

744

SELLER'S/OWNER'S AFFIDAVIT AND INDEMNITY

State of Alabama County of Shelby

I, we, Billy C. Kennedy being first
duly sworn, on oath depose and state that I, we, own the following described property: Bermuda Hills, 1st Section,
lot 7, Block 3, Book 6, Page 1. Section 3, Township 21 South, Range 3 West, otherwise
located at 851 12th Street Southwest, Alabaster, Alabama 35007

I/We have owned the property now being sold or mortgaged by me continuously for two (2) years, and my enjoyment thereof has been peaceable and undisturbed and the title to said property has never been disrupted to my knowledge, nor do I know of any facts by reason of which the title to, or possession of, said property might be disputed or by reason of which any claim to any of said property might be asserted adversely to me, and more particularly:

1. No party other than the Seller(s)/Owner(s) is in possession of all or any portion of the premises above described under any unrecorded leases, tenancy at will or otherwise.

2. The Seller(s)/Owner(s) during the time of ownership of the premises above described has/have conveyed no portion of the premises nor done any act or allowed any act to be done which has changed or could change the boundaries of the premises.

3. The Seller(s)/Owner(s) has/have allowed no encroachments on the premises above described by any adjoining land owners nor has/have the undersigned encroached upon any property of adjoining land owners.

4. The Seller(s)/Owner(s) has/have allowed no easements, rights of way, continuous driveway usage, drain, sewer, water, gas or oil pipeline or other rights of passage to others over the premises above described and has/have no knowledge of such adverse rights.

5. The Seller(s)/Owner(s), at present, and for a period of zero (0) days past, has/have caused no construction, erection, alteration or repairs of any structures or improvements on the premises above cited to be done, nor has/have contracted for any material to be delivered to the premises for which charges therefor remain unpaid.

6. The Seller(s)/Owner(s) has/have no knowledge of any highways, abandoned roads, lanes, cemetery or family burial grounds, springs, streams, rivers, ponds, or lakes bordering or running through said premises.

7. The undersigned has no knowledge of any due taxes or special assessments.

8. The undersigned has not allowed and knows of no violation of any covenants, restrictions, agreements, conditions or zoning ordinances affecting the premises.

9. That there are no pending suits, proceedings, judgments, bankruptcies, liens or executions against said owner, either in the aforesaid county or any other county in the aforesaid state.

This affidavit is given to induce FIRST AMERICAN TITLE INSURANCE COMPANY, a California corporation, to issue its title insurance policy or policies without exception to claims of materialmen's and laborers' liens, survey matters, special assessments and rights of parties in possession, and as an inducement therefor, said affiant agrees to indemnify and hold FIRST AMERICAN TITLE INSURANCE COMPANY harmless of and from any and all loss, cost, damage and expense of every kind, including Attorneys' fees, which said FIRST AMERICAN TITLE INSURANCE COMPANY shall or may suffer or incur or become liable for under its said policy or policies now to be issued, or any reissue, renewal or extension thereof, directly or indirectly, as a result of any misrepresentation herewith.

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7 day of September, 1990

Mary A. Hall (Carter)
Notary Public

NOTARY PUBLIC, STATE OF ALABAMA AT LARGE;
MY COMMISSION EXPIRES: MAR. 7, 1993.

Billy C. Kennedy
Seller/Owner of Property

as Executor of the estate of Otto B. Kennedy

Mv commission expires 7.10.91 C. Crocker Seller/Owner of Property

This form was prepared by: Richard W. Vickers
Shelby Medical Building
Suite 205
Alabaster, AL 35007
(205) 664-8500

STATE OF ALABAMA, COUNTY OF SHELBY

Billy C. Kennedy, being duly sworn, deposes and says:

- I. That the real property located at Bermuda Hills 1st Section, lot 7 block 3, book 6, page 1, section 3, Township 21 South, Range 3 West, otherwise located at 851 12th Street Southwest, Alabaster, Alabama 35007 is not the homestead of Billy C. Kennedy, nor the homestead of Sue Jesse Kennedy, nor the homestead of Carrie Jane Hatton, nor the homestead of Richard Hatton, nor the homestead of John W. Kennedy, nor the homestead of Chris Kennedy.
- II. That Billy C. Kennedy is married as husband to wife Sue Jesse Kennedy.
- III. That Carrie Jane Hatton is married as wife to husband Richard Hatton.
- IV. That John W. Kennedy is married as husband to wife Chris Kennedy.
- V. That this Affidavit is executed by affiant herein in accordance with the requirements of First American Title Insurance Company, a California Corporation, needed for which Title Insurance to the above described real property may issue.

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Billy C. Kennedy
Billy C. Kennedy
720 Sussex Drive
Birmingham, AL 35226
Executor of the Estate of
Otto B. Kennedy

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

90 SEP 13 PM 4:27

Richard W. Vickers
JUDGE OF PROBATE

Sworn to and subscribed before me this the 7 day of September, 1990.

Mary R. Hall (Carter)
Notary Public

My commission expires:
NOTARY PUBLIC, STATE OF ALABAMA AT LARGE.
MY COMMISSION EXPIRES: MAR. 7, 1993.
BONDED THRU NOTARY PUBLIC UNDERWRITERS.

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Total		4.00