

Lot 1, according to the Survey of Pryor Subdivision, as recorded in Map Book 25, page 96 in the Probate Office of Shelby County, Alabama.

TOGETHER WITH:

A 30 foot right of way for ingress, egress and utilities; 15 feet on each side of the following described centerline, being located within the boundaries of Lots 30 and 31, according to the Survey of Camp Branch Estates, Second Addition, as recorded in Map Book 11, page 104 in the Probate Office of Shelby County, Alabama:

Commence at the Southeast corner of the NW 1/4 of the NE 1/4 of Section 9, Township 21 South, Range 2 West, Shelby County, Alabama; thence run West along the South 1/4 - 1/4 line 248.51 feet; thence turn right 37°09'20" and run Northwest 942.52 feet; thence turn left 90°08'44" and run Southwest 748.83 feet to the center of an existing chert drive and the point of beginning of centerline; thence turn left 86°21'04" and run Southeast 66.40 feet; thence turn right 74°47'56" and run Southwest 133.32 feet to the point of a clockwise curve with a Delta angle of 57°22'58" and a radius of 54.82 feet; thence run along the arc of said curve 54.90 feet to the point of a counterclockwise curve with a Delta angle of 30°50'23" and a radius of 181.28 feet; thence run along the arc of said curve 97.57 feet; thence continue tangent to said curve, Southwest 217.83 feet to the point of a counterclockwise curve with a Delta angle of 63°39'58" and a radius of 80.54 feet; thence run along the Arc of said curve 89.49 feet; thence continue tangent to said curve, Southeast, 85.22 feet to a point on a cul de sac at the end of Timberline and the end of said centerline.

Legal #2 (currently owned by The Betty Jean Pryor Trust dated 9/17/09 and The Mary C. Martin Trust dated 9/17/09):

Lots 30 and 31, according to the Survey of Camp Branch Estates, Second Addition, as recorded in Map Book 11, page 104 in the Probate Office of Shelby County, Alabama, LESS AND EXCEPT:

Lot 1, according to the Survey of Pryor Subdivision, as recorded in Map Book 25, page 96 in the Probate Office of Shelby County, Alabama.

And subject to a 30 foot right of way for ingress, egress and utilities; 15 feet on each side of the following described centerline, being located within the boundaries of Lots 30 and 31, according to the Survey of Camp Branch Estates, Second Addition, as recorded in Map Book 11, page 104 in the Probate Office of Shelby County, Alabama:

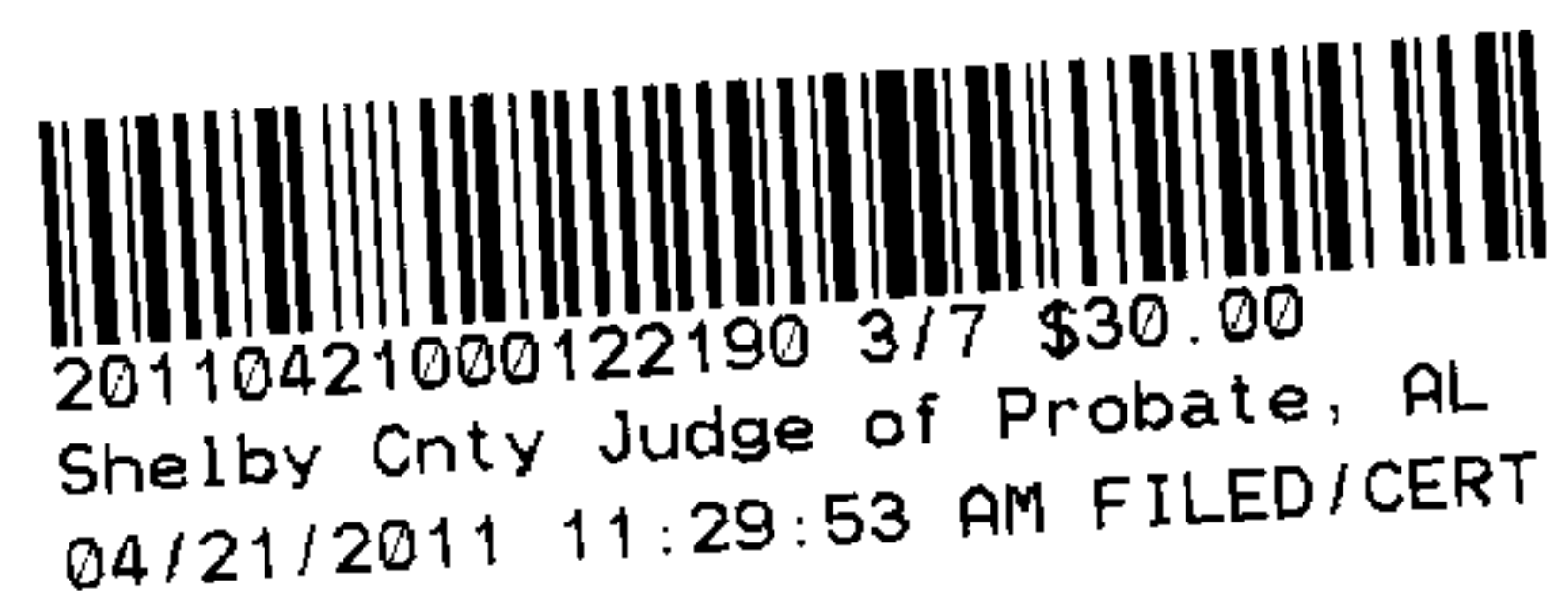

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Commence at the Southeast corner of the NW 1/4 of the NE 1/4 of Section 9, Township 21 South, Range 2 West, Shelby County, Alabama; thence run West along the South 1/4 - 1/4 line 248.51 feet; thence turn right 37°09'20" and run Northwest 942.52 feet; thence turn left 90°08'44" and run Southwest 748.83 feet to the center of an existing chert drive and the point of beginning of centerline; thence turn left 86°21'04" and run Southeast 66.40 feet; thence turn right 74°47'56" and run Southwest 133.32 feet to the point of a clockwise curve with a Delta angle of 57°22'58" and a radius of 54.82 feet; thence run along the arc of said curve 54.90 feet to the point of a counterclockwise curve with a Delta angle of 30°50'23" and a radius of 181.28 feet; thence run along the arc of said curve 97.57 feet; thence continue tangent to said curve, Southwest 217.83 feet to the point of a counterclockwise curve with a Delta angle of 63°39'58" and a radius of 80.54 feet; thence run along the Arc of said curve 89.49 feet; thence continue tangent to said curve, Southeast, 85.22 feet to a point on a cul de sac at the end of Timberline and the end of said centerline.

A number of the instruments in the chain of title were filed using the wrong legal description. Those deeds include:

- Warranty Deed dated 2/22/1999 from Mary Lee Martin, Betty Jean Pryor, Anthony Rollin Martin and Kelly Martin Camp to David Pryor and Rebecca Pryor as recorded in Instrument #1999-07717 in the Probate Office of Shelby County, Alabama (included an acreage legal with a number of inaccurate calls – should have been a portion of the Camp Branch Legal. Note: A 30' ingress/egress easement crossing over other portions of said lots 30 and 31 was created by this deed).
- Quitclaim Deed dated 4/30/2008 from Rebecca Pryor to David Pryor as recorded in Instrument # 20080612000240400 (included same legal description in deed recorded in Instrument #1999-07717 – should have been Legal #1 as described above).
- Quitclaim Deed dated 9/17/2009 from Betty Jean Pryor aka Jean C. Pryor and Mary C. Martin to "The Betty Jean Pryor Trust dated 9/17/09" and "The Mary C. Martin Trust dated 9/17/09" as recorded in Instrument #20100119000016140 in the Probate Office of Shelby County, Alabama (included the entire 19-Acre Metes and Bounds Legal – should have been Legal #2 described above).

The purpose of this affidavit is to acknowledge the errors in legal descriptions in the above described deeds and to certify that the parties intended to convey the properties as set forth above despite the fact that the legal descriptions were inaccurate based on previously recorded subdivision plats.
See copies of surveys attached.



Affiants do by execution of this affidavit agree to hold Land Title Company of Alabama and its respective underwriter, Chicago Title Insurance Company, and WilliamHalbrooks as closing attorney, harmless from any and all claims or liens against the above described properties arising from the above noted defects in the Deeds.

This affidavit is given for the purpose of inducing Land Title Company of Alabama to insure the aforesaid property without exception to the above-described defects.

Affiants:

David Pryor
DAVID PRYOR

Steve Pryor, TTB
Steve Pryor, as Trustee
of the Betty Jean Pryor Trust, dated 9/17/09

Steve Pryor, TTB
Steve Pryor, as Trustee of the Mary C. Martin
Trust, dated 9/17/09

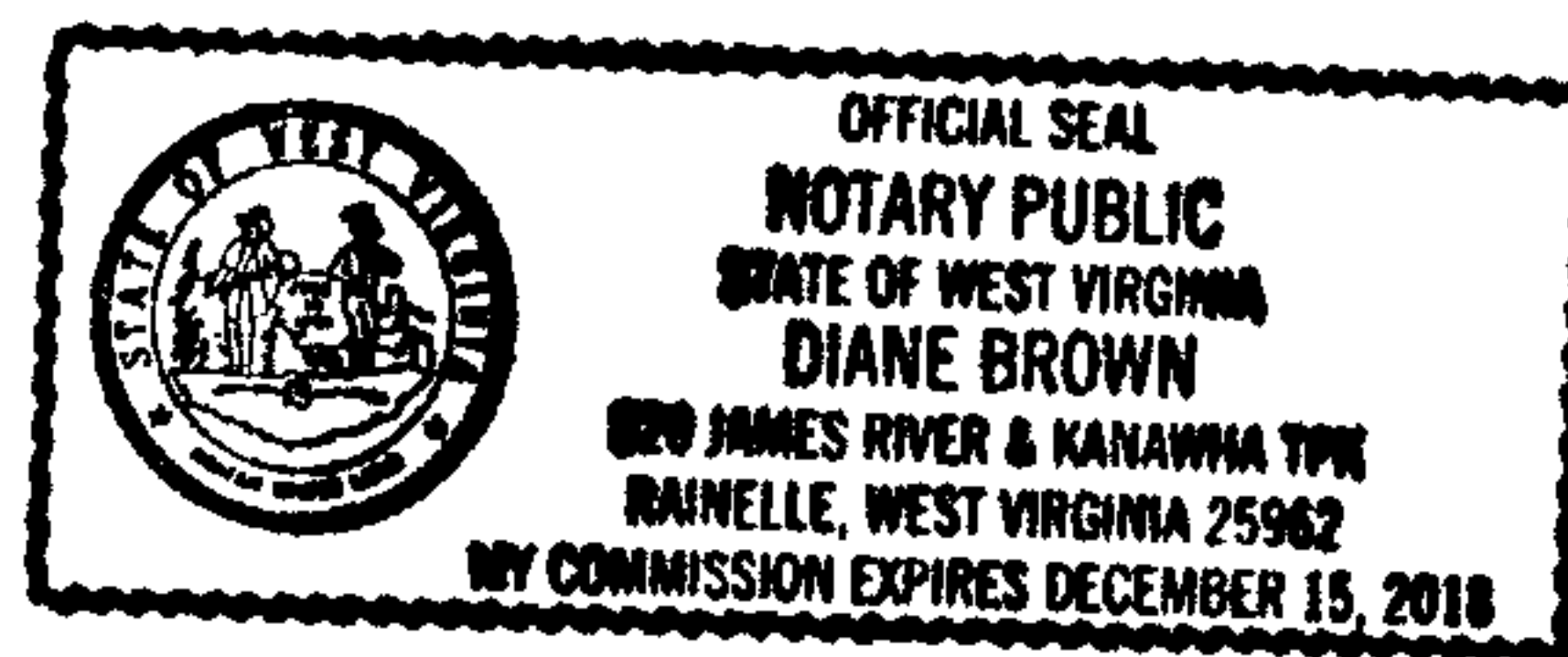
State of West Virginia
Greenbrier County

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that DAVID PRYOR, whose name is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he executed the same voluntarily on the day the same bears date.

Given under my hand this the 8 day of April, 20 11.

Diane Brown

Notary Public



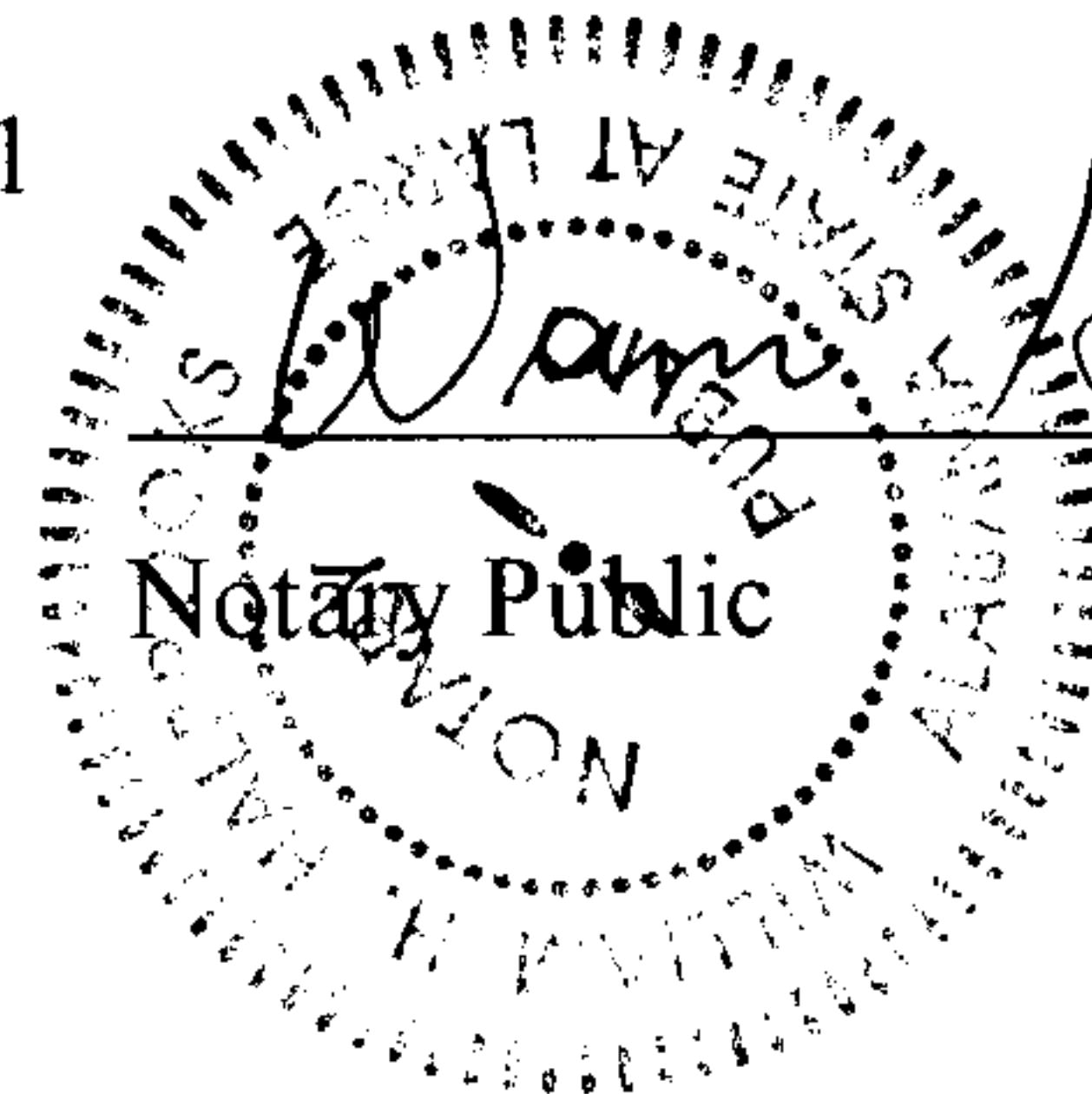
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State of (Alabama}

Jefferson County}

I, _the undersigned, a Notary Public, in and for said County in said State, hereby certify that Steve Pryor, whose name as _Trustee of the Betty Jean Pryor Trust dated 9/17/09 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, in his capacity as such Trustee, executed the same voluntarily on the day the same bears date.

Given under my hand this the 7th day of April, 2011

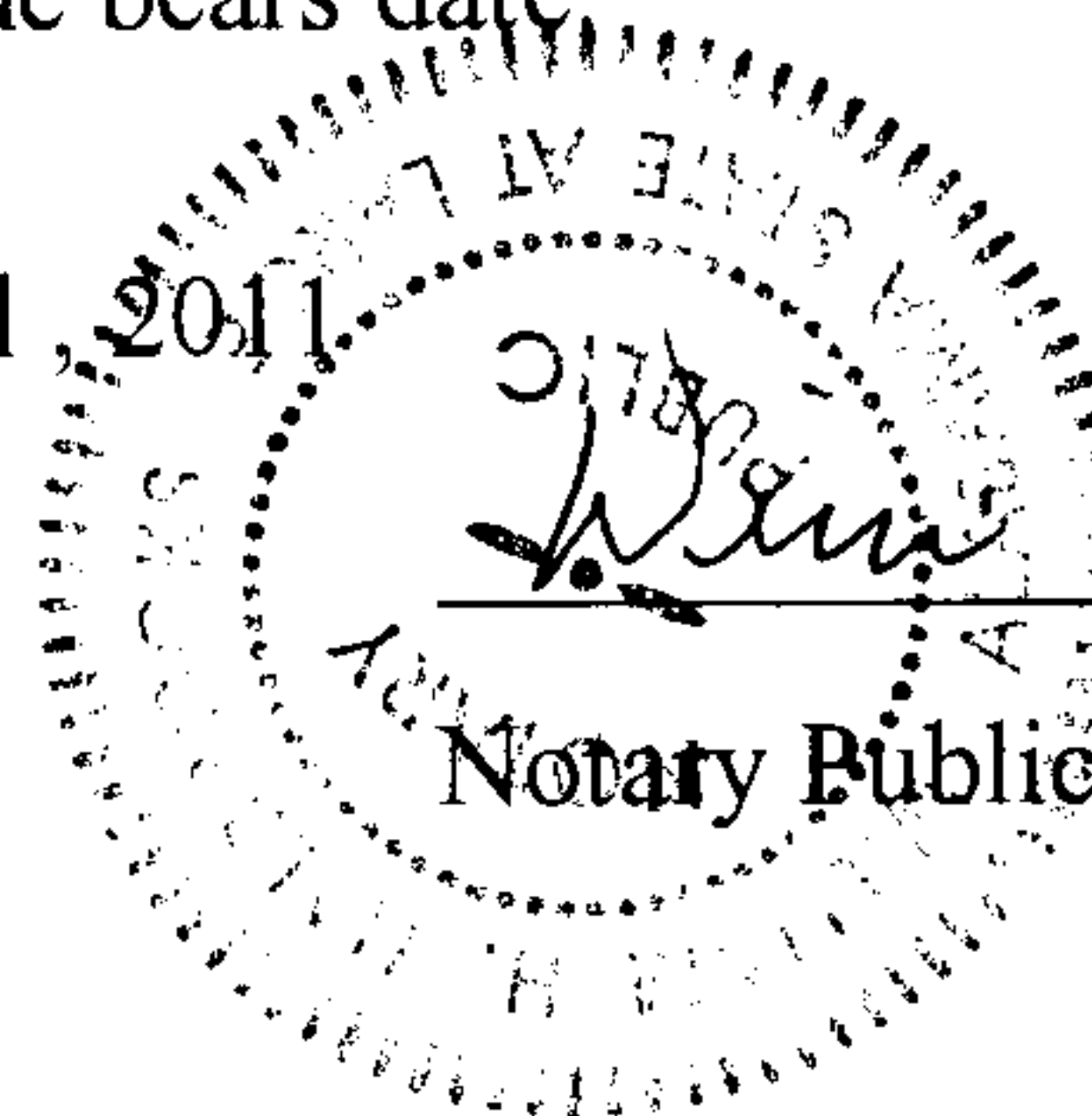


State of (Alabama}

Jefferson County}

I, _the undersigned, a Notary Public, in and for said County in said State, hereby certify that Steve Pryor, whose name as Trustee of the Mary C. Martin Trust 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, in his capacity as such Trustee, executed the same voluntarily on the day the same bears date.

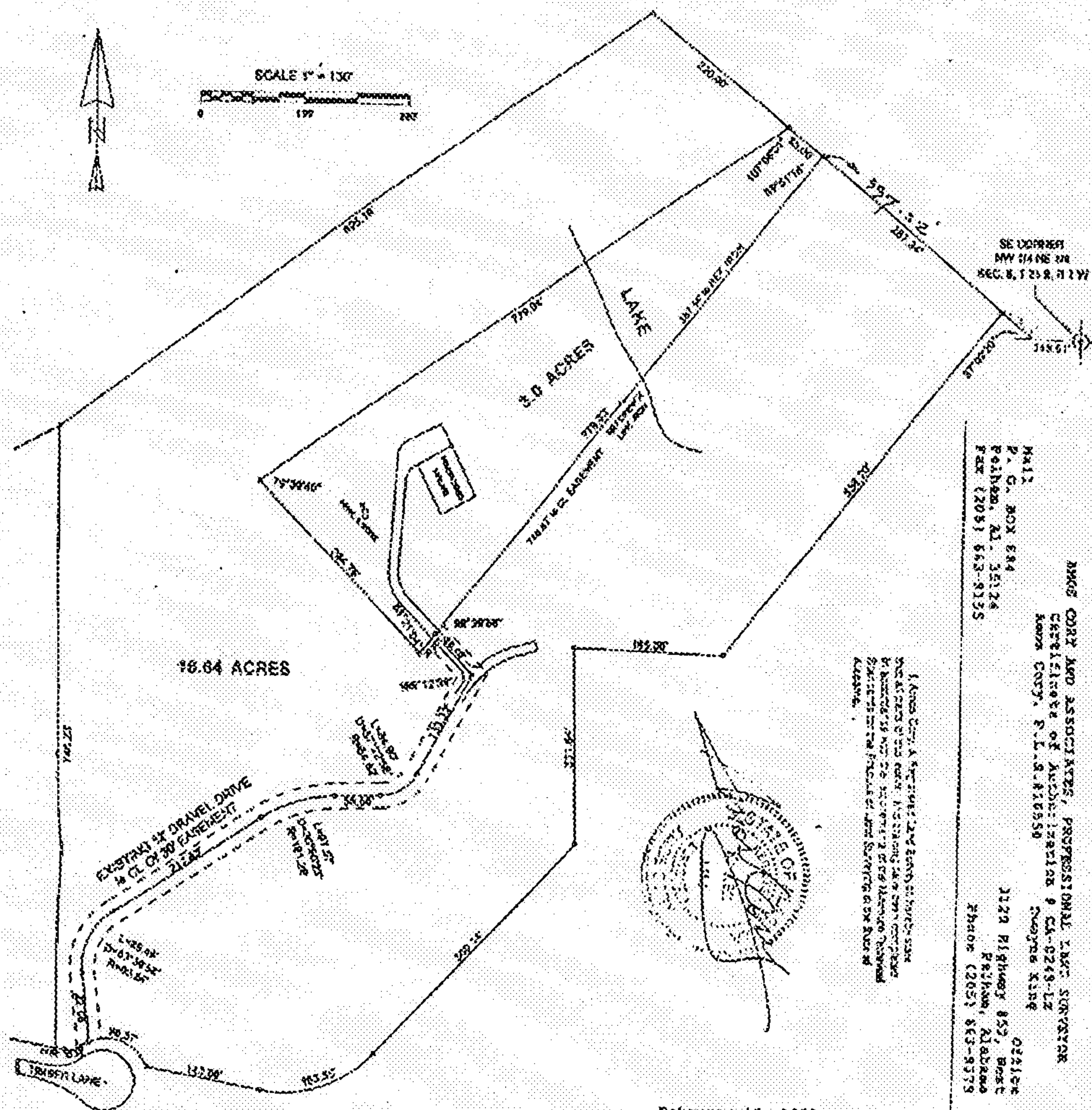
Given under my hand this the 7th day of April, 2011.



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Prepared by

WILLIAM H. HALBROOKS, ATTORNEY
#1 INDEPENDENCE PLAZA #704
BIRMINGHAM, AL 35209



JAMES COOK AND ASSOCIATES, PROFESSIONAL LAND SURVEYORS
 CERTIFICATE OF AUTHORIZATION # CA-0243-LZ
 James Cook, P.L.S. #10550
 02410e
 P.O. Box 584
 Prichard, AL 36124
 Phone (205) 863-9135
 FAX (205) 863-9135
 1127 Highway 853, West
 Prichard, Alabama
 Phone (205) 863-9179

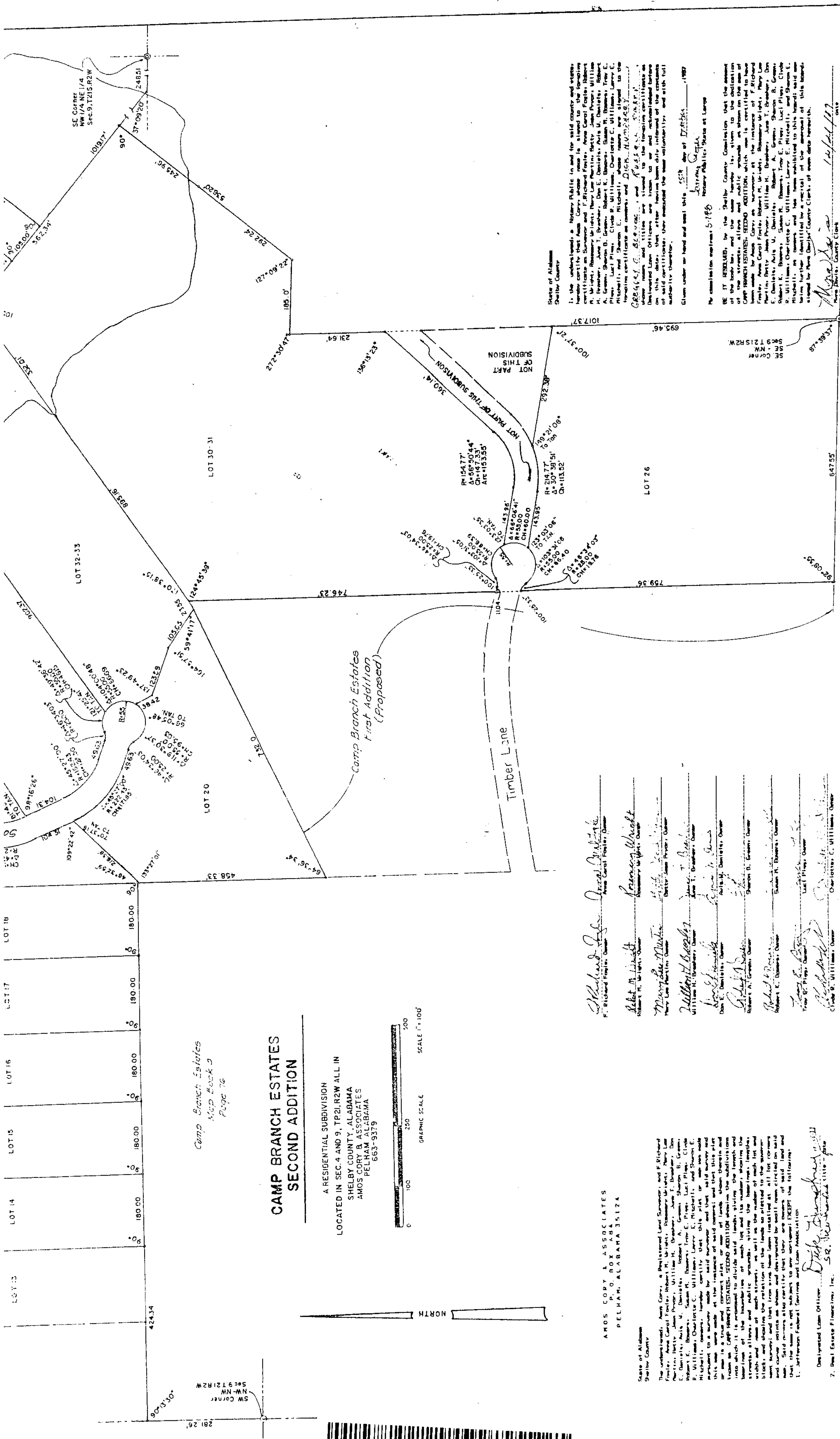
February 13, 1999

re: Pryor

Property Description

Commence at the Southeast corner of the N.W. 1/4 of the N.E. 1/4 of Section 5, Township 21 South, Range 2 West, Shelby County, Alabama.
 Thence run West along the South 1/4-1/4 line 148.51 feet,
 Thence Turn Right 37 deg. 09 min. 20 sec. and run Northwest 337.32 feet to
 THE POINT OF BEGINNING.
 Thence continue last course 55.80 feet,
 Thence turn Left 77 deg. 51 min. 39 sec. and run Southwest 733.94 feet,
 Thence turn Left 180 deg. 20 min. 20 sec. and run Southeast 784.75 feet,
 Thence turn Left 98 deg. 35 min. 58 sec. and run Northeast 779.03 feet to THE
 POINT OF BEGINNING. Containing 3.0 acres.
 Also a 30 foot right-of-way for ingress, egress and utilities; 15 feet
 on each side of the following described centerline:
 Commence at the Southeast corner of the N.W. 1/4 of the N.E. 1/4 of Section 5,
 Township 21 South, Range 2 West, Shelby County, Alabama.
 Thence run West along the South 1/4-1/4 line 248.51 feet,
 Thence Turn Right 37 deg. 09 min. 20 sec. and run Northwest 342.52 feet,
 Thence turn Left 98 deg. 35 min. 44 sec. and run Southwest 748.83 feet to the
 center of an existing dirt drive and THE POINT OF BEGINNING of centerline.
 Thence turn Left 86 deg. 21 min. 04 sec. and run Southeast 66.40 feet,
 Thence turn Right 74 deg. 47 min. 56 sec. and run Southwest 131.32 feet to
 the point of a clockwise curve with a Delta angle of 57 deg. 22 min. 58 sec.
 and a Radius of 54.82 feet,
 Thence run along the arc of said curve 54.30 feet to the point of a counter-
 clockwise curve with a Delta angle of 10 deg. 50 min. 21 sec. and a Radius
 of 161.28 feet,
 Thence run along the arc of said curve 97.57 feet,
 Thence continue tangent to said curve, Southwest 227.83 feet to the point of
 a counter-clockwise curve with a Delta angle of 63 deg. 39 min. 58 sec. and
 a Radius of 80.56 feet,
 Thence run along the arc of said curve 82.49 feet,
 Thence continue tangent to said curve, Southeast, 85.72 feet to a point on a
 cut-de-sac at the end of Timber Lane and THE END of said centerline.

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AMOS COPY & ASSOCIATES
PELHAM, ALABAMA 35124

State of Alabama
Shelby County
The undersigned, Amos Copy & Associates, a Registered Land Surveyor, and F. Richard Finley, Amos Copy & Associates, Registered Professional Engineer, Pelham, Alabama, do hereby certify that the foregoing is a true and correct plat of the land shown therein and that the same is subject to any and all liens and encumbrances of record.

Declarant Lamin Officer: *Dickie Thompson*
Declarant Lamin Officer: *Amos Copy & Associates*
Declarant Lamin Officer: *Amos Copy & Associates*
Declarant Lamin Officer: *Amos Copy & Associates*
In all cases we have not our hands and seals this day of October 1987.

Richard Finley Amos Copy & Associates
Robert H. Finley Amos Copy & Associates
William H. Finley Amos Copy & Associates
Robert H. Finley Amos Copy & Associates
Robert H. Finley Amos Copy & Associates
Robert H. Finley Amos Copy & Associates
Robert H. Finley Amos Copy & Associates
Robert H. Finley Amos Copy & Associates
Robert H. Finley Amos Copy & Associates
Robert H. Finley Amos Copy & Associates

State of Alabama
Shelby County
The undersigned, a Notary Public in and for said county and state, do hereby certify that the foregoing is a true and correct plat of the land shown therein and that the same is subject to any and all liens and encumbrances of record.

This subdivision was the approval of the Shelby County Health Department and is subject to the conditions of approval, neither lot lines nor boundaries of this subdivision are to be altered or changed in any way without the approval of the Shelby County Health Department.