

#5628

AFFIDAVIT

STATE OF ALABAMA
COUNTY OF CALHOUN

Personally appeared before me, Will F. Franke, a Notary Public in and for the County of Calhoun, State of Alabama, T.C. King, who being by me first duly sworn, deposes on oath and says as follows:

MY name is T.C. King and I am the husband of the same Sadie Cox King who joined with me in a deed to Anna Lois Waters of certain property located in Jefferson County and Shelby County, Alabama, which is known as the Swann or Theodore Swann Country Place. On April 30, 1946 I conveyed this property known as the Swann Country Place to Anna Lois Waters, which deed was recorded in Shelby County on May 30, 1946 in Deed Book 124 at page 339. It is recited in the deed that there was an unpaid balance of the purchase price in the amount of \$30,000. which was secured by the execution of a purchase money mortgage in the amount of \$30,000 securing the unpaid balance of the purchase price of the property conveyed and being executed by Anna Lois Waters and her husband, N.H. Waters, to me.

This purchase money mortgage in the amount of \$30,000 was not recorded by me in Shelby County. I did, however, record it in Jefferson County on May 27, 1946 in Volume 3758 Record of Mortgages at page 116. The fact of this recording was written onto the deed by Eugene Hawkins, Judge of Probate of Jefferson County, Alabama, as well as the fact that the mortgage tax on said recording in Jefferson County was paid. When the original deed to Anna Lois Waters was recorded in Shelby County it showed this reference to the mortgage in amount of \$30,000 which was noted on the deed by Judge Hawkins.

The debt secured by this purchase money mortgage in the amount of \$30,000 which was executed by me by Anna Lois Waters and her husband, N.H. Waters, has been paid in full and the mortgage is discharged of record in Jefferson County. The record in the Probate Office of Jefferson County, Volume 3758, page 116, shows that said mortgage was marked paid on May 4, 1949, under the authority of a power of attorney which I issued to John C. Franklin as attorney in fact, and he marked the record of said mortgage in Jefferson County, "This Mortgage paid and satisfied in full."

Since this purchase money mortgage in amount of \$30,000 was not recorded in Shelby County and yet there is record evidence in the Probate Office of Shelby County that said mortgage existed, I make this affidavit that the said mortgage was not sold or transferred by me to anyone and that it was paid in full and discharged by me under a power of attorney granted by me to John C. Franklin and recorded in Jefferson County, Alabama

T.C. King

Sworn to and subscribed before me this 5th day of September, 1950.

NOTARIAL SEAL

Will F. Franke
Notary Public State of Alabama at Large.

Filed in the office of the Probate Judge the 12th day of September, 1950 at 2 o'clock P.M. and recorded in Deed Record 142 on page 517 on this the 13th day of September, 1950.

NO TAX DUE ON THIS INSTRUMENT

L.C. Walker,
Judge of Probate