

STATE OF ALABAMA)
SHELBY COUNTY)

AFFIDAVIT

Before me, the undersigned authority, in and for said County and State, personally appeared Douglas M. Kent who, being known to me and being by me first duly sworn, deposes and says as follows:

My name is Douglas M. Kent, and I reside at 9300 Hwy 119
Alabaster. I am 27 years old. I am familiar with the property formerly owned by Will and Gracie Caldwell located on Shelby County Highway No. 26 in Section 12, Township 21 South, Range 3 West, Shelby County, Alabama. The Caldwells acquired their property in 1958 by deed recorded in Deed Book 192, Page 282 and in 1961 by deed recorded in Deed Book 216, Page 420. The property in question is now owned by their nephew, Charles Caldwell. Will Caldwell died on March 29, 1990, and Gracie Caldwell died on November 1, 1986. The property tracts are described in the survey of Joseph E. Conn, Jr. dated November 5, 1996. A copy of the survey and survey description of Joseph E. Conn, Jr. is attached hereto as Exhibit "A" and incorporated by reference herein. The Caldwells lived on the property as described since their purchase of the same until their respective deaths. Will and Gracie Caldwell were in open, notorious, adverse, and continuous possession of their property during their lives. To my knowledge, the ad valorem taxes were paid by them each and every year. To the best of my knowledge, no lawsuits have been filed against the Caldwell property. I have never heard the title to the Caldwell property questioned in any way. To the best of my knowledge, the survey prepared by Joseph E. Conn, Jr. accurately depicts the property owned by Will Caldwell and his wife, Gracie Caldwell, and their successors in title.

Douglas M. Kent
Douglas M. Kent

STATE OF ALABAMA
SHELBY COUNTY

Before me, the undersigned authority, a Notary Public in and for said County and State, personally appeared Douglas M. Kent, who, being first duly sworn, deposes and says that I have read the foregoing and the facts and matters stated herein are true and correct to the best of my knowledge and information.

Douglas M. Kent
Douglas M. Kent

Sworn to and subscribed before me on this 19th day of November, 1996.

Andrea L. Jones
Notary Public
My Commission Expires: MY COMMISSION EXPIRES MAY 22, 2000

THIS DOCUMENT PREPARED BY:
CONRAD M. FOWLER, JR.
WALLACE, ELLIS, FOWLER & HEAD, ATTORNEYS AT LAW
COLUMBIANA, ALABAMA 35051

Inst # 1996-38638

11/22/1996-38638
10:35 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
002 MCO 12.00

Inst # 1996-38638

STATE OF ALABAMA
COUNTY OF SHELBY

I, Joseph E. Conn, Jr., Registered Professional Land Surveyor in the State of Alabama do hereby certify that this is a true and correct plat of my surveys as shown hereon. That there are no visible encroachments upon the subject property except as shown. That the old blazes in the hands of the property as shown hereon are correct upon the adjacent property except as shown. I further certify that I have examined the Federal Immigrant Administration's Field Survey and this plat does not show the minimum required standards for the purpose of land surveying in the State of Alabama, the correct legal description (2) being as follows:

PARCEL 1

Commence at the southeast corner of the SE 1/4 of the SW 1/4 of Section 12, Township 21 north, Range 3 west, Shelby County, Alabama and run thence westerly along the south line of said quarter-quarter a distance of 501.00' to a point; Thence turn 90 degrees 00 minutes 00 seconds to the Right and run northerly a distance of 48.00' to a steel pin corner on the northerly Right of Way Line of Shelby County Highway No. 26 (AKA Fubus Springs Road) and the point of beginning of the property being described. Thence continue along that described course a distance of 464.00' to a steel pin corner. Thence turn an angle of 90 degrees 00 minutes 00 seconds to the Left and run westerly a distance of 315.00' to a steel pin corner. Thence turn an angle of 90 degrees 00 minutes 00 seconds to the Left and run northerly a distance of 204.00' to a steel pin corner on the east side northerly Right of Way Line of said road. Thence run a curve to the Right. Thence turn an angle of 72 degrees 43 minutes 07 seconds Left to chord and run east-southeasterly along the chord of said Highway curve a chord distance of 320.00' to the point of beginning, containing 2.54 acres and subject to any and all easements, restrictions, judgments and/or agreements of probated record and/or applicable law.

PARCEL 2

Commence at the southeast corner of the SE 1/4 of the SW 1/4 of Section 12, Township 21 north, Range 3 west, Shelby County, Alabama and run thence westerly along the south line of said quarter-quarter a distance of 1,816.25' to a steel pin corner on the south Right of Way Line of Shelby County Highway No. 26 (AKA Fubus Springs Road) and the point of beginning of the property being described. Thence continue along that described course a distance of 134.00' to a steel pin corner on the east Right of Way Line of the CSX Railroad Right of Way. Thence turn an angle of 45 degrees 22 minutes 07 seconds to the Right and run northerly along said Railroad Right of Way line a distance of 86.70' to a steel pin corner on the south Right of Way Line of said road. Thence run a curve to the Right. Thence turn 151 degrees 23 minutes 05 seconds Right to Chord and run east-southeasterly along said chord of said curve a chord distance of 179.27' to the point of beginning, containing 2.11 of an acre and subject to any and all easements, restrictions, judgments and/or agreements of probated record and/or applicable law.

According to my surveys of November 5, 1996

Joseph E. Conn, Jr.
Joseph E. Conn, Jr. Alabama Registered PLS #9649



SURVCONN
3509 HIGHWAY 31 SO.
PELHAM, AL 35124
Tel: 205-663-4251

