

2670

STATE OF ALABAMA

SHELBY COUNTY

Before the undersigned authority personally appeared Handy Ellis, who is known to me, and who being by me first dly sworn, deposes and says:

I am a practicing attorney of the Columbiana Bar. In passing on title in reference to the loan to be made by The First National Bank of Birmingham to James S. Gould and Edna Denham Gould, who are to give as security therefor a mortgage on the following described real estate situated in Shelby County, Alabama, namely:

The South 3/4 of Lot #10 and the North 1/2 of Lot #11, Block 3, of the First Addition to Cedar Grove Estates, located in the NW 1/4 of NW 1/4, Section 36, Township 20, Range 3 West, as recorded in Map Book 3, page 141, in the Probate Office of Shelby County, Alabama;

I have concluded that the original map of the First Addition to Cedar Grove Estates is legal and the lots shown therein should be conveyed according to that map. I first thought the map was not legal but have changed my opinion on it.

Mr. H. W. Cannon, a registered surveyor, made a map which has been recorded and I understood he was to make an amended map of the entire First Addition to Cedar Grove Estates but I overlooked the fact that he excluded lots 10, 11, and 12, Block 3, from his map, and before I discovered the note of exclusion, I drew a new deed to be executed by J. A. Hines to the Goulds conveying the lots to them by the amended map. This deed is dated April 11, 1958, and is recorded in the Probate Office of Shelby County, Alabama, in Deed Book 192, page 520. Since that deed was drawn, executed and recorded however, I have investigated the Cannon map more closely and have found that the about lots were excluded and consequently this deed should be ignored since the map did not include the lots in question.

The last mentioned deed proposes to be a deed of correction, but as stated the lots were not included in Cannon map and consequently the deed conveys nothing, but we can go back then to the original map of the first addition to Cedar Grove Estates for title.

Sworn to and subscribed to  
before me this 30th day of April, 1958.

Handy Ellis  
Handy Ellis

Morris J. Farmer  
Notary Public, State of Alabama  
I, L. C. Walker, Judge of Probate hereby certify that the within  
day of May 1958 at 2 o'clock P. M. and received 192 Record 103 Page 5 examined  
and the Mortgage Tax of \$ 1.00 Deed Tax of \$ 1.00 has been paid.  
L. C. Walker Judge of Probate