

STATE OF ALABAMA)
COUNTY OF SHELBY)

SELLER'S/OWNER'S AFFIDAVIT AND INDEMNITY

COMES NOW STEWART CURTIS NICHOLS as EXECUTOR OF THE ESTATE OF JOSEPHINE STEWART WHATLEY, Deceased, pursuant to Letters Testamentary issued by the Probate Court of Perry County, Alabama, Case Number 93-837, and after being duly sworn, on oath, does hereby depose and state as follows:

1. Said Affiant does have personal knowledge of the facts stated herein.
2. At the time of the decease of Josephine Stewart Whatley, also known as Josephine Whatley, she was the true owner of certain property located in Shelby County, Alabama, to-wit;

Lots 49 and 50 in the Montevallo Coal and Transportation Company Subdivision of the West one-half of the Southeast Quarter, Section 19, Township 22 South, Range 3 West, and East one-half of Fractional Section 30, Township 22 South, Range 3 West, known as the Town of Aldrich, as shown on the plat filed in the Office of the Judge of Probate of Shelby County, Alabama, except that part of Lot No. 50 conveyed to Oscar and Eula Fancher by deed dated April 15, 1949, and recorded in Deed Book 143, Page 7, in the Probate Office of Shelby County, Alabama.

Said decedent died while residing in Perry County, Alabama, on or about the 3rd day of February, 1993.

3. Said Josephine Stewart Whatley was predeceased by Archie Whatley, who died while residing in Shelby County, Alabama, on or about the 31st day of May, 1966.
4. To Affiant's knowledge, the above-designated property has never been disrupted, nor is the Affiant aware of any facts, by reason of which the title to, or possession of, said property might be disrupted or of any reason which any claim to any of said property might be asserted adversely, except as follows:
 - a. Lien filed by the Alabama Medicaid Agency on or about June 11, 1992, and recorded in Real Book 394, Page 271, in the Probate Office of Shelby County, Alabama.

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Mitchell Spear
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- b. Four (4) additional creditors, who have not filed claims against the estate, to-wit:

<u>Name of Creditor</u>	<u>Amount</u>
Smitherman's Pharmacy 104 Main Street Montevallo, AL 35115	\$ 847.78
Birmingham Apothecary 1032 South 20 th Street Birmingham, AL 35205	\$ 367.33
Synergy Gas Corp. P. O. Box 640 Jemison, AL 35085	\$ 380.53
Morrison Plumbing 236 1 st Street, SW Alabaster, AL 35007	\$ 164.25

5. There have been no improvements made to said property within the past six (6) months, for which contractor's, materialman's, or other type liens might be issued.
6. There are no pending or threatened lawsuits against said estate.
7. Affiant is not aware of any other person or entity that has a claim against the above-described property, nor is he aware of any person or entity that is in possession of said property, or has a claim of right to possession or ownership of said property.
8. Said Affiant has allowed no easements, rights of way or continuous driveway usage, drain, sewer, water, gas or pipeline or other rights of passage to others over the premises above-described and has no knowledge of such adverse rights.
9. Said Affiant has no knowledge of any highways, abandoned roads, lanes, cemetery or family burial grounds bordering or running through said premises.

10. Said Affiant has not allowed, and knows of no violation of any covenants, restrictions, agreements or conditions affecting the premises and has agreed to satisfy the Alabama Medicaid Lien from the proceeds received from Purchaser herein.

THIS AFFIDAVIT IS GIVEN TO INDUCE SHELBY COUNTY ABSTRACT & TITLE COMPANY, INC. AND STEWART TITLE GUARANTY COMPANY TO ISSUE ITS TITLE INSURANCE POLICY OR POLICIES, AS REGARDING THE MATTERS HEREINABOVE STATED.

Stewart Curtis Nichols
AFFIANT, Stewart Curtis Nichols
Executor of the Estate of
Josephine Stewart Whatley (Watley)

STATE OF ALABAMA)
COUNTY OF PERRY)

Sworn to and subscribed before me this the 3rd day of March, 1999.

Maicie Harrison
Notary Public
My commission expires: 2-12-2000

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