

STATE OF ALABAMA)

SHELBY COUNTY)

1502

AFFIDAVIT

Before me, the undersigned Notary Public in and for said State and County, personally appeared, Earnestine Smitherman, who first being duly sworn and deposed, saith as follows:

My name is Earnestine Smitherman, I am over 19 years of age, of sound mind and under no legal disability. I live at 202 Highway 25 East, Montevallo, Shelby County, Alabama. I knew Florence Thurman Milstead and her heirs as set out hereinbelow. I am giving this affidavit as an inducement for American Title Insurance Company to insure D. Charles Bates under the Cahaba Title, Inc. Binder No.: 52181. The property included and made the subject of this affidavit located in Shelby County, Alabama and is more particularly described as follows, to wit:

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Commence at the intersection of the East line of the West Half of the Northeast Quarter (W1/2 - NE 1/4) of Section 3, Township 24 North, Range 12 East, Shelby County, Alabama and the North right of way of the Montevallo-Calera Highway (Alabama Highway #25); thence run Westerly along said Highway right of way 522.2 feet to the point of beginning. Thence run North and parallel with the East 1/4 line 750 feet to the Southern Railway right of way. Thence run Southwest along said right of way 112.5 feet; thence run South and parallel to East lot line 694 feet. Thence Easterly 105 feet to the point of beginning. Less and except any part of subject property lying within the right of way of Alabama Highway No. 25. Being situated in Shelby County, Alabama.

I was a neighbor of Florence Thurman Milstead and I knew her for 40 years until she died and I am familiar with and know her family members as set out hereinbelow. Florence Thurman Milstead died on or about October 13, 1986 and at the time of her death she was single, her husband having predeceased her. Florence Thurman Milstead had two children, both of which survived her death. These two surviving children were Elizabeth Lee Haynie and Herbert O. Milstead, Jr. and both of them are alive today and under no legal disability at this time.

DONE THIS 14th day of July, 1988.

Earnestine Smitherman
Earnestine Smitherman

Sworn to and subscribed before me this 14th day of July, 1988.

Carroll Baden
Notary Public

STATE OF ALABAMA
I CERTIFY THIS INSTRUMENT WAS FILED

88 JUL 22 AM 9:55

William H. ...
JUDGE OF PROBATE

RECORDING FEES
Recording Fee \$ 2.50
Index Fee 1.00
TOTAL 3.50

MY COMMISSION EXPIRES MARCH 12, 1991

Dan Spitzer