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STATE OF ALABAMA)
SHELBY COUNTY)

AFFIDAVIT

Before me, the undersigned Notary Public in and for said County in said State, personally appeared Beth O'Neill Roy, who, being known to me, and who being by me first duly sworn, deposes under oath and says as follows:

1. That the undersigned is over the age of twenty-one (21) years and a resident of Birmingham, Jefferson County, Alabama, with knowledge and information pertaining to the facts in this affidavit.

2. That, at the direction of the undersigned, a deed from Robert D. Moore and Johnsie E. Moore, husband and wife, to Dravo Lime Company, a Delaware corporation, for certain real property located in Shelby County, Alabama was prepared and recorded in the Office of the Judge of Probate of Shelby County, Alabama as Instrument 1997-23625.

3. That based on deeds evidencing previous conveyances of the property, the legal description of the property was listed in the deed as follows:

PARCEL I:

All that of the SW 1/4 of the NW 1/4 of Section 16, Township 21 South, Range 2 West, that lies South of Saginaw Cut Highway right of way, EXCEPT that part East of a line described as beginning at a point on North line of SW 1/4 of NW 1/4 66 yards West of NE corner and running Southwesterly to a point on South line of said SW 1/4 of NW 1/4, which point is 110 yards West of the SE corner of said quarter-quarter section, said excepted portion being described or designated more specifically in Deed Book 79, Page 460, Office of Judge of Probate of Shelby County, Alabama.

Also, all of the East 55 yards of the SE 1/4 of NE 1/4 of Section 17, Township 21 South, Range 2 West, that lies South of the Highway right of way, EXCEPT that lot sold to C.V. Moore as described in Deed Book 116, Page 48, in said Probate Office.

Also, part of the SE 1/4 of NE 1/4 of Section 17, Township 21 South, Range 2 West, described as follows:

Commence at the SW corner of said forty and run East along South line 506 feet, more or less, to intersection of said line with East right of way line of an old tram road North 50 degrees 45 minutes East 283 feet; thence continuing along Eastern line of right of way of said tram road North 49 degrees 15 minutes East 536 feet to intersection with West line of 5 acre strip off East side of said forty; thence South along West line of said 5 acre strip to South line of said forty; thence West along South line of said forty to point of beginning; EXCEPT that portion sold to C.V. Moore as described in Deed Book 116, Page 48.

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PARCEL II:

A parcel of land in the SE 1/4 of the NE 1/4 of Section 17, Township 21 South, Range 2 West, Shelby County, Alabama, described as follows:

Commence at the Southeast corner of the SE 1/4 of the NE 1/4 of said Section 17; thence run North along the East section line 37.00 feet; then turn left 87 degrees 02 minutes 59 seconds and run West 779.78 feet; thence turn right 140 degrees 31 minutes 00 seconds and run Northeast 658.33 feet to the point of beginning; thence turn left 52 degrees 14 minutes 56 seconds and run North 152.22 feet to a point on the South right of way of Shelby County Highway #26; thence turn right 80 degrees 28 minutes 33 seconds and run East along said right of way 26.06 feet; thence turn right 99 degrees 31 minutes 27 seconds and run South 136.63 feet; thence turn right 52 degrees 14 minutes 56 seconds and run Southwest 32.50 feet to the point of beginning.

4. That in connection with the purchase of the land and an owner's title insurance policy in favor of Dravo Lime Company a more exact legal description of the property was written based on the survey by Narve Butler, Reg. No. 10548, Butler and Brassfield Associates, Inc., dated September 12, 1997, and such description is as follows:

PARCEL I:

A parcel of land situated in a portion of the SW 1/4 of the NW 1/4 of Section 16, and the SE 1/4 of the NE 1/4 of Section 17, all in Township 21 South, Range 2 West, in the Town of Saginaw, Shelby County, Alabama, being more particularly described as follows:

From the SW corner of the SE 1/4 of the NE 1/4 of Section 17, run Easterly along the South line of 535.05 feet (deed 506 feet) to a point on the old Tram Road, more or less; thence run Northeasterly along the old Tram Road deflecting 34 degrees 41 minutes left for 63.34 feet to the Point of Beginning; thence continue Northeasterly for 140.04 feet; thence continue running Northeasterly along the old Tram Road deflecting 4 degrees 46 minutes left for 536.39 feet (deed 536 feet); thence run Northeasterly deflecting 52 degrees 22 minutes left for 152.27 feet to the South right-of-way line of Alabama Highway Number 26; thence run Easterly along said right-of-way line deflecting 80 degrees 29 minutes right for 69.30 feet to the point of curve to the right, having a measured central angle of 8 degrees 43 minutes, a radius of 1,055.32 feet, for a curve distance of 160.49 feet, to the West right-of-way line of Merry Fox Farm Road; thence run Southerly along said right-of-way line for 607.82 feet; thence run Westerly deflecting 93 degrees 12 minutes right for 787.31 feet to the Point of Beginning, containing 5.74 acres by survey.

PARCEL I:

A parcel of land situated in a portion of the West 1/2 of the NW 1/4 of Section 16, in Township 21 South, Range 2 West, in the Town of Saginaw, Shelby County, Alabama, being more particularly described as follows:

From the SE corner of the SE 1/4 of the NE 1/4 of Section 17, run Easterly deflecting 5 degrees, 12 minutes right from the South line, for 86.65 feet to an 8 inch diameter fence

post, the Point of Beginning: thence run Easterly along an old fence line deflecting 7 degrees 08 minutes left for 923.96 feet to an 8 inch diameter fence post; thence run Northerly with an old fence line deflecting 86 degrees 02 minutes left, for 533.67 feet to a 6 inch diameter fence post on the South right-of-way line of Alabama Highway Number 26; thence run Northwesterly along said right-of-way line, deflecting 86 degrees 07 minutes left, for 834.54 feet to the point of curve to the left, having a central angle arc of 8 degrees 13 minutes, a radius of 1,055.32 feet, for a curve distance of 151.48 feet to the East right-of-way line of Merry Fox Farms Road; thence run Southerly along said right-of-way for 656.37 feet to the Point of Beginning, containing 13.09 acres, by survey.

5. That the legal description in the deed is one and the same as the survey legal description, and the survey legal description is a more exact legal description of the property and should be substituted in lieu of the legal description in the deed.

IN WITNESS WHEREOF, I have set my hand and seal this 12th day of February, 1998.

Beth O'Neill Roy
Beth O'Neill Roy

Sworn to and subscribed
before me this the 12th
day of February, 1998.

Emily Jo Smith Holden
Notary Public

My Commission expires: 7/31/01

This instrument prepared by:
Beth O'Neill Roy
Ogletree, Deakins, Nash, Smoak & Stewart, P.C.
1900 SouthTrust Tower
420 North 20th Street
Birmingham, AL 35203

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