

THIS INSTRUMENT WAS PREPARED BY:
Mary Douglas Hawkins
CORRETTI, NEWSOM & HAWKINS
1804 7th Avenue North
Birmingham, AL 35203

THE STATE OF ALABAMA)

JEFFERSON COUNTY)

AFFIDAVIT

01/25/2001-02778
01:12 PM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
003 CJ1 17.00

BEFORE ME, the undersigned authority, a Notary Public, in and for said County in said State, personally appeared this day, J. Fred Powell, who being by me first duly sworn, deposes and says on oath as follows:

Your affiant is a practicing attorney in the City of Birmingham, Jefferson County, Alabama.

Your affiant did on the 26th day of July, 2000 prepare a general warranty deed which was executed by W. Earl Richards and William H. Wade, Jr. to Wal-Mart Stores East, Inc., which said general warranty deed was recorded on the 26th day of July, 2000 in Instrument #2000-25118 in the Office of the Judge of Probate of Shelby County, Alabama. The legal description contained in said general warranty deed contained a typographical error. The said general warranty deed set out in Exhibit "A" that the property is located in the Southwest Quarter of the Northeast Quarter of Section 4, Township 22 South, Range 2 *East*, St. Stephens Meridian, Shelby County, Alabama. The correct location of the property is a part of the Southwest Quarter of the Northeast Quarter of Section 4, Township 22 South, Range 2 *West*, St. Stephens Meridian, Shelby County, Alabama, which is more particularly described in Exhibit "A" which is attached hereto and expressly incorporated herein by reference.

This affidavit is given for the purpose of placing all persons on notice that the correct legal description is as set out hereinabove.


Affiant

THE STATE OF ALABAMA)
JEFFERSON COUNTY)

I, the undersigned authority, a Notary Public in and for said County, hereby certify that J. Fred Powell, whose name is signed to the foregoing affidavit, and who is known to me, acknowledged before me on this day that, being informed of the contents of the affidavit, he executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 11th day of January, 2001.



NOTARY PUBLIC
My commission expires: May 5, 2004

EXHIBIT "A"

File No.: ATI-994038623 *REVISED 7/20/00*

A parcel of land situated in the South Half of the Southwest Quarter of the Northeast Quarter and the Northwest Quarter of the Southeast Quarter, both lying in Section 4, Township 22 South, Range 2 West, St. Stephens Meridian, Shelby County, Alabama, and being more particularly described as follows:

Beginning at an axle found at the Southwest corner of the Southwest Quarter of the Northeast Quarter of Section 4, Township 22 South, Range 2 West, St. Stephens Meridian, Shelby County, Alabama; thence run North 02 degrees 06 minutes 24 seconds West along the West line of said quarter for a distance of 512.99 feet; thence leaving said quarter line, run South 89 degrees 47 minutes 07 seconds East for a distance of 1036.65 feet to the West right-of-way line of Highway 31 (right-of-way width 100 feet); thence run South 10 degrees 16 minutes 53 seconds East along said right-of-way line for a distance of 466.48 feet to a right-of-way monument found (50 feet left of 290+25.0) at the intersection of said right-of-way line and the West right-of-way line of I-65 (right-of-way width varies); thence run South 79 degrees 34 minutes 19 seconds West continuing along said right-of-way line for a distance of 49.72 feet to a right-of-way monument found (100 feet left of 290+25.0), said point also being the point of curvature of a curve to the right, having a radius of 854.81 feet, a central angle of 19 degrees 20 minutes 34 seconds and a chord bearing of South 00 degrees 39 minutes 15 seconds East for 287.21 feet; thence continue along the arc of said curve and said right-of-way line for a distance of 288.58 feet to a right-of-way monument found (100 feet left of PC 287+02.8 Ahead) and the point of tangency of said curve; thence run South 08 degrees 58 minutes 32 seconds West along said right-of-way line for a distance of 119.98 feet to a right-of-way monument found (100 feet left of 285+50); thence run South 30 degrees 47 minutes 54 seconds West along said right-of-way line for a distance of 53.63 feet to a right-of-way monument found (120 feet left of 285+00); thence run South 09 degrees 01 minutes 52 seconds West along said right-of-way line for a distance of 305.81 feet to a right-of-way monument found (120 feet left of 281+94), said point also being the point of curvature of a curve to the right, having a radius of 5609.69 feet, a central angle of 1 degree 58 minutes 24 seconds and a chord bearing of South 10 degrees 01 minutes 04 seconds West for 193.20 feet; thence continue along the arc of said curve and said right-of-way line for a distance of 193.21 feet to a right-of-way monument found (120 feet left of 280+00), said point also being the point of tangency of said curve; thence run South 60 degrees 44 minutes 46 seconds West along the Northwesternly right-of-way line of said Highway 31 and I-65 for a distance of 206.61 feet to an iron pin set on the North right-of-way line of I-65 (276 feet right of 279+58); thence run North 61 degrees 02 minutes 41 seconds West along said right-of-way line for a distance of 377.53 feet to an iron pin set (150 feet right of 283+00), said point also being the point of curvature of a curve to the left, having a radius

Continued on next page

EXHIBIT A - (Continued)

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of 7789.45 feet, a central angle of 1 degree 50 minutes 54 seconds and a chord bearing of North 51 degrees 39 minutes 09 seconds West for 251.27 feet; thence continuing along the arc of said curve and said right-of-way line for a distance of 251.28 feet to an iron pin set (150 feet right of 285+46.4), said point also being the point of tangency of said curve; thence run North 52 degrees 34 minutes 36 seconds West along said right-of-way line for a distance of 253.28 feet to a 1/2" open top iron found on the West line of the Northwest Quarter of the Southeast Quarter of said Section 4; thence leaving said right-of-way line, run North 02 degrees 06 minutes 24 seconds West along said West line for a distance of 512.01 feet to the point of beginning.

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