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STATE OF ALABAMA
SHELBY COUNTY

BOOK 180 PAGE 403

Before me, Martha B. Joiner, the undersigned authority in and for said County, in said State, personally appeared R. E. Whaley, who, after being by me first duly sworn to speak the truth, deposes and says:

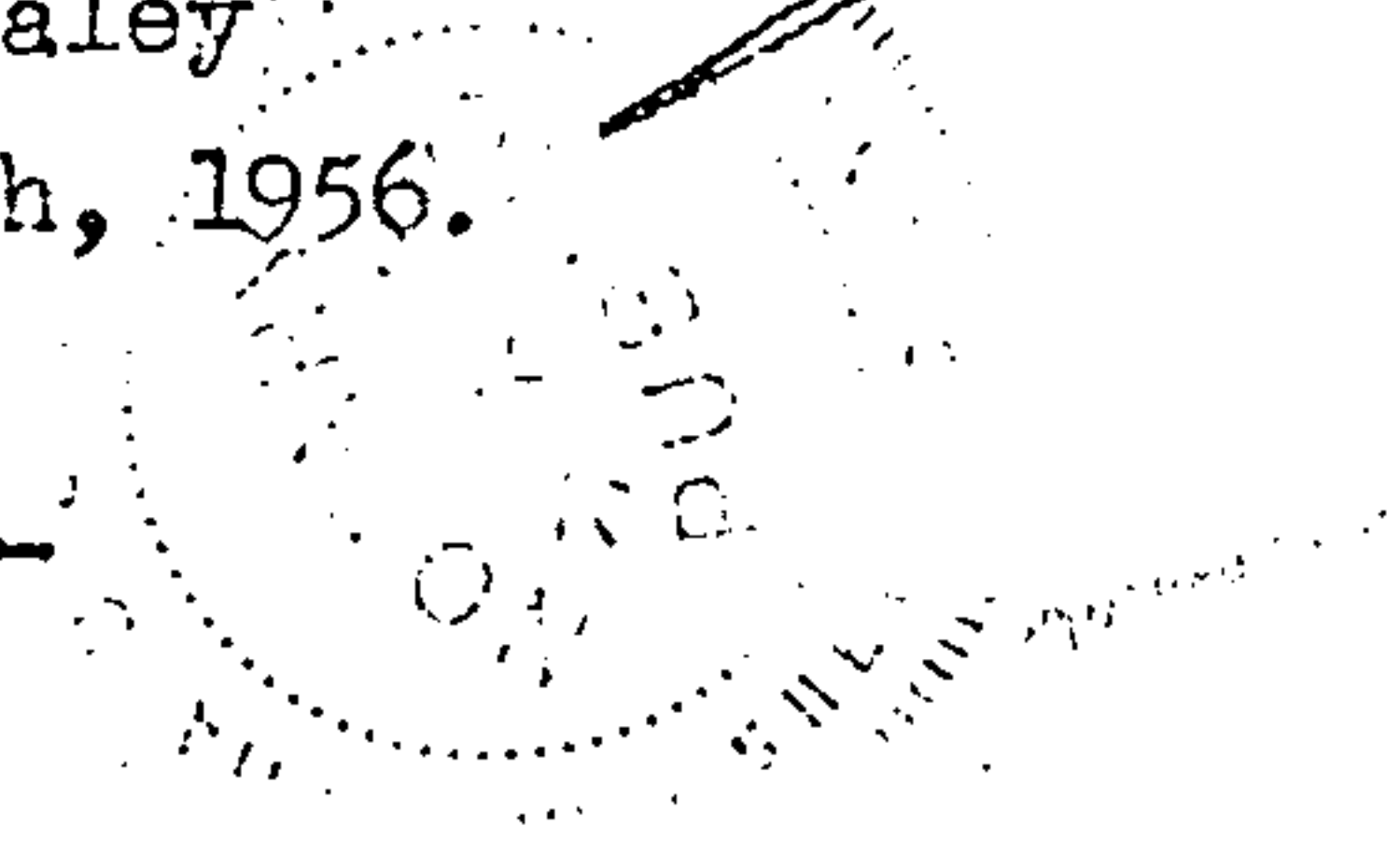
My name is R. E. Whaley. I am, along with E. B. Barnes, the joint owner of certain land which we purchased from George F. Peter and his wife on April 27, 1948, as shown by deed recorded in Deed Book 134 Page 177 in the Probate Office of Shelby County, Alabama. Said deed covered NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 32, Township 21, Range 3 West, along with other property. I am familiar with that certain Lease Agreement from G. F. Peter to Little Gem Coal Company dated April 1, 1933, and which is recorded in Deed Book 95 Page 309 in said Probate Office. I am also familiar with an additional agreement executed between G. F. Peter and Little Gem Company extending said Lease to April 1, 1963. I know of my own knowledge that neither said Lease nor said extension agreement covered any other land except the said NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 32, and I know that Little Gem Coal Company has not mined any coal on said NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 32 for more than 10 years. Affiant further says that the shaft leading to the coal lying under the above described 40 acres has been abandoned and the pillars, props and rails have been removed and the cost would be prohibitive for anyone ever again to commence mining under said property without digging a new slope.

Affiant further says that he and E. B. Barnes purchased the NW $\frac{1}{4}$ of Section 19, Township 21, Range 3 West from George F. Peter and his wife on April 27, 1948, under the deed mentioned hereinabove, and through some mistake the Alabama Power Company obtained a Transmission Line Permit across the E $\frac{1}{2}$ of NW $\frac{1}{4}$ of said Section 19 from Maylene Coal Mining Company, which said permit is recorded in Deed Book 134 Page 223 in said Probate Office. The permit actually described the land as being in Range 3 East; whereas, it was intended to be in Range 3 West, but Maylene Coal Mining Company never owned any interest in the E $\frac{1}{2}$ of NW $\frac{1}{4}$ of Section 19, Township 21, Range 3 West or in Range 3 East. In fact, it never owned any land, but it only owned personal property and did mining operations. Affiant further says that said Corporation has been dissolved for several years and is no longer in operation.

R. E. Whaley
R. E. Whaley

Sworn to and subscribed to before me this 29th day of March, 1956.

Martha B. Joiner
Notary Public



STATE OF ALABAMA, SHELBY COUNTY
I, L. C. Walker, Judge of Probate, hereby certify that the within copy
was filed for record the 18 day of June, 1956, at 10 o'clock P.
and recorded in Deed Record 180 Page 403 and the Mortgage Tax of
Deed Tax of has been paid.
L. C. Walker Judge of Probate