

**SCRIVENER'S AFFIDAVIT**

**STATE OF ALABAMA     )**

**JEFFERSON COUNTY     )**

**I, Adam J. Sigman, being duly sworn, depose and state the following:**

**1. I am the attorney who prepared that certain Exchange Statutory Warranty Deed dated May 25, 2000, recorded as Instrument No. 2000-17405 in the Office of the Judge of Probate of Shelby County, Columbiana, Alabama, a copy of said Exchange Statutory Warranty Deed being attached hereto as Exhibit A (the "Deed");**

**2. The legal name of the Grantor set forth in the first (1<sup>st</sup>) paragraph of said Deed was inadvertently misspelled and should be corrected as follows:**

**Henry Tyler Construction Corporation shall replace Henry Tlyer Construction Corporation in the first (1<sup>st</sup>) paragraph of the said Exchange Statutory Warranty Deed.**

**Executed this 13<sup>th</sup> day of June, 2000**


  
**ADAM J. SIGMAN**

**STATE OF ALABAMA     )**

**JEFFERSON COUNTY     )**

**I, the undersigned, a Notary Public in and for said County and in said State, does hereby certify that ADAM J. SIGMAN, who is known to me, acknowledged before me that, being informed of the contents of this document, he executed the same voluntarily on the day the same bears date.**

**Given under my hand and seal this 13<sup>th</sup> day of June, 2000.**

  
**Notary Public**  
**My Commission Expires: 2/9/2002**

**Inst # 2000-20578**

**06/20/2000-20578  
10:33 AM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
004 NMS 17.00**

Exhibit A

Send Tax Notice To:

W. Larry Clayton  
Post Office Box 723  
Helena, Alabama 35080

STATE OF ALABAMA )

SHELBY COUNTY )

### EXCHANGE STATUTORY WARRANTY DEED

**THIS IS AN EXCHANGE STATUTORY WARRANTY DEED** executed and delivered this \_\_\_\_ day of \_\_\_\_\_, 2000, by **HENRY TLYER CONSTRUCTION CORPORATION**, an Alabama corporation (hereinafter referred to as the "Grantor"), to **W. LARRY CLAYTON** (hereinafter referred to as the "Grantee").

#### KNOW ALL MEN BY THESE PRESENTS:

That in consideration of the sum of One Million One Hundred Thirty-Nine Thousand Eight Hundred Sixty-Three and No/100 Dollars (\$1,139,863.00) paid by Grantee, the Grantor does by these presents grant, bargain, sell and convey unto the Grantee, the following described real estate, situated in Shelby County, Alabama, to wit:

Beginning at the SE corner of lot 3A, Oak Mountain Business Park (MB 23-PG 84), said point being the POINT OF BEGINNING; thence N.39°12'38"E., a distance of 412.74 feet; thence S.28°11'03"E., a distance of 347.94 feet; thence S.61°51'24"W., a distance of 16.77 feet; thence S.28°08'36"E., a distance of 164.45 feet to the point of curve of a non tangent curve to the right, of which the radius point lies N.13°23'22"W., a radial distance of 320.00 feet; thence westerly along the arc, through a central angle of 13°49'16", a distance of 77.19 feet; thence N.89°34'06"W., a distance of 130.93 feet to a point of curve to the right having a radius of 25.00 feet and a central angle of 90°00'00"; thence northwesterly along the arc a distance of 39.27 feet; thence N.00°25'54"E., a distance of 94.18 feet to a point of curve to the right having a radius of 25.00 feet and a central angle of 48°11'23"; thence northeasterly along the arc a distance of 21.03 feet to a point of reverse curve to the left having a radius of 50.00 feet and a central angle of 276°22'46"; thence westerly along the arc, a distance of 241.19 feet to a point of reverse curve to the right having a radius of 25.00 feet and a central angle of 48°11'23"; thence southeasterly along the arc, a distance of 21.03 feet; thence S.00°25'54"W., a distance of 94.18 feet to a point of curve to the right having a radius of 25.00 feet and a central angle of 90°00'00"; thence southwesterly along the arc a distance of 39.27 feet; thence N.89°34'06"W., a distance of 85.00 feet; thence N.00°25'54"E., a distance of 141.70 feet; thence N.87°22'45"W., a distance of 96.77 feet to the POINT OF BEGINNING.

Containing 107,010.93 square feet or 2.4566 acres, more or less.

05/26/2000-17405  
01:47 PM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
003 SNA 1153.50

**TOGETHER WITH** all appurtenances thereto belonging or in anywise appertaining and all right, title and interest of Grantor in and to all roads, alleys and ways bounding said premises.

The property constitutes the Grantee's "Replacement Property" acquired in an Internal Revenue Code Section 1031 Tax-Free Exchange pursuant to the terms of an Exchange Agreement dated November 24, 1999, by and between Grantee and Cahaba Title, Inc.

This conveyance is made subject to the following matters:

1. Ad Valorem taxes for the tax year 2000.

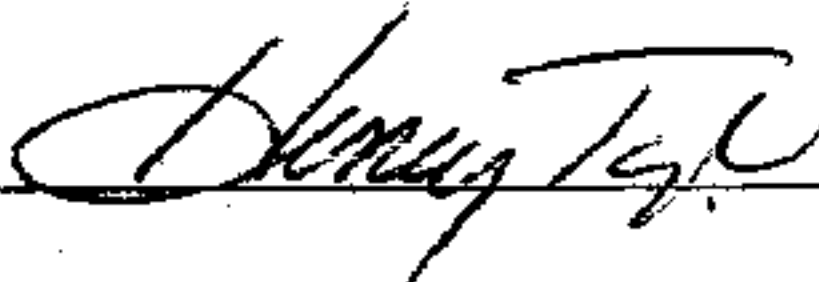
All recorded documents referred to hereinabove were filed for record in the Probate Office of Shelby County, Alabama.

**TO HAVE AND TO HOLD** unto the said Grantee, his heirs, representatives, executors and assigns forever.

And the Grantor does for itself its successors and assigns covenant with the said Grantee, his heirs, representatives, executors and assigns, that the Grantor is lawfully seized in fee simple of said premises; that said premises are free from all encumbrances, unless otherwise noted above; that the Grantor has a good right to sell and convey the same as aforesaid; and it will, and its successors and assigns shall warrant and defend said premises to the Grantee, his heirs, representatives, executors and assigns forever against the lawful claims of all persons claiming by, through or under the Grantor, but not further or otherwise.

**IN WITNESS WHEREOF**, the undersigned has caused this Warranty Deed to be executed this \_\_\_\_ day of May, 2000.

HENRY TYLER CONSTRUCTION CORPORATION

By: 

Its: President

STATE OF ALABAMA )

Jefferson COUNTY )

I, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that Henry Tyler, whose name as President of Henry Tyler Construction Corporation, an Alabama corporation, is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day, that being informed of the contents of said conveyance, he, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation, on the day the same bears date.

Given under my hand and official seal this 25<sup>th</sup> day of May, 2000.

Notary Public: 

My Commission: 4-19-2004

THIS INSTRUMENT PREPARED BY:

Adam J. Sigman  
Berkowitz, Lefkovits, Isom & Kushner  
420 North 20<sup>th</sup> Street  
SouthTrust Tower, Suite 1600  
Birmingham, AL 35203

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