

AFFIDAVIT AS TO HEIRS

(SMALL ESTATES WHERE DECEDENT DIED INTESATE AFTER 10/1/83 AND DEED IS WITHOUT SURVIVORSHIP)

**STATE OF ALABAMA
COUNTY OF SHELBY**

**ON THE 19th DAY OF DECEMBER, 2002, BEFORE ME PERSONALLY APPEARED
PATRICIA MITCHELL AND HELEN F. MARTIN PERSONALLY KNOWN TO ME AND BY ME
FIRST DULY SWORN ON OATH DID SAY AS FOLLOWS:**

**AFFIANT(S) IS/ARE FAMILIAR WITH THE FAMILY HISTORY OF MICHAEL
W. ROSE, DECEASED, WHO WAS THE OWNER OF THE FOLLOWING PROPERTY:**

SEE ATTACHED EXHIBIT "A" LEGAL DESCRIPTION

**AND THAT SAID DECEDENT DIED DECEMBER 7, 2000, AND THAT THE PLACE OF RESIDENCE
AND HOMESTEAD AT THE TIME OF DEATH WAS AS FOLLOWS:**

1921 COUNTY ROAD 95, HELENA, ALABAMA 35080

**AND AFFIANT(S) FURTHER STATES THAT DECEDENT LEFT SURVIVING THE FOLLOWING
PERSONS, AS HEIRS OR OTHERWISE INTERESTED PARTIES TO THE ESTATE AND THAT THE
FOLLOWING IS A TRUE AND CORRECT ACCOUNT OF ALL MARRIAGES, CHILDREN AND
DIVORCES OF THE DECEDENT:**

WIDOW/WIDOWER: REBECCA A. ROSE

DIVORCED WIFE OR HUSBAND:

CHILDREN: SHANNON ROSE AND JOSHUA ROSE

ADOPTED CHILDREN:

DESCENDANTS OF DECEASED CHILDREN:

OTHER:

**THE AFFIANT(S) AFFIRMS THAT THE FAIR MARKET VALUE OF THE DECEDENT'S ESTATES
WAS NOT GREATER THAN \$50,000.00 WHICH INCLUDES THE FOLLOWING REAL AND
PERSONAL PROPERTY: (VALUES & BALANCES AS OF THE DATE OF BIRTH).**

REAL ESTATE APPRAISED VALUE:

MORTGAGES DUE AT DATE OF DEATH:

STOCKS, BONDS, MORTGAGE OR NOTES PAYABLE AND NEGOTIABLE INSTRUMENTS:

OTHER:

**AFFIANT(S) STATES THAT THE ABOVE RECITED ASSETS ARE THE ENTIRE ESTATE
POSSESSED BY THE DECEDENT AT THE TIME OF DEATH AND THAT THE PURPOSE OF THIS
AFFIDAVIT IS TO DETERMINE THE HEIRS OF THE DECEDENT AS IS SET OUT IN THE CODE OF
ALABAMA 43 8 40 TO 43 8 42 AND 43 8 44.**

**AND AFFIANT(S) FURTHER STATES THAT DECEDENT LEFT NO OTHER CHILDREN OR
ADOPTED CHILDREN OR CHILDREN DESCENDANTS OF DECEASED CHILDREN OR ADOPTED
CHILDREN.**

**AND THAT ALL OF THE ABOVE PARTIES ARE OVER THE AGE OF NINETEEN AND
COMPETENT EXCEPT THE FOLLOWING:**

NAME AND AGE OF MINORS: JOSHUA ROSE - AGE 17

NAME AND AGE OF NON-COMPETENT:

**AND AFFIANT(S) FURTHER STATE THAT DECEDENT () LEFT A WILL (X) DID NOT LEAVE A
WILL.**

AND THAT ALL DEBTS AGAINST THE ESTATE (X) HAVE () HAVE NOT BEEN PAID.

AFFIANT(S) MAKE THIS AFFIDAVIT TO INDUCE SHELBY COUNTY ABSTRACT & TITLE COMPANY, INC. TO ISSUE A MORTGAGE/OWNER TITLE POLICY STATING THAT REBECCA A. ROSE IS/ARE THE TRUE OWNERS OF THE PROPERTY DESCRIBED ABOVE.

AFFIANT(S) ACKNOWLEDGES THAT THIS DOCUMENT IS TO BE USED TO DETERMINE OWNERSHIP OF REAL PROPERTY AND MAY BE USED IN A COURT OF LAW TO DETERMINE OWNERSHIP AND MAY BE RECORDED FOR RECORD IN THE PROBATE RECORDS.

Patsy B. Mitchell
SIGNATURE OF AFFIANT

Helen F. Martin
SIGNATURE OF AFFIANT

2425 Eagle Court
Address
Birmingham, Al 35216

132 Creden Place
Address
Alabaster, Al 35007

STATE OF ALABAMA
COUNTY OF SHELBY

I, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, HEREBY CERTIFY THAT PATRICIA MITCHELL AND HELEN F. MARTIN WHOSE NAME(S) IS/ARE SIGNED TO THE FOREGOING INSTRUMENT, AND WHO IS/ARE KNOWN TO ME, ACKNOWLEDGED BEFORE ME ON THIS DAY THAT, BEING INFORMED OF THE CONTENTS OF THE INSTRUMENT, THEY EXECUTED THE SAME VOLUNTARILY ON THE DAY THE SAME BEARS DATE.

GIVEN UNDER MY HAND AND SEAL THIS 19TH DAY OF DECEMBER, 2002.

[Signature]
NOTARY PUBLIC

MY COMMISSION EXPIRES: 02-25-02

EXHIBIT "A"

LEGAL DESCRIPTION

PARCEL II:

A parcel of land in the Southeast Quarter of the Southeast Quarter of Section 22, Township 20 South, Range 3 West, being part of the same land described in a deed to John C. and Kathryn Draper, recorded in Real Book 58, at Page 525, of the real property records of Shelby County, Alabama. Said parcel of land being more particularly described as follows: Commencing at the Southeast corner of said Section 22; thence North 23 degrees 32 minutes 00 seconds West a distance of 310.6 feet to a point on the West right of way line of County Road #95; thence along a curve to the left in said right of way line, having a radius of 2824.79 feet, an arc length of 143.60 feet; thence North 25 degrees 34 minutes 21 seconds West along said right of way line a distance of 49.78 feet; thence along a curve to the left in said right of way line, having a radius of 2814.79 feet, an arc length of 150.00 feet; thence North 06 degrees 51 minutes 11 seconds West, along said right of way line, a distance of 51.50 feet; thence along a curve to the left in said right of way line, having a radius of 2824.79 feet, an arc length of 121.80 feet; thence North 21 degrees 01 minutes 54 seconds West along said right of way line, a distance of 80.27 feet; thence North 88 degrees 32 minutes 25 seconds West, a distance of 511.40 feet to a rebar, found with a cap stamped "12362" and the point of beginning; thence North 88 degrees 32 minutes 25 seconds West, a distance of 156.84 feet, to a crimped pipe found; thence South 01 degrees 25 minutes 25 seconds West a distance of 113.00 feet to a 1/2-inch rebar, set with a cap stamped "S. Wheeler RPLS 16165"; thence South 45 degrees 17 minutes 04 seconds East a distance of 215.34 feet, to a 3/4-inch rebar found; thence North 01 degrees 26 minutes 45 seconds East a distance of 260.57 feet to the point of beginning.

EASEMENT:

Commence at the Southeast corner of Section 22, Township 20 South, Range 3 West; run thence North 23 degrees 32 minutes West for 310.6 feet; run thence North 88 degrees 30 minutes 21 seconds West for 322.91 feet; run thence North 01 degrees 29 minutes 39 seconds East for 230.33 feet to the point of beginning; continue North 01 degrees 29 minutes 39 seconds East for 87.84 feet; run thence in a Northeasterly direction along a curve to the left having a chord of North 73 degrees 59 minutes 04 seconds East for 127.66 feet, a radius of 430.57 feet, for an arc distance of 128.13 feet; run thence North 65 degrees 27 minutes 34 seconds for 71.71 feet; run thence North 22 degrees 59 minutes 57 seconds East for 33.75 feet to the West right of way of County Road #95; run thence in a Southeasterly direction along said right of way and a curve to the right having a chord of South 19 degrees 00 minutes 40 seconds East for 44.35 feet, a radius of 2824.79 feet, for an arc distance of 44.35 feet; run thence South 06 degrees 51 minutes 11 seconds East along said right of way for 51.50 feet; run thence in a Southeasterly direction along said right of way and curve to the right having a chord of South 17 degrees 21 minutes 08 seconds East for 17.93 feet, a radius of 2814.79 feet, for an arc distance of 17.93 feet; run thence North 65 degrees 51 minutes 20 seconds West for 37.56 feet; run thence South 65 degrees 27 minutes 34 seconds West for 214.45 feet to the point of beginning.