

AFFIDAVIT OF ATTORNEY IN FACT

Inst. # 1997-30970

STATE OF ALABAMA

COUNTY OF JEFFERSON

Before me, Larry L. Halcomb, a Notary Public in and for Jefferson County, Alabama, personally appeared Arthur Loyd Nesmith, Jr., who is known to me and who, after being sworn by me, deposes and says as follows:

- 1. My name is Arthur Loyd Nesmith, Jr. and I am over twenty-one years of age.
- 2. I am the attorney in fact named in that certain Power of Attorney recorded as Inst. #1997-21479, in the Probate Office of Shelby County, Alabama and I hereby certify as follows:

(A) I, Arthur Loyd Nesmith, Jr., am one and the same person as Arthur Loyd Nesmith, named as attorney in fact in the Power of Attorney referred to above.

(B) On June 27, 1997, I, in my capacity as attorney-in-fact for Joyce L. Nesmith, executed a mortgage on the following described property: Lot 13, Block 1, Cahaba Valley Estates, Second Sector, as recorded in Map Book 5, page 93, in the Probate Office of Shelby County, Alabama; being situated in Shelby County, Alabama.

Said mortgage is recorded as Inst. #1997-21481, in the Probate Office of Shelby County, Alabama.

(C) The grantor in said Power-of-Attorney, namely, Joyce L. Nesmith, is my mother and she has lived with my family for 2 years. Over this period of time, I have had the opportunity to observe my mother on a daily basis. My mother suffers from alzheimer's disease.

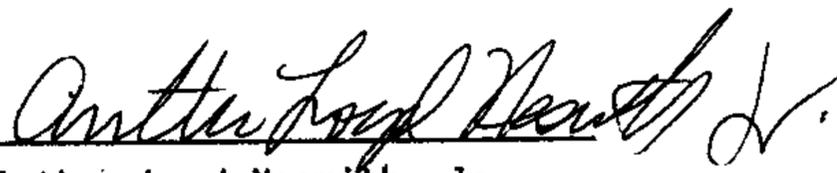
Inst # 1997-30970

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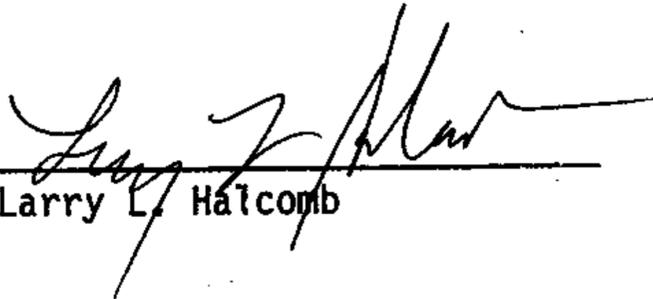
Her memory is very poor and she has occasions when she cannot remember her own name or her birthday nor can she remember my name nor the names of other family members.

It is my opinion that on June 27, 1997 (the date I executed the mortgage for her) my mother, Joyce L. Nesmith, did not have the requisite mental capacity to comprehend and understand the nature and consequences of the mortgage* I executed on her behalf.

3. Further the affiant sayeth not.
*and all other settlement documents


Arthur Loyd Nesmith, Jr.

Subscribed and sworn to before me this 23rd day of September, 1997.


Larry L. Halcomb

My Commission Expires: 1/23/98

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