STATE OF ALABAMA

SHELBY COUNTY

Personally appeared before me, M. Pauline Montgomery, a Notary Public in and for Jefferson County, Alabama, J. Molton Smith, Jr., who first being duly sworn deposes and says: My name is J. Molton Smith, Jr. I live in Birminghem, Alabama. As President of Little Gem Coal Company I have signed a mortgage dated June 20, 1947, whereby the Little Gem Coal Company mortgages to Bank for Savings & Trusts, Birmingham, Alabama, certain real and personal property in Shelby County, Alabama, to secure a loan of \$50,000.00, with interest at 4% per annum on 75% of the unpaid principal amount and at the rate of 6% per annum on the remaining 25% of said unpaid principal amount, payment to be made in installments of \$2,000 monthly on principal, plus accrued interest, commencing September 1, 1947, and continuing thereafter until the 1st day of September, 1949, and which mortgage will be filed for record in the office of the Judge of Probate of Shelby County, Alabama, at the time of the filing thereat of this affidavit. I ampersonally acquainted with all of the real property described in said mortgage, which said real property constitutes all such property owned by Little Gem Coal Company in Shelby County, Alabama. I have examined the mortgage referred to and the description of the real property commencing on page 2 thereof. I personally know that Little Gem Coal Company has had title to all of said real property described in said mortgage for more than twenty years, has had exclusive possession thereof for the read same period and has paid taxes theeon during that time. There is no one in possession of any of said/property other than the Little Gen Coal Company or its tenants. All of the real property described in said mortgage is owned by the Little Gem Coal Company in fee simple except what is described as held by the Little Gem Coal Company under lease from other individuals. I have never known anyone to assert any adverse claim to any of this Property during the time that Little Gem Coal Company has had a deed to it. The leases described in the mortgage and which are assigned by Little Gem Coal Company to Bank for Savings & Trusts as additional security for the \$50,000.00 loan are all in full force and effect and Little Gem Coal Company has done and performed everything on its part to be done and performed to maintain said leases in full force and effect.

J. Molton Smith, Jr.

Sworn to subscribed before me this 20th day of June, 1947.

M. Pauline Montgomery

NOTARIAL SEAL

Notary Public, Jefferson County, Alabama My commission expires March 8, 1950 Bonded by The Employers Liability Assurance Corporation

Filed in the office of the Probate Judge the 24thday of June, 1947 at 1 olclock P.M. and recorded in the Deed Record 129 on page 549 on this the 27th sy of June, 1947

L.C. Walker,

Judge of Probate

NO TAX DUE ON THIS INSTRUMENT