

THIS INSTRUMENT WAS PREPARED BY:

MIKE T. ATCHISON, ATTORNEY
P.O. BOX 822
COLUMBIANA, ALABAMA 35051

STATE OF ALABAMA
SHELBY COUNTY

AFFIDAVIT

Before me, the undersigned authority, a Notary Public, in and for said County, in said State, personally appeared Barbara Owens Higgins, who after being by me first duly sworn, deposes and says on oath as follows:

My name is Barbara Owens Higgins, and I am over the age of 21 years, and am familiar with the following facts:

There is a deed recorded in Deed Book 183, page 25, in the Probate Office of Shelby County, Alabama, which vests title in Nellie Holsomback, Barba "Owens" Cole, Charlie Owens, Edna Owens, and Bettie Owens, to a parcel of land in Section 16, Township 21 South, Range 3 West, which said parcel is more particularly described by survey as follows:

PARCEL 1:

Commence at the Northeast corner of Section 16, Township 21 South, Range 3 West, Shelby County, Alabama, and run thence Southerly along the East line of said Section 16 a distance of 52.15 feet to a point on the Southerly right of way line of Shelby County Highway No. 26 and the point of beginning of the property being described; thence continue Southerly along last described course a distance of 196.71 feet to a point; thence turn 90 degrees 40 minutes 30 seconds right and run Westerly 210.00 feet to a point; thence turn 89 degrees 19 minutes 30 seconds right and run Northerly 148.67 feet to a point on the same said Southerly right of way line of Highway 26 in a curve to the right having a central angle of 1 degrees 51 minutes 10 seconds and a radius of 6,645.09 feet; thence turn 77 degrees 45 minutes 09 seconds right to chord and run East-Northeasterly along said right of way line an arc distance of 214.87 feet to the point of beginning.

PARCEL 2:

Commence at the Northeast corner of Section 16, Township 21 South, Range 3 West, Shelby County, Alabama, and run thence Southerly along the East line of said Section 16 a distance of 248.86 feet to a point; thence turn 90 degrees 40 minutes 30 seconds right and run Westerly 210.00 feet to the point of beginning of the property being described; thence continue along last described course 210.00 feet to a point; thence turn 89 degrees 19 minutes 30 seconds right and run Northerly 93.44 feet to a point on the Southerly right of way line of Shelby County Highway No. 26 in a curve to the right having a central angle of 1 degrees 52 minutes 01 seconds and a radius of 6,645.09 feet; thence turn 75 degrees 53 minutes 53 seconds right to chord and run East-Northeasterly along the said Southerly right of way line of said Highway 26 an arc distance of 216.51 feet to a point; thence turn 104 degrees 06 minutes 07 seconds right from chord and run Southerly 148.67 feet to the point of beginning.

PARCEL 2-A:

Commence at the Northeast corner of Section 16, Township 21 South, Range 3 West, Shelby County, Alabama and run thence Westerly along the North line of said Section 16 a distance of 133.71 feet to a point on the Northerly right of way line of Shelby County Highway No. 26 and the point of beginning of the property being described; thence continue along last described course 286.29 feet to a point; thence turn 90 degrees 40 minutes 30 seconds left and run Southerly 72.62 feet to a point on the same said Northerly right of way line of said Highway No. 26 in a curve to the right having a central angle of 2 degrees 30 minutes 34 seconds and a radius of 6,725.08 feet; thence turn 103 degrees 36 minutes 00 seconds left to chord and run East-Northeasterly along said right of way line an arc distance of 294.52 feet to the point of beginning.

PARCEL 3:

Commence at the Northeast corner of Section 16, Township 21 South, Range 3 West, Shelby County, Alabama, and run thence Southerly along the East line of said Section 16 a distance of 417.97 feet to a point; thence turn 91 degrees 04 minutes 33 seconds right and run Westerly 210.02 feet to the point of beginning of the property being described; thence continue along last described course 210.02 feet to a point; thence turn 88 degrees 55 minutes 27 seconds right and run Northerly 166.17 feet to a point; thence turn 90 degrees 40 minutes 30 seconds right and run Easterly 210.00 feet to a point; thence turn 89 degrees 19 minutes 30 seconds right and run Southerly 167.64 feet to the point of beginning.

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PARCEL 4:

Commence at the Northeast corner of Section 16, Township 21 South, Range 3 West, Shelby County, Alabama, and run thence Southerly along the East line of said Section 16 a distance of 248.86 feet to the point of beginning of the property being described; thence continue along last described course 169.11 feet to a point; thence turn 91 degrees 04 minutes 33 seconds right and run Westerly 210.02 feet to a point; thence turn 88 degrees 55 minutes 27 seconds right and run Northerly 167.64 feet to a point; thence turn 90 degrees 40 minutes 30 seconds right and run Easterly 210.00 feet to the point of beginning.

Nellie Holsomback, one of the grantees in the above recited deed was my mother. She died intestate in 1968, leaving four children, namely Charlie Owens, Edna Owens Kite, Bettie Owens Brock, and myself Barbara Owens Cole Higgins. There were no other children even born to Nellie Holsomback.

In 1993, I deeded my interest in above described property to Donald L. Higgins, as shown by deed recorded in Instrument #1993-30803. I am one and the same person as Barba Owens Cole, one of the grantees in Deed Book 183, page 25, in Probate Office of Shelby County, Alabama.

It has been brought to my attention that there is some question of overlappage of the above described property with the property of Charles W. Smith and Nola L. Smith lying to the South. The barbed wire fence shown on survey of Joseph E. Conn, Jr., RLS #9049, dated March 22, 1993, is the accepted boundary line between our property and the Smith property. There has never been any argument or dispute over the location of this property line. A copy of the survey is attached as Exhibit "A" hereto.

Further the affiant saith not.


Barbara Owens Higgins

Sworn to and subscribed to before me
this 24th day of July, 1999

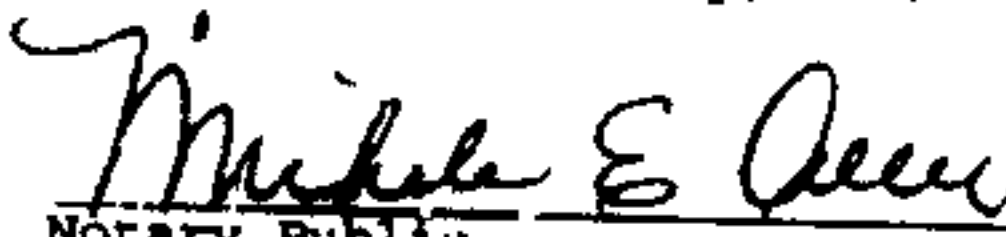
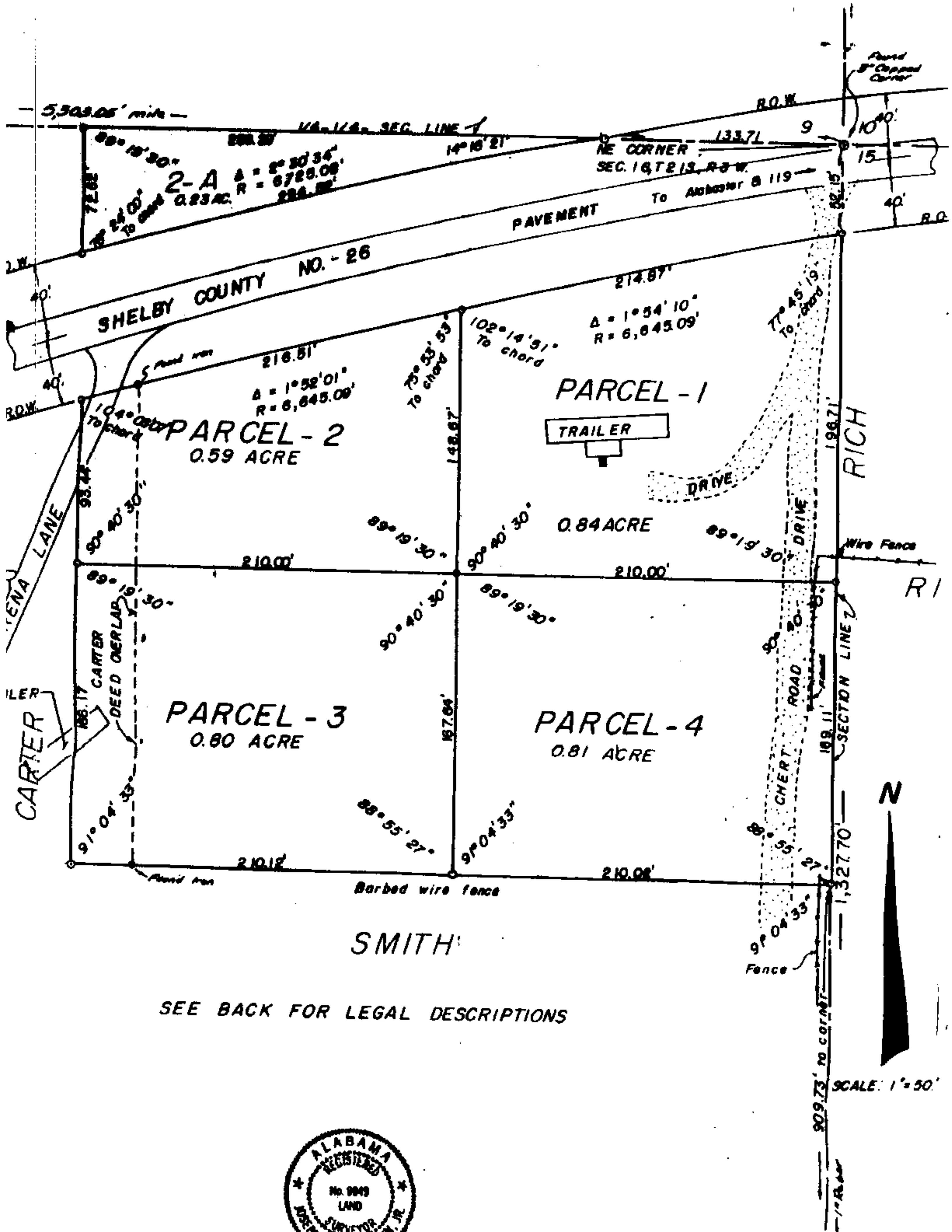

Michele E. Allen
Notary Public

EXHIBIT "A"



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