

101  
AFFIDAVIT

STATE OF ALABAMA)

SHELBY COUNTY)

The undersigned, in an effort to correct a mistake made in drafting a warranty deed from Aubrey and Minnie L. Cotney to Wallace and Georgia Brasher dated October 5, 1984, (See Exhibit "A") do hereby state as follows:

On October 4, 1984, Aubrey and Minnie L. Cotney entered into a written agreement to sell for Six Thousand Dollars (\$6,000.00) two acres of land which was described in the October 3, 1984, survey of Joseph E. Conn, Jr. to Edwin C. Miles. (See Exhibit "B").

Mr. Miles had made an earlier oral agreement with Wallace and Georgia Brasher to enter into a Lease Purchase Agreement allowing them to buy this property from him with any improvements he may make. Mr. Miles then gave Three Thousand Dollars (\$3,000.00) to Mr. Brasher to make the down payment to the Cotneys, which he did.

In turn Mr. & Mrs. Cotney then executed a Warranty Deed (Exhibit "A") to Mr. & Mrs. Brasher. This deed is incorrect in that the Brashers are not the purchasing parties, nor have the Cotneys been paid the full Six Thousand Dollars (\$6,000.00).

Additionally, the Cotneys still owe Two Thousand Three Hundred Forty Three and 80/100's Dollars (\$2,343.80) to Allen E. Lowery and Grace Nell Lowery on this property.

On Friday, November 30, 1984, all the parties have met and another Warranty Deed was executed on this same property from Mr. & Mrs. Cotney to Edwin C. Miles; and a Quitclaim Deed has been executed on this property from Wallace and Georgia Basher to Edwin C. Miles. Further Edwin C. Miles has paid the \$2,343.80 in cash to Mr. & Mrs. Lowery and they have executed a release. Mr. & Mrs. Cotney have been paid the remaining amount of Five Hundred Thirty One and 20/100's Dollars (\$531.20) from Mr. Miles in cash.

Edwin C. Miles  
Rt 1, Box 298  
Sterrett, AL 35147

BOOK 025 PAGE 781

The Cotneys have further agreed to allow Mr. Miles and the Brashers an easement on their adjoining property to the access road, Shelby County Road 39.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this

30<sup>th</sup> day of November, 1984.

Aubrey O. Cotney  
AUBREY COTNEY

Minnie L. Cotney  
MINNIE L. COTNEY

Wallace Brasher  
WALLACE BRASHER

Georgia Brasher  
GEORGIA BRASHER

Allen E. Lowery  
ALLEN E. LOWERY

Grace Nell Lowery  
GRACE NELL LOWERY

Edwin C. Miles  
EDWIN C. MILES

STATE OF ALABAMA)

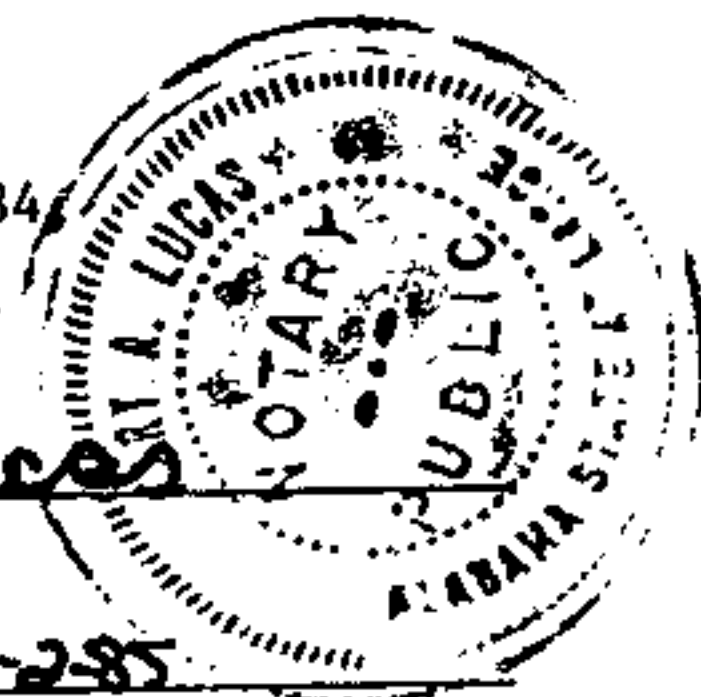
SHELBY COUNTY)

I, the undersigned, a notary public, in and for said county in said state, hereby certify that Aubrey Cotney, Minnie L. Cotney, Wallace Brasher, Georgia Brasher, Allen E. Lowery, Grace Nell Lowery, and Edwin C. Miles, whose names are signed to the foregoing Affidavit, and who are known to me, acknowledged before me on this date that, being informed of the contents thereof they executed the same voluntarily.

Given under my hand and seal this 30<sup>th</sup> day of November, 1984

Mary A. Lucas  
Notary Public

My Commission Expires: 3-28-85



BOOK 023 PAGE 782



(Name) Wallace Brasher  
 Route 1, Box-1A  
 (Address) CHELSEA, Alabama 35013

This instrument was prepared by

(Name) Mike T. Atchison, Attorney  
 Post Office Box 822  
 (Address) Columbiana, Alabama 35051

Form 115 Rev. 3/52

WARRANTY DEED, JOINT TENANTS WITH RIGHT OF SURVIVORSHIP - LAWYERS TITLE INSURANCE CORPORATION, Birmingham, Alabama

STATE OF ALABAMA  
 SHELBY

COUNTY

KNOW ALL MEN BY THESE PRESENTS,

That in consideration of Six Thousand and no/100 DOLLARS

to the undersigned grantor or grantors in hand paid by the GRANTEES herein, the receipt whereof is acknowledged, we,  
 Aubrey Cotney and wife, Minnie L. Cotney

(herein referred to as grantors) do grant, bargain, sell and convey unto  
 Wallace Brasher and Georgia Brasher

(herein referred to as GRANTEES) as joint tenants, with right of survivorship, the following described real estate situated in

Shelby County, Alabama to-wit:

Begin at the Northeast corner of Section 34, Township 19 South, Range 1 West, Shelby County, Alabama; thence run in a Southerly direction along the East line of said Section 34, a distance of 481.55 feet to a point on the North right of way line of a 100.0 feet wide railroad right of way; thence turn an angle to the right of 81 degrees 30 minutes and run West-Southwesterly along said right of way line a distance of 190.82 feet to a point on same said right of way line; thence turn an angle of 101 degrees 42 minutes 14 seconds to the right and run Northeasterly a distance of 515.12 feet to a point on the North line of said Section 34; thence turn an angle of 88 degrees 25 minutes 46 seconds to the right and run Easterly along said Section line a distance of 160.0 feet to the point of beginning, containing 2.0 acres.  
 According to survey of Joseph E. Conn, Jr., Reg. No. 9049, dated October 3, 1984.

STATE OF ALABAMA  
 I CERTIFY THIS  
 INSTRUMENT IS  
 1984 OCT -5 PM 2:32

Seed tax - 6.00  
 Rec - 2.50  
 Ind - 1.00  
 9.50

TO HAVE AND TO HOLD unto the said GRANTEES as joint tenants, with right of survivorship, their heirs and assigns, forever; it being the intention of the parties to this conveyance, that (unless the joint tenancy hereby created is severed or terminated during the joint lives of the grantees herein) in the event one grantee herein survives the other, the entire interest in fee simple shall pass to the surviving grantee, and if one does not survive the other, then the heirs and assigns of the grantees herein shall take as tenants in common.

And I (we) do for myself (ourselves) and for my (our) heirs, executors, and administrators covenant with the said GRANTEES, their heirs and assigns, that I am (we are) lawfully seized in fee simple of said premises; that they are free from all encumbrances, unless otherwise noted above; that I (we) have a good right to sell and convey the same as aforesaid; that I (we) will and my (our) heirs, executors and administrators shall warrant and defend the same to the said GRANTEES, their heirs and assigns forever, against the lawful claims of all persons.

IN WITNESS WHEREOF, we have hereunto set our hand(s) and seal(s), this 5th

day of October, 19 84.

WITNESS:

\_\_\_\_\_  
 (Seal)  
 \_\_\_\_\_  
 (Seal)  
 \_\_\_\_\_  
 (Seal)

STATE OF ALABAMA

SHELBY COUNTY

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that Aubrey Cotney and wife, Minnie L. Cotney whose names are signed to the foregoing conveyance, and who are known to me, acknowledged before me on this day, that, being informed of the contents of the conveyance they executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 5th day of October, A.D., 19 84

Janet F. Carson  
 Notary Public

BOOK 025 PAGE 783

BOOK 004 PAGE 562

10-4-84

I the UNDERSIGNED AGREE TO  
 SELL EDWIN C. MILES 2 ACRES AS  
 DESCRIBED BY ENCLOSED SURVEY OF  
 OCT. 3, 1984 BY JOSEPH CONN JR.  
 FOR THE TOTAL AMOUNT OF \$6,000.00,  
 LESS 1/2 THE SURVEY FEE. ON THIS  
 DATE OCT. 4, 1984 I EDWIN C MILES  
 WILL PAY \$3,000.00 DOWN, THE  
 BALANCE TO BE PAID ON CLOSING  
 WITHIN 30 DAYS & RECEIPT OF  
 WARRANTY DEED & MORTGAGE TITLE  
 INSURANCE POLICY.

SIGNED Minnie L. CatneyDATE 10/4/84WITNESS William BarkerDATE 10/4/84WITNESS Aubrey CatneyDATE 10/4/84



This instrument was prepared by

(Name) James E. Harris  
1122 - 22nd Street, North  
(Address) Birmingham, AL 35234



*Jefferson Land Title Services Co., Inc.*  
316 21ST NORTH • P. O. BOX 10481 • PHONE (205) 328-6020  
BIRMINGHAM, ALABAMA 35201  
AGENTS FOR  
*Mississippi Valley Title Insurance Company*

WARRANTY DEED

STATE OF ALABAMA

SHELBY

COUNTY

KNOW ALL MEN BY THESE PRESENTS:

That in consideration of Six Thousand and no/100's (\$6,000.00) Dollars

to the undersigned grantor (whether one or more), in hand paid by the grantee herein, the receipt whereof is acknowledged, I or we,

Aubrey Cotney and wife, Minnie L. Cotney

(herein referred to as grantor, whether one or more), grant, bargain, sell and convey unto

Edwin C. Miles

(herein referred to as grantee, whether one or more), the following described real estate, situated in Shelby County, Alabama, to-wit: •

Begin at the Northeast corner of Section 34, Township 19 South, Range 1 West, Shelby County, Alabama; thence run in a Southerly direction along the East line of said Section 34, a distance of 481.55 feet to a point on the North right of way line of a 100.0 feet wide railroad right of way; thence turn an angle to the right of 81 degrees 30 minutes and run West-Southwesterly along said right of way line a distance of 190.82 feet to a point on same said right of way line; thence turn an angle of 101 degrees 42 minutes 14 seconds to the right and run Northeasterly a distance of 515.12 feet to a point on the North line of said Section 34; thence turn an angle of 88 degrees 25 minutes 45 seconds to the right and run Easterly along said Section line a distance of 160.0 feet to the point of beginning, containing 2.0 acres.  
According to survey of Joseph E. Conn, Jr., Reg. No. 9049, dated October 3, 1984.

TO HAVE AND TO HOLD to the said grantee, his, her or their heirs and assigns forever.

And I (we) do, for myself (ourselves) and for my (our) heirs, executors and administrators, covenant with said grantee, his, her or their heirs and assigns, that I am (we are) lawfully seized in fee simple of said premises; that they are free from all encumbrances, unless otherwise stated above; that I (we) have a good right to sell and convey the same as aforesaid; that I (we) will, and my (our) heirs, executors and administrators shall warrant and defend the same to the said grantee, his, her or their heirs and assigns forever, against the lawful claims of all persons.

IN WITNESS WHEREOF, I (we) have hereunto set my (our) hand(s) and seal(s) this 30 day of NOVEMBER, 19 84.

(SEAL)

*Aubrey O. Cotney*

(SEAL)

(SEAL)

*Minnie L. Cotney*

(SEAL)

(SEAL)

(SEAL)

STATE OF ALABAMA

SHELBY

COUNTY

General Acknowledgment

I, the undersigned

a Notary Public in and for said County,

in said State, hereby certify that

Aubrey Cotney and wife, Minnie L. Cotney

whose name(s) are signed to the foregoing conveyance, and who are known to me, acknowledged before me on this day, that, being informed of the contents of the conveyance, they executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 30<sup>th</sup> day of November, A.D. 19 84

*Mary A. Lucas*  
Notary Public

STATE OF ALABAMA )  
JEFFERSON COUNTY )

FULL SATISFACTION OF RECORDED LIEN

Know All Men By These Presents, That, the undersigned Allen E. Lowery and Grace  
Nell Lowery, acknowledges full payment of the indebtedness secured by that certain  
(Real Property) (~~Real Property~~) mortgage executed by Aubrey Cotney and wife, Minnie  
L. Cotney Shelby  
which said mortgage was recorded in the office of the Judge of Probate Court of ~~Jefferson~~ Shelby County, Alabama, in  
Mortgage Book No. 339, Page No. 548, (and assigned to \_\_\_\_\_  
in \_\_\_\_\_ Book No. \_\_\_\_\_, Page \_\_\_\_\_,) and the undersigned does further hereby release and  
satisfy said mortgage.

In Witness Whereof, the undersigned, Allen E. Lowery and Grace Nell Lowery  
has caused these presents to be executed this 30<sup>th</sup> day of NOVEMBER, 19 84.

Allen E. Lowery  
Grace Nell Lowery

BOOK 025 PAGE 786

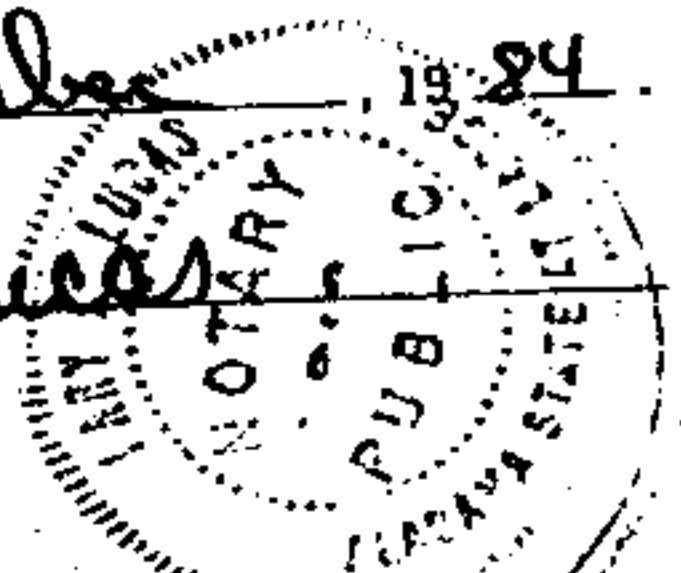
STATE OF ALABAMA )  
JEFFERSON COUNTY )  
SHELBY

GENERAL ACKNOWLEDGEMENT

Notary Public  
I, the undersigned, ~~Judge of Probate~~, in and for said County in said State, hereby certify that Allen  
E. Lowery and Grace Nell Lowery whose name is signed to the foregoing instrument, and who  
is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he executed  
the same voluntarily on the day the same bears date.

Given under my hand and Official seal this 30<sup>th</sup> day of November, 19 84.

Mary A. Lucas  
~~Judge of Probate~~  
Notary Public



STATE OF ALABAMA )  
JEFFERSON COUNTY )

CORPORATE ACKNOWLEDGEMENT

Notary Public  
I, the undersigned, Judge of Probate, in and for said County in said State, hereby certify that \_\_\_\_\_ of  
\_\_\_\_\_ whose name as \_\_\_\_\_  
a corporation, is signed to the foregoing instrument, and who is known  
to me, acknowledged before me on this day that, being informed of the contents of the instrument, he, as such officer  
and with full authority, executed the same voluntarily for and as the act of said corporation.

Given under my hand and Official seal this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

Judge of Probate  
Notary Public



This instrument was prepared by

(Name) James E. Harris  
 1122 - 22nd Street, North  
 (Address) Birmingham, AL 35234



*Jefferson Land Title Services Co., Inc.*  
 318 21ST NORTH • P. O. BOX 10481 • PHONE (205) 378-4011  
 BIRMINGHAM, ALABAMA 35201  
 AGENTS FOR  
*Mississippi Valley Title Insurance Company*

## QUITCLAIM DEED

THE STATE OF ALABAMA, SHELBY COUNTY

KNOW ALL MEN BY THESE PRESENTS, That for and in consideration of the sum of One Dollar and other good and valuable consideration in hand paid to the undersigned, the receipt whereof is hereby acknowledged, the undersigned hereby releases, quitclaims, grants, sells, and conveys to Edwin C. Miles (hereinafter called Grantee), all their right, title, interest, and claim in or to the following described real estate, situated in Shelby County, Alabama, to-wit:

Begin at the Northeast corner of Section 34, Township 19 South, Range 1 West, Shelby County, Alabama, thence run in a Southerly direction along the East line of said Section 34, a distance of 481.55 feet to a point on the North right of way line of a 100.0 feet wide railroad right of way; thence turn an angle to the right of 81 degrees 30 minutes and run West-Southwesterly along said right of way line a distance of 190.82 feet to a point on same said right of way line; thence turn an angle of 101 degrees 42 minutes 14 seconds to the right and run Northeasterly a distance of 515.12 feet to a point on the North line of said Section 34; thence turn an angle of 88 degrees 25 minutes 46 seconds to the right and run Easterly along said Section line a distance of 160.0 feet to the point of beginning, containing 2.0 acres.

TO HAVE AND TO HOLD to said GRANTEE forever.

Given under our hand and seal, this 30<sup>th</sup> day of Nov. 1984.

Witnesses:

Wallace Brasher (SEAL)Georgia Brasher (SEAL)

THE STATE OF ALABAMA )  
 SHELBY COUNTY )

I, the undersigned authority, a Notary public

In and for said County, in said State, hereby certify that  
 Wallace Brasher and Georgia Brasher

whose names signed to the foregoing conveyance, and who are known to me, acknowledged before me on this day, that, being informed of the contents of the conveyance, they executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 30<sup>th</sup> day of Nov. 1984

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

Form ALA-34

1985 MAY -2 AM 10:51

Thomas W. Brasher, Jr.  
 JUDGE OF PROBATE

Notary Public

## RECORDING FEES

Recording Fee \$ 17.50

Index Fee 6.00

TOTAL \$ 23.50