

AFFIDAVIT

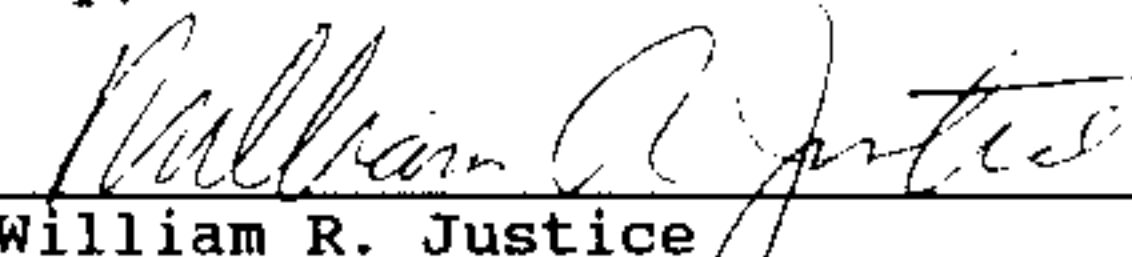
STATE OF ALABAMA                    )  
COUNTY OF SHELBY                    )

BEFORE ME, the undersigned Notary Public in and for said County and State, personally appeared William R. Justice, In-House Counsel for First National Bank of Columbiana, whose name is signed to this Affidavit and who is known to me and who being by me first duly sworn, deposes and says as follows:

My name is William R. Justice. I wish to state that on January 11, 1996 a mortgage from Thomas C. Cairns, a married man and Sara Marie Cairns, a widow was recorded in Instrument Number 1996-01090 in the Probate Office of Shelby County, Alabama. Property described on said mortgage is not the homestead of Thomas C. Cairns nor that of his spouse but is the property of Alabaster Dairy Queen.

On January 3, 1996 a Power of Attorney was executed on behalf of Sarie Marie Cairns who is the mother of Thomas C. Cairns. Said Power of Attorney being recorded in Instrument Number 1996-00210 in the Probate Office of Shelby County, Alabama. Deed into Thomas C. Cairns and Sarie Marie Cairns recorded in Book 235 page 148 in the Probate Office of Shelby County, Alabama, a copy of which is attached at Exhibit "A", indicated the name Sarie Marie Cairns. Sarie Marie Cairns and Sara Marie Cairns are one and the same and is the mother of Thomas C. Cairns. Subject property is not the homestead of Sara Marie Cairns.

IN WITNESS WHEREOF, the following has set his hand and seal on this 15th day of February, 1996.

  
\_\_\_\_\_  
William R. Justice  
In-House Counsel

STATE OF ALABAMA                    )  
COUNTY OF SHELBY                    )

02/15/1996-04970  
03:58 PM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
002 MCD 12.00

Sworn to and subscribed to before me on this the 15th day of February, 1996.

  
\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_  
MY COMMISSION EXPIRES JULY 12, 1997

Inst # 1996-04970

2212

1025 00

WARRANTY DEED, JOINTLY FOR LIFE WITH REMAINDER TO SURVIVOR—LAWYERS TITLE INSURANCE CORPORATION, Birmingham, Alabama

STATE OF ALABAMA

SHELBY

COUNTY

KNOW ALL MEN BY THESE PRESENTS,

That in consideration of One Thousand Dollars and other good and valuable consideration DOLLARS to the undersigned grantor or grantors in hand paid by the GRANTEEES herein, the receipt whereof is acknowledged, we,

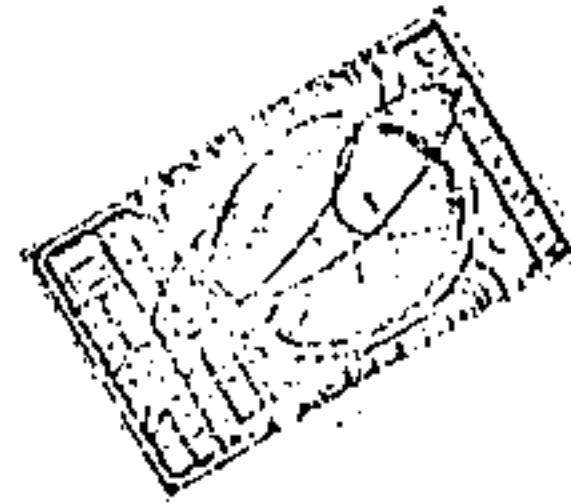
John A. Hines, Jr. and wife, Carol S. Hines

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

Thomas C. Cairns and Serie Marie Cairns

(herein referred to as GRANTEEES) for and during their joint lives and upon the death of either of them, then to the survivor of them in fee simple, together with every contingent remainder and right of reversion, the following described real estate situated in Shelby County, Alabama to-wit:

From the northeast corner of the SE $\frac{1}{4}$  of the NE $\frac{1}{4}$  of Section 35, Township 20 South, Range 3 West and run westerly along the north boundary line of the said SE $\frac{1}{4}$  of the NE $\frac{1}{4}$  of Section 35, Township 20 South, Range 3 West for 217.10 feet to the point of intersection of the north boundary line of said SE $\frac{1}{4}$  of the NE $\frac{1}{4}$  of Section 35, Township 20 South, Range 3 West and the west right-of-way line of U. S. Highway No. 31 for the point of beginning of the land herein described; thence continue westerly along the north boundary line of said SE $\frac{1}{4}$  of NE $\frac{1}{4}$  of Section 35, Township 20 South, Range 3 West for 82.88 feet to a point on the east right-of-way line of the Louisville and Nashville Railroad; thence turn an angle of 83 deg. 18 min. to the left and run southwesterly along the east R.O.W. line of said L&N Railroad for 125 feet to a point; thence turn an angle of 97 deg. 20 min. to the left and run easterly 80.00 feet, more or less, to a point on the west right of way line of U. S. Highway No. 31; thence run northeasterly and along the westerly of the said U. S. Highway No. 31 a distance of 125 feet to the point of beginning.



TO HAVE AND TO HOLD to the said GRANTEEES for and during their joint lives and upon the death of either of them, then to the survivor of them in fee simple, and to the heirs and assigns of such survivor forever, together with every contingent remainder and right of reversion.

And I (we) do for myself (ourselves) and for my (our) heirs, executors, and administrators covenant with the said GRANTEEES, 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 GRANTEEES, 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 3<sup>rd</sup> day of April, 1965.

WITNESS:

STATE OF ALA. SHELBY CO.  
I CERTIFY THIS INSTRUMENT  
WAS FILED ON 4/11/65  
RECORDED & S. MTG. TAX  
& 2.00 TAX HAS BEEN  
PD. ON THIS INSTRUMENT.

John A. Hines, Jr. (Seal)  
John A. Hines, Jr.  
Carol S. Hines (Seal)  
Carol S. Hines (Seal)

STATE OF ALABAMA

SHELBY

COUNTY

I, GRACE GLASS, a Notary Public in and for said County, in said State, hereby certify that John A. Hines, Jr. and wife, Carol S. Hines, whose name is set out above, 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 3<sup>rd</sup> day of April

Inst # 1996-04970

NOTARY PUBLIC  
GRACE GLASS  
Notary Public

02/15/1996-04970  
03:58 PM CERTIFIED

SHELBY COUNTY JUDGE OF PROBATE  
002 MCB 12.00

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