

April 29, 1988

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AFFIDAVIT

Before me, the undersigned, a Notary Public in and for said county, in said State, personally appeared, William R. Justice, who being first duly sworn, deposes and says:

My name is William R. Justice. I am a practicing attorney whose office is in Columbiana, Shelby County, Alabama. I have been in the general practice of law at that location since August, 1979. I currently practice in a professional corporation with the name "CONWILL & JUSTICE, P.C.". My firm's immediate predecessor was a partnership, "HARRISON, CONWILL, HARRISON & JUSTICE". That firm's immediate predecessor was a partnership, "HARRISON, CONWILL, & HARRISON". That firm's immediate predecessor was a partnership, "HARRISON & CONWILL". All of these firms maintained their practice in the same location in Columbiana, Alabama, and the files and records of all of these firms are in the possession of and maintained by CONWILL & JUSTICE, P.C.

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According to the files maintained by CONWILL & JUSTICE, P.C., on or about April 20, 1977, Karl C. Harrison, partner in HARRISON & CONWILL, was requested to issue a title opinion and provide legal services in regard to a proposed purchase of land by Thomas G. Watson and wife, Judith Anne Watson, from Woodrow Horton and Doris Horton Bates. The purchase was to be financed by a loan from the Farmers Home Administration. Mr. Harrison's title search revealed that record title to the land in question was in the name of Woodrow Horton and wife, Doris Horton. The land was described in a deed dated April 22, 1968, to the Horton's, as recorded in Deed Book 252, page 766, in the Probate Office of Shelby County, Alabama, as follows:

F. H. A.

A lot located in the SE $\frac{1}{4}$  of NW $\frac{1}{4}$ , Section 29, Township 21, Range 1 W, described as:  
Begin at the Northwest corner of the SE $\frac{1}{4}$  of NW $\frac{1}{4}$  29-21-1W, run South along West side of Section line 400 feet more or less to new highway right-of-way; East along highway RW 120 feet; North 360 feet, more or less, to N line of SE $\frac{1}{4}$  of NW $\frac{1}{4}$ , Section 29-21-1W; West 120 feet to beginning.

Prior to the purchase of the property, a survey was made by Mr. James L. Ray, Jr. A copy of that survey, dated May 23, 1977, is attached hereto as Exhibit "A". The survey description of the Horton land is as follows:

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Commence at the NW corner of the SE $\frac{1}{4}$  of the NW $\frac{1}{4}$ , Section 29, T-21-S, R-1-W, (Pt. of BG) being an iron pipe found in place; thence proceed in a southerly direction along the west line of said  $\frac{1}{4}$  for a distance of 379.29' to the point of intersection with the north right of way line of State Hwy. #70; thence turn 112° 56' 34" to the left and proceed along said R.O.W. line for a distance of 130.27' to a point; thence turn 67° 03' 26" to the left and proceed for a distance of 331.30' to a point; thence turn 91° 20' to the left and proceed for a distance of 120.00' to the point of beginning. Said parcel is lying in the SE $\frac{1}{4}$  of the NW $\frac{1}{4}$ , Section 29, T-21-S, R-1-W, and contains 0.98 acre.

On or about May 27, 1977, Woodrow W. Horton, Doris Horton Bates, and husband, Harold Bates, conveyed this land to Thomas G. Watson and Judith Anne Watson by deed recorded in Deed Book 305, page 667, in the Probate Office of Shelby County, Alabama. The description in that deed, which was intended to follow the survey description as shown on Exhibit "A" is as follows:

Commence at the NW corner of SE $\frac{1}{4}$  of the NW $\frac{1}{4}$ , Section 29, Township 21 South, Range 1 West, (Pt. of BG) being an iron pipe found in place; thence proceed in a Southerly direction along the West line of said  $\frac{1}{4}$  for a distance of 379.29 feet to the point of intersection with the North right of way line of State Hwy. #70; thence turn 112 deg. 56 min. 34 sec. to the left and proceed along said R.O.W. line for a distance of 130.27 feet to a point; thence turn 67 deg. 03 min. 26 sec. to the left and proceed for a distance of 33.30 feet to a point; thence turn 91 deg. 20 min. to the left and proceed for a distance of 120.00 feet to the point of beginning. Said parcel is lying in the SE $\frac{1}{4}$  of the NW $\frac{1}{4}$ , Section 29, Township 21 South, Range 1 West, and contains 0.98 acre.

There is an error in the seventh line of this description (on the survey) which reads "for a distance of 33.30 feet to point; thence turn 91 deg. 20 min. to the left and..." It should have read "for a distance of 331.30 feet to a point; thence turn 91 deg. 20 min. to the left and...". The same erroneous description appeared in the mortgage from the Watsons to the United States of America recorded in Mortgage Book 365, page 439, in the Probate Office of Shelby County, Alabama. The erroneous distance "33.30" feet is a typographical error made in the office of HARRISON & CONWILL, who drafted the deed and mortgage.

On or about November 9, 1982, the firm of HARRISON, CONWILL, HARRISON & JUSTICE was requested to issue a title opinion and provide legal services in regard to a proposed purchase of this same land by Paul E. Henry and Denise B. Henry from the Watsons. The purchase was to be financed by a loan from the Farmers Home Administration. On or about December 6, 1982, the Watsons executed a deed to Paul E. Henry and wife, Denise B. Henry, which is recorded in Deed Book 343, page 928, in the Probate Office of Shelby County, Alabama, and the Henry's executed a mortgage to the United States of America, which is recorded in Mortgage Book 425, page 330, in the Probate Office of Shelby County, Alabama. Both the deed and the mortgage contain the same erroneous description that was contained in the deed into the Watsons and the mortgage from the Watsons to the United States of America, that is, the distance "33.30" was typed instead of the correct distance of "331.30". Again, this was a typographical error made in the office of HARRISON, CONWILL, HARRISON & JUSTICE, who drafted the deed and mortgage.

As a result of these drafting errors, the mortgage from Paul E. Henry and wife, Denise B. Henry to the United States of America, dated December 6, 1982, recorded in Mortgage Book 425, page 330, in the Probate Office of Shelby County, Alabama,

contains an error in the description of the land encumbered by said mortgage; the correct description of said land is:

Commence at the NW corner of the SE $\frac{1}{4}$  of the NW $\frac{1}{4}$ , Section 29, Township 21-South, Range 1 West, (Pt. of BG) being an iron pipe found in place; thence proceed in a southerly direction along the west line of said  $\frac{1}{4}$  for a distance of 379.29' to the point of intersection with the north right of way line of State Hwy. #70; thence turn 112° 56' 34" to the left and proceed along said R.O.W. line for a distance of 130.27' to a point; thence turn 67° 03' 26" to the left and proceed for a distance of 331.30' to a point; thence turn 91° 20' to the left and proceed for a distance of 120.00' to the point of beginning. Said parcel is lying in the SE $\frac{1}{4}$  of the NW $\frac{1}{4}$ , Section 29, Township 21 S, R-1-W, and contains 0.98 acre.

This is the same description as is shown on the survey attached hereto as Exhibit "A".

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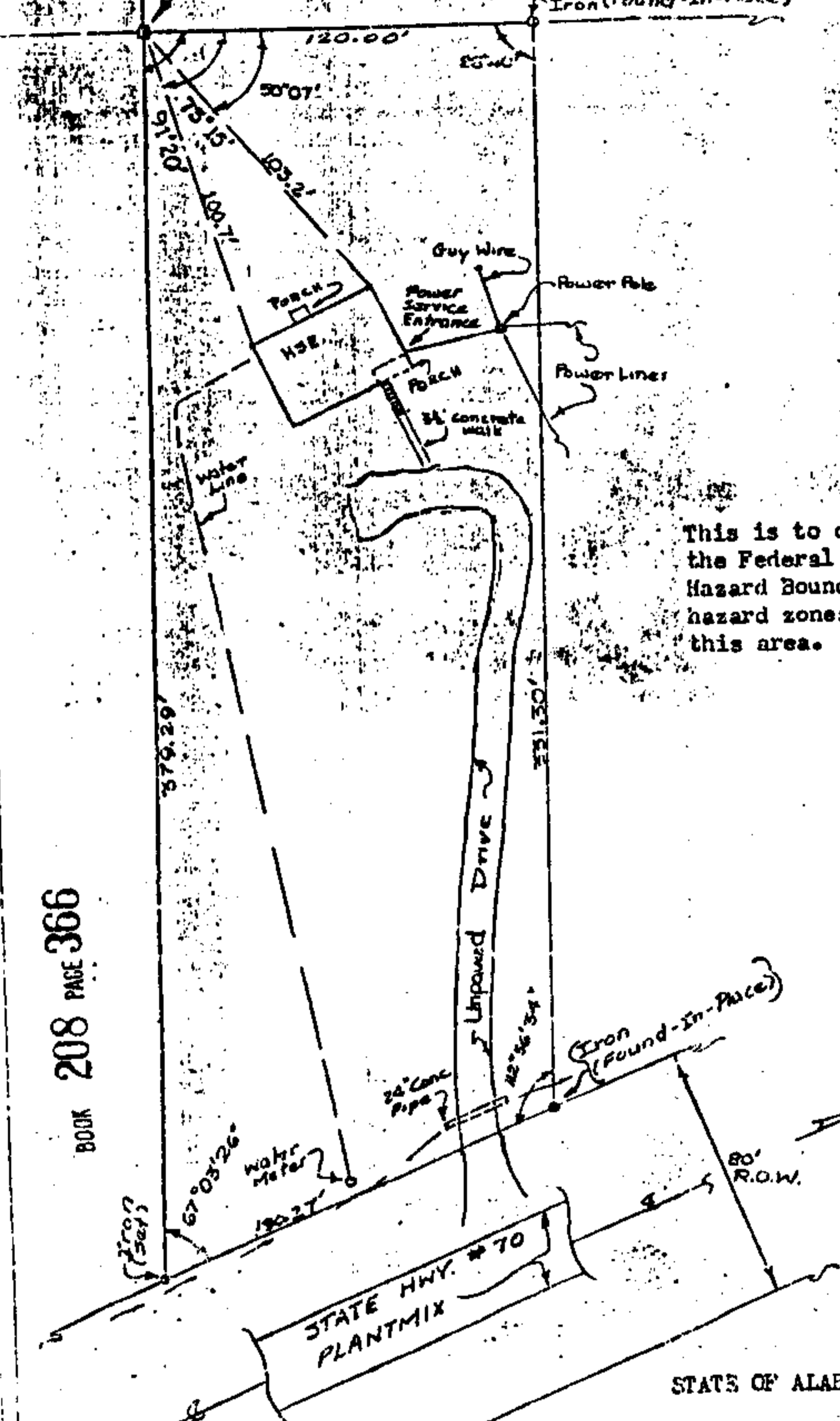
William R. Justice  
William R. Justice  
Affiant

STATE OF ALABAMA  
SHELBY COUNTY

Sworn to and subscribed to  
before me on this the 29th day  
of April, 1988.

Bonita H. Davidson  
Notary Public

NW COR., SE 1/4 of NW 1/4, Section 29,  
Township 21-S, Range 1-W.  
Iron, F-I-P



This is to certify that I have consulted the Federal Insurance Administration Flood Hazard Boundary Map, and found that the flood hazard zones have not been identified in this area.

RECORDING FEES	
Recording Fee	\$12.50
Index Fee	1.00
<b>TOTAL</b>	<b>13.50</b>

Scale: 1" = 50'

STATE OF ALA. SHELBY COUNTY  
 I CERTIFY THIS INSTRUMENT WAS FILED  
 88 OCT -7 PM 2:39  
 JUDGE OF PROBATE

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STATE HWY. #70  
PLANTMIX

STATE OF ALABAMA

SHELBY COUNTY

I, James L. Ray, Jr., a registered Civil Engineer & Land Surveyor in the State of Alabama, do hereby certify that this is a true & correct plat, to the best of my knowledge, of a parcel of land located as shown and more particularly described

below:

Commence at the NW corner of the SE 1/4 of the NW 1/4, section 29, T-21-S, R-1-W, (Pt. of 30) being an iron pipe found in place; thence proceed in a southerly direction along the west line of said 1/4 for a distance of 379.29' to the point of intersection with the north right of way line of State Hwy. #70; thence turn 112°56'34" to the left and proceed along said R.O.W. line for a distance of 130.27' to a point; thence turn 67°03'26" to the left and proceed for a distance of 331.30' to a point; thence turn 91°20' to the left and proceed for a distance of 120.00' to the point of beginning. Said parcel is lying in the SE 1/4 of the NW 1/4, Section 29, T-21-S, R-1-W, and contains 0.98 acre.

I further certify that the house is located as shown and that there are no encroachments, rights of way or joint driveways visible above ground except as shown.  
Signed this 23rd day of May, 1977.

*James L. Ray Jr*  
James L. Ray, Jr. Reg. CE & LS 1841