

STATE OF ALABAMA )  
SHELBY COUNTY )

SS: AFFIDAVIT AND AGREEMENT

BEFORE ME, a Notary Public, in and for said County and State, personally appeared Charles E. Smith, who being by me first duly sworn, deposes and states on an oath as follows:

1. My name is Charles E. Smith, I have also been known as Charles Embry Smith, I reside at 276-280 EAST in Harpersville, Alabama, 35078.

2. I was the previous owner of the following described real estate, at the time this judgement was filed, situated in Shelby County, Alabama:

Lots 1 and 2, according to the survey of L. N. Wyatt, Sr. Subdivision No.2, Harpersville, Alabama, as recorded in Map Book 4, Page 7, in the Probate Office of Shelby County, Alabama; being situated in Shelby County, Alabama.

3. I have been informed by A. Bruce Graham, Attorney at Law, who is closing a sale of the said property, that there appear(s) judgement(s) against a person named "Charles Smith", which is similar to my name, which is/are recorded in Real Book 119, at Page 27 and Judgement Book Volume 014 at Page 321. I am not the person whom said judgement(s) was/were entered. Further, I have never lived at Rt. 2 Box 35 in Leeds, Alabama. I do not have any unpaid obligations except current bills and neither have I received any notice of any suit(s) or judgement(s) having been filed against me. I am definitely not the same person against whom said judgement(s) and or tax lien(s) are of record.

4. I make this Affidavit for the purpose of inducing **COMMONWEALTH LAND TITLE INSURANCE COMPANY**, to issue a Title Opinion Letter/Title Policy concerning said property, which does not show said judgement(s) as an exception to title.

5. I hereby request **COMMONWEALTH LAND TITLE INSURANCE COMPANY**, to issue a Title Opinion Letter/Title Policy of said judgement(s) or endorsement(s) thereto, upon said real estate without exception therein as to any of and in consideration thereof, and as inducement therefor, the undersigned does hereby agree to indemnify and hold harmless the said **COMMONWEALTH LAND TITLE INSURANCE COMPANY**, of and from any and all loss, cost, damage and expense of every kind including attorney's fees, which said **COMMONWEALTH LAND TITLE INSURANCE COMPANY**, shall suffer or may suffer or incur or become liable for under said Title Opinion Letter/Title Policy now to be issued, or any reissue, renewal or extension thereof, anytime issued upon said real estate, part thereof or interest therein arising, directly or indirectly, out of or on account of any such judgements.

**FURTHER, I HAVE NEVER FILED A PETITION IN BANKRUPTCY**

Further affiant saith not.

Charles E. Smith

Charles E. Smith, Affiant

SWORN TO AND SUBSCRIBED before me on this 7th day of July 1995, at Talladega County, Alabama, witness my hand and official seal of office.

Robert Andrew Shumaker

Notary Public

My Commission Expires:

1/26/96

Inst # 1995-18348

07/12/1995-18348  
01:18 PM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
001 MCB 6.50