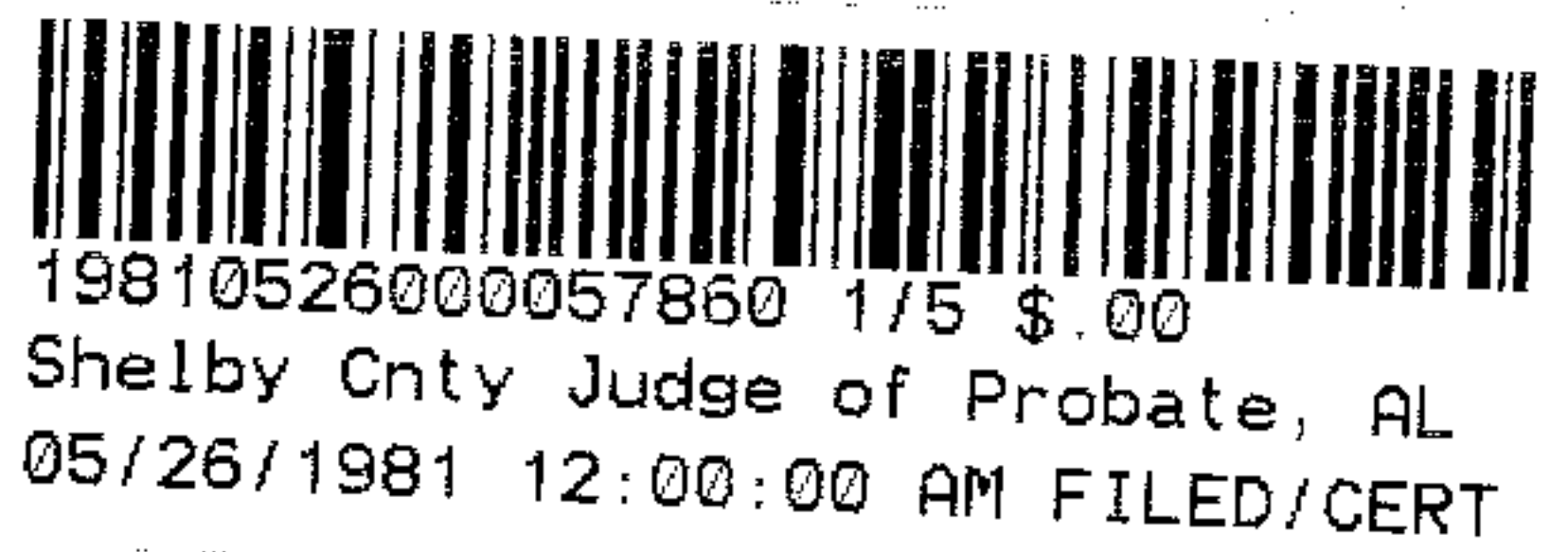


STATE OF ALABAMA)

SHELBY COUNTY)



AFFIDAVIT OF ROBERT E. POWERS

Before me, Barbara J. Chapin, a notary

public in and for Jefferson County, Alabama, personally appeared Robert E. Powers, who is known to me and who did upon oath depose and say:

My name is Robert E. Powers. I reside at 5537 Park View Circle, Birmingham, Shelby County, Alabama, 35243. I am 75 years of age.

On April 26, 1945, I was living next door to the Butler family homeplace. They owned approximately 45 acres of property on U. S. Highway 31 near Pelham, Alabama. My address then was Route 1, Helena, Alabama. I had known the Butlers and been their next-door neighbor since 1918. I lived at that location and was their closest neighbor until 1980. I knew very well Joseph H. Butler and his sister, Alice E. Butler. I also knew John P. Lee, who in 1945 was a Justice of the Peace in Shelby County, Alabama, but not a lawyer, and not learned in the law. On April 26, 1945, Joseph H. Butler asked me to come to the Butler house to witness a deed which had been prepared by Mr. Lee and by which Joseph H. Butler told me he planned to convey to his sister, Alice, all of the interest which he had in the Butler property, including not only what he had gotten by deed from his parents but what he received by inheritance from his brother and from his parents. At that time, Joseph H. Butler and Alice E. Butler were both living in the Butler house.

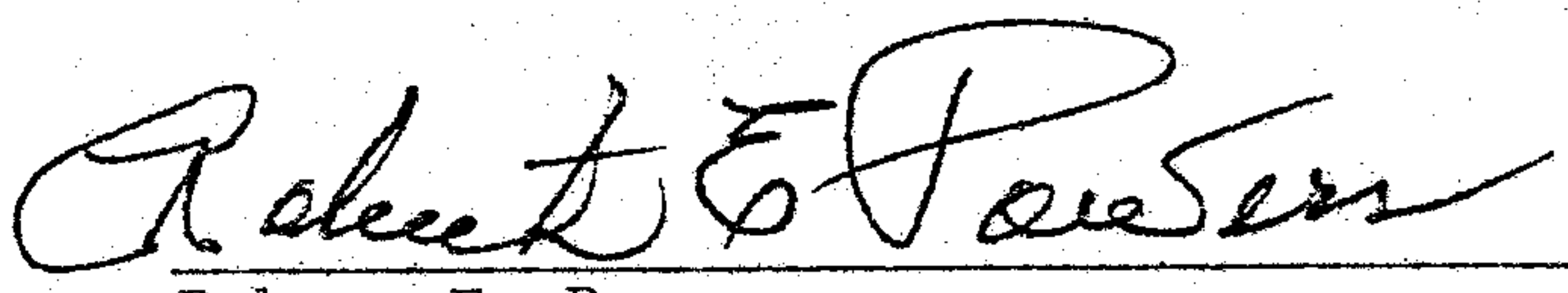
I witnessed the signature of Joseph H. Butler on that deed. A copy of the deed is attached to this affidavit. My signature appears on the deed as a witness. There is no doubt in my mind but that Joseph H. Butler was of sound mind and knew exactly what he intended to do on April 26, 1945. He expressed the intention to give everything to Miss Alice. He told both me and Mr. Lee that he was giving everything to Miss Alice, who is his only living sister, who was then unmarried, and who is still living and unmarried. Miss Alice continued to live in the Butler place until very recently.

BOOK 40 PAGE 820

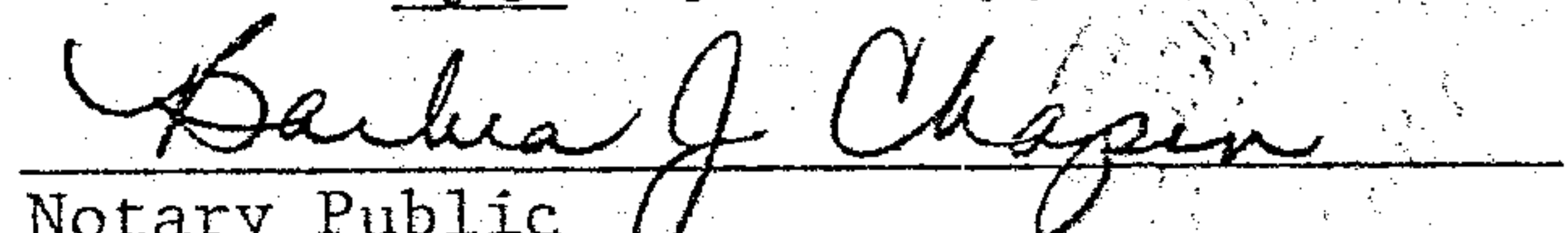
Barbara J. Chapin
Notary Public
2121 Highland Ave
Birmingham, Ala

The Butlers owned no property in the N $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 13. Instead, they owned land in the N $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 13. The attached deed contains more than one error as to what Joseph H. Butler intended to convey.

From 1945 to the present time, it has been common knowledge in the neighborhood that Joseph H. Butler conveyed everything which he owned in 1945 to Miss Alice. I have never heard anybody, either in the Butler family, or not in the family, assert anything to the contrary until very recently when a rumor started that there was a mistake in the deed.


Robert E. Powers

Sworn to and subscribed before me this 25 day of May, 1981.


Notary Public


19810526000057860 2/5 \$.00
Shelby Cnty Judge of Probate, AL
05/26/1981 12:00:00 AM FILED/CERT

The State of Alabama }

Shelby County }

Know All Men by These Presents, That in consideration of One (\$1.00) Dollar

and of other considerations—

DOLLARS

to the undersigned grantor Joseph H. Butler— (A single man)



19810526000057860 3/5 \$.00
Shelby Cnty Judge of Probate, AL
05/26/1981 12:00:00 AM FILED/CERT

in hand paid by Alice E. Butler—

the receipt whereof is acknowledged—

—I—

the said Joseph H. Butler—

do grant, bargain, sell and convey unto the said Alice E. Butler—

the following described real estate, to-wit: One sixth in the North half of NW $\frac{1}{4}$ of NE $\frac{1}{4}$ and the S $\frac{1}{2}$ of NE $\frac{1}{4}$ of NW $\frac{1}{4}$ Section 13 Township 20 Range 3 West, containing Forty (40) acres, more or less. Also beginning at the Section corner, near Denson Bridge, running West along Section line, about 200 Yards to a point, where Section line intersects Helena Run, to a point Fifty (50) Yards from the nearest of Bender Creek, thence in a Northerly direction to Oxmoor Road, across Oxmoor Road to ditch, thence East along ditch 24 Yards to mill Pond, thence along mill Pond to Denson line, thence South along said line to Oxmoor Road, thence along said road, in a South Easterly direction to beginning point, containing Five (5) acres, more or less and in Section 11 Township 20 Range 3 West, containing in all Forty Five (45) acres, this making Alice E. Butler a half interest in the above lands.



situated in Shelby County, Alabama.

BOOK 40 PAGE 822

To Have and to Hold, To the said Alice E. Butler-

heirs and assigns forever.

And -I- do, for myself and for -My- heirs, executors and administrators,
covenant with the said Alice E. Butler- her

heirs and assigns, that - I am- lawfully seized in fee simple of said premises;

that they are free from all incumbrances; that - I - have a good right to

sell and convey the same as aforesaid; that - I - will, and - My - heirs, executors

and administrators shall, warrant and defend the same to the said Alice E. Butler-

heirs and assigns forever, against the lawful claims of all persons.

In Witness Whereof, - I - have hereunto set - My- hand and sealed, this

26 day of April, 1945

WITNESSES:

Robert E. Parsons

Joseph H. Hester (Seal.)

(Seal.)

(Seal.)

(Seal.)



19810526000057860 4/5 \$.00
Shelby Cnty Judge of Probate, AL
05/26/1981 12:00:00 AM FILED/CERT

BOOK 40 PAGE 824

The State of Alabama }
SHELBY - County }

I, Jno. P. Lee-

a. - Justice of the Peace- in and for said County, in said State,
hereby certify that Joseph H. Butler-
whose name - is - signed to the foregoing conveyance, and who - is - known
to me, acknowledged before me on this day that, being informed of the contents of this conveyance,
that, he - executed the same voluntarily on the day the same bears date.

Given under my hand this 26th. day of April, A. D. 1945-

Jno. P. Lee
Justice of the Peace-

The State of Alabama }
SHELBY - County }

I, Jno. P. Lee-

a. Justice of the Peace- in and for said County, in said State, hereby certify that
Robert E. Powers- subscribing witness to the foregoing conveyance, known
to me, appeared before me this day, and being sworn, stated that Joseph H. Butler-
the grantor- voluntarily
executed the same in - MY - presence and in the presence of the other subscribing witness, on the day the
same bears date; that - He - attested the same in the presence of the grantor, and of the other
witness, and that such other witness subscribed - his - name as a witness in my presence.

Given under my hand this the 26th. day of April, A. D. 1945-

Jno. P. Lee
Justice of the Peace-

The State of Alabama }

STATE OF ALA. SHELBY CO.
County)
DOCUMENT HAS FILED

I, _____

a. _____ in and for said County, in said State, hereby certify that
on the _____ day of _____, 19____, came before me the within named
_____ known to me (or made known to me) to be the wife of the
within named _____ who, being examined separate
and apart from the husband touching her signature to the within _____ acknowledged that she
signed the same of her own free will and accord, without fear, constraint or threats on the part of the husband.

In Witness Whereof, I herunto set my hand this _____

_____, A. D. 19____.

19810526000057860 5/5 \$.00
Shelby Cnty Judge of Probate, AL
05/26/1981 12:00:00 AM FILED/CERT