

AFFIDAVIT OF JAMES W. FUHRMEISTER

STATE OF ALABAMA)

COUNTY OF SHELBY)

Before me, the undersigned, a Notary Public in and for said county and said state, personally appeared James W. Fuhrmeister, who after being duly sworn, deposes and says as follows:

“My name is James W. Fuhrmeister and I am a practicing attorney in the State of Alabama. On September 6, 2001 I prepared a deed conveying certain real property located in Shelby County, Alabama and executed by Terry D. Kincaid and Robert E. Kincaid (Grantors) to James D. Kincaid and Terry L. Kincaid (Grantees). This deed was recorded on September 21, 2001 and appears of record in the Office of the Judge of Probate of Shelby County, Alabama as Instrument Number 2001-41024.

I also prepared a Mortgage in which James D. Kincaid and Terry L. Kincaid are mortgagors and Regions Mortgage, Inc. is Mortgagee. This mortgage was recorded September 21, 2001 and appears of record in the Office of the Judge of Probate of Shelby County, Alabama as Instrument Number 2001-41025.

In the aforesaid deed and mortgage there was a clerical error in that the incorrect legal description was attached to the deed and mortgage. The correct legal description is attached hereto.


I give this affidavit of my own personal knowledge of the facts set out herein.”

In Witness Whereof, I have hereunto set my hand and seal on this the 14th day of October, 2002.



JAMES W. FUHRMEISTER

Sworn to and subscribed before me this _____ day of October, 2002.



Notary Public
My Commission Expires: 2-2-05

Commence at the SE corner of the NE 1/4 of the NW 1/4 of Section 17, Township 19 South, Range 2 East, Shelby County, Alabama, thence North 13 degrees, 23 minutes, 16 seconds East for a distance of 11.08 feet to the POINT OF BEGINNING, said point also a point on a curve to the right having a central angle of 05 degrees, 24 minutes, 06 seconds and a radius of 1240.00 feet, said curve subtended by a chord bearing North 5 degrees, 20 minutes, 54 seconds East and a chord distance of 116.86 feet, said point also a point on the Northwesterly right of way of Shelby County Hwy 83; thence along the arc of said curve and along said right of way a distance of 116.80 feet to a point of compound curve having a central angle of 08, degrees, 47 minutes, 09 seconds and a radius of 955.42 feet; thence along the arc of said curve and along said right of way a distance of 146.50 feet; thence North 87 degrees, 15 minutes, 34 seconds West and leaving said right of way a distance of 200.00 feet to the Easterly right of way of Blue Spring Road; thence South 27 degrees, 39 minutes, 43 seconds East along said right of way a distance of 109.08 feet; thence South 30 degrees, 56 minutes, 14 seconds East along said right of way a distance of 42.05 feet; thence South 36 degrees, 53 minutes, 9 seconds East along said right of way a distance of 81.37 feet; thence South 27 degrees, 1 minute, 22 seconds East along said right of way a distance of 79.78 feet.