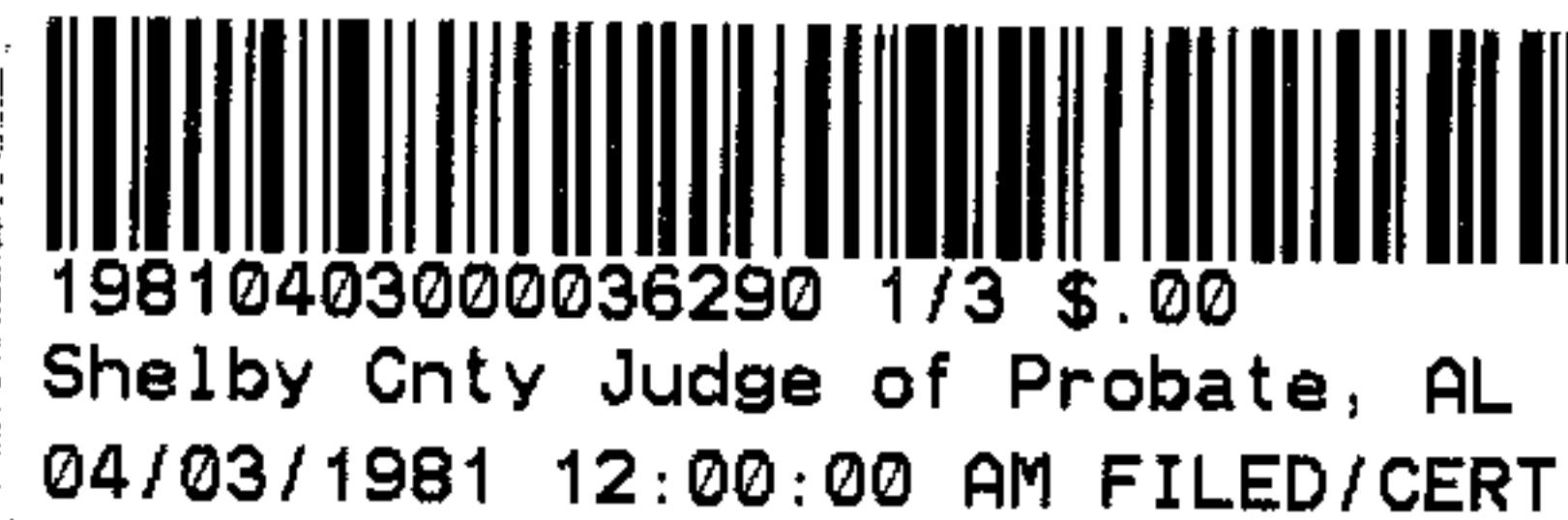


STATE OF ALABAMA)

176

SHELBY COUNTY)

AFFIDAVIT



Before me, the undersigned, a Notary Public in and for said County in said State, personally appeared Paul Bean, who, being sworn and deposed, saith as follows:

My name is Paul Bean, I am over the age of 19 years, of sound mind and under no legal disaiblity, and I live at Route Three, Fungo Hollow, Pelham, Shelby County, Alabama. I have lived in this area for longer than the past 50 years and I know and am familiar with the other residents in this area, and the ownership of land in the area. I knew R. S. Brasher, whose full name was Robert Saul Brasher, who died intestate on April 7, 1976. At the time of his death, R. S. Brasher left surviving him a wife and five children as follows: Marie Martin, presently married to John W. Martin; Christine C. Partridge, presently married to Franklin E. Partridge; Lelia May Whitfield, unmarried; Ruth Willis, presently married to Mack Willis; and Franklin Brasher, presently married to Edith Brasher. R. S. Brasher had a sixth child, Lloyd Brasher, who died in infancy without heirs. All five of the children of R. S. Brasher named hereinabove and the spouses as indicated and widow are over 19 years of age, of sound mind and under no legal disability.

As stated above, I am familiar with the real estate in this area and I live a mile or so from the property made the subject of this Affidavit, more particularly described as follows, to-wit:

See attached sheet for legal description.

In 1958 R. S. Brasher and wife, Lillian Payton Brasher conveyed a certain portion of Parcel A, in the Southeast corner of said parcel, to Clifford Cox and Wilma Cox which is recorded in Deed Book 196, Page 330, in the Office of the Judge of Probate of Shelby County, Alabama. The property was incorrectly described and shown to be in the Northeast corner of said parcel. Thereafter, the legal description of the property actually conveyed was corrected in a conveyance of the same parcel to Ruby Payton by R. S. Brasher and wife, Lillian Brasher, and Clifford J. Cox and wife, Wilma Cox as recorded in Deed Book 225, Page 343, in the Office of the Judge of Probate of Shelby County, Alabama.

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Daniel M. Smith

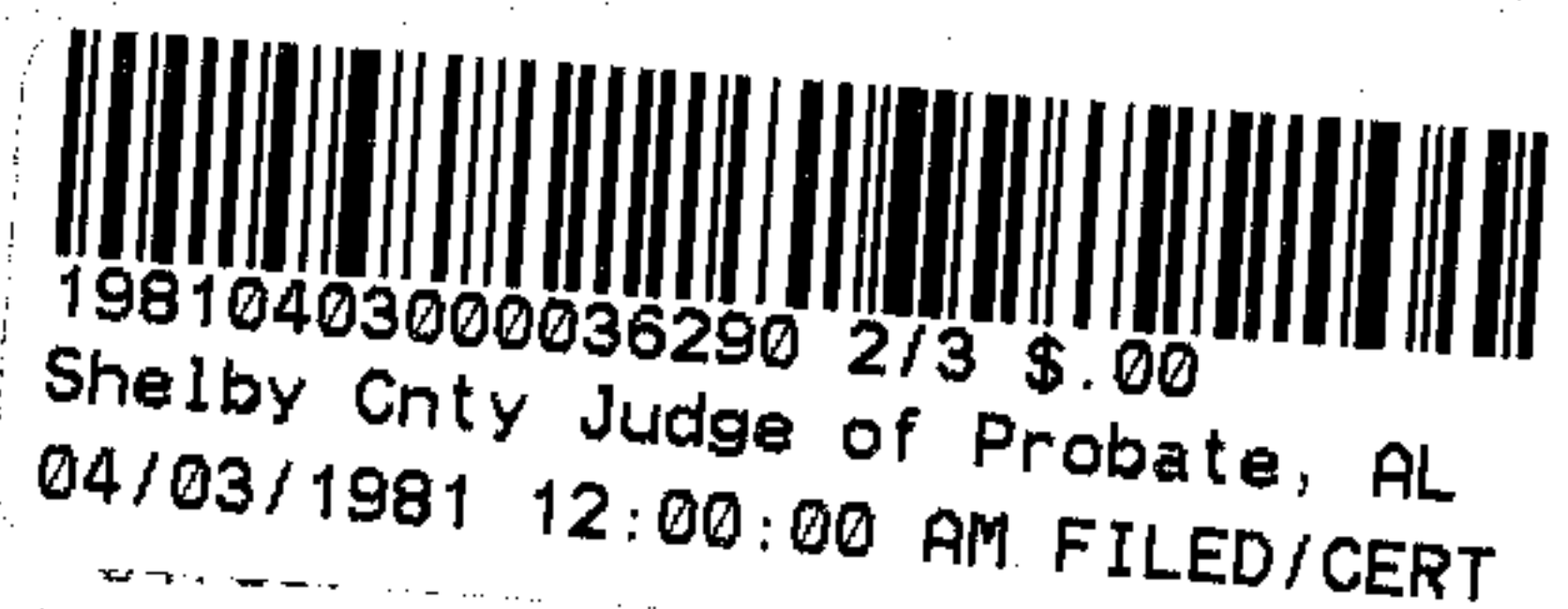
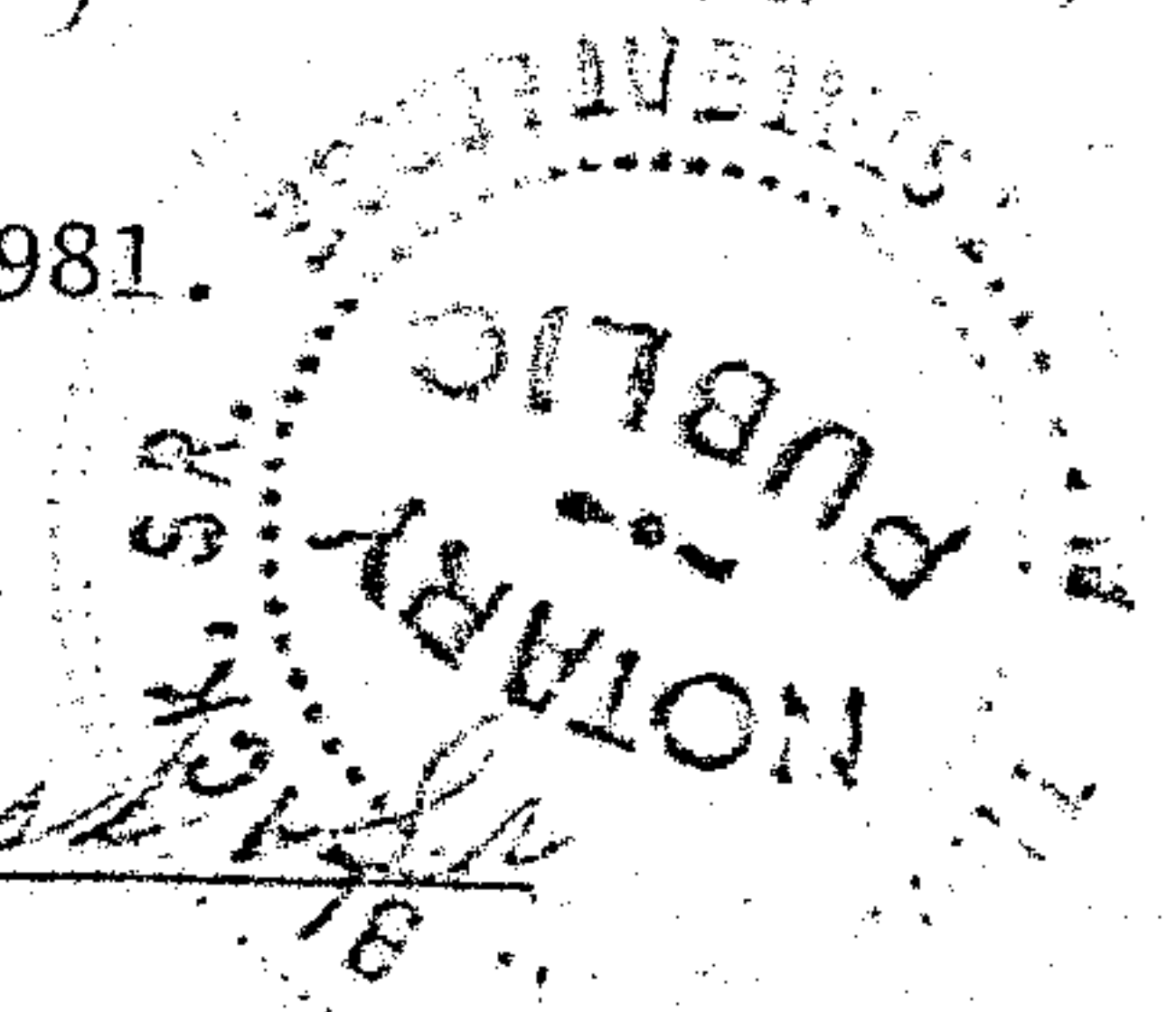
Ruby Payton has been in actual, open, exclusive, continual, and sole possession of the property in the Southeast portion of Parcel A described in the deed recorded in Deed Book 225, Page 343 in the Office of the Judge of Probate of Shelby County, Alabama, since the date of the deed. Ruby Payton has never claimed any interest in or exercised any dominion control or claim in any property in the Northeast corner of Parcel A as set out in the 1958 deed.

HIS MARK
Paul X Bean witnessed and
PAUL BEAN
signed by daughter Lena M Bean

Subscribed and sworn to before me this 25 day of March, 1981.

Thomas M Black
Notary Public

TERM EXPIRES 3/31/83



BOOK 40 PAGE 133

A tract of land situated in the Northwest quarter of the Southeast quarter of Section 18, Township 20 South, Range 2 West, Shelby County, Alabama, and more particularly described as follows: Begin at the Northeast Corner of said quarter-quarter Section and run South along the East line thereof a distance of 505.94 feet; thence an angle right of 61 degrees, 39 minutes, 02 seconds and run Southwesterly a distance of 134.28 feet; thence 90 degrees left and run Southeasterly a distance of 73.30 feet to the Northwest Right of Way of Shelby County Highway No. 72; thence 92 degrees, 18 minutes, 04 seconds right to tangent of a Curve to the left, said Curve having a radius of 1429.29 feet and subtending a central angle of 7 degrees 20 minutes, 41 seconds; thence run Southwesterly along the arc of said Curve a distance of 183.22 feet; thence an angle right of 103 degrees, 18 minutes, 31 seconds from tangent of curve and run Northwesterly a distance of 61.12 feet; thence an angle left of 75 degrees, 24 minutes, and run Westerly a distance of 136.04 feet; thence an angle left of 88 degrees, 12 minutes, 37 seconds and run Southerly a distance of 19.22 feet; thence an angle right of 87 degrees, 31 minutes, 20 seconds and run Westerly a distance of 70.80 feet to a point on the East line of Hunters Glen, First Addition; thence right 98 degrees, 01 minutes, 07 seconds and run Northeast along said East line a distance of 688.62 feet to a point on the North line of the Northwest quarter of the Southeast quarter; thence an angle right of 83 degrees, 00 minutes, 48 seconds and run East along said North line a distance of 400.14 feet to the Point of Beginning. Tract of land contains 6.40 acres.

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Shelby Cnty Judge of Probate, AL
04/03/1981 12:00:00 AM FILED/CERT

STATE OF ALA. SHELBY CO.
I CERTIFY THIS
DEED WAS FILED

1981 APR -3 PM 12:03

Thomas A. Snowden, Jr.
JUDGE OF PROBATE

Rec. 4.50
Ind. 1.00
5.50