

SCRIVENER'S AFFIDAVIT

Before me the undersigned, a Notary Public, in and for said County and State, personally appeared Philander K. Smartt III, who after being duly sworn by me deposes and says:

Affiant prepared that certain Deed from Gabriella H. Lynn to Colleen I. Norton dated May 30, 2003 and recorded in Probate Office of Shelby County, Alabama. In preparing said deed the legal description of prior deeds in the chain of title were discovered to be erroneous. As such, the following deeds should reflect the proper legal description, i.e.:

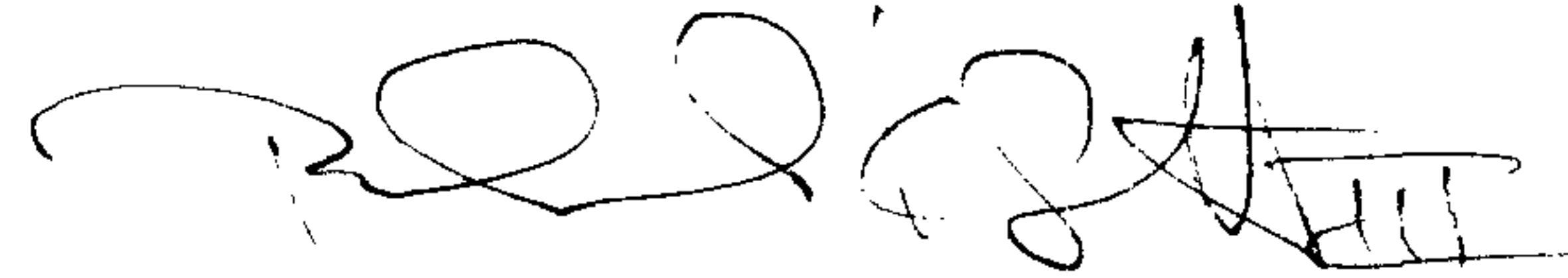
All of Lot 3 and that portion of Lot 4, according to the map of Lake Wehapa as recorded in Map Book 4, Pages 61, 62, 63, and 64 in the Office of the Judge of Probate of Shelby County, Alabama, that portion of said Lot 4 further described as follows: beginning at the Northwesternly intersection of the lot line separating Lots 3 and 4 and the perimeter line; thence in a Southerly direction along the perimeter line a distance of 36 feet to a point; then in an Easterly direction to the Easterly point of the lot line separating Lots 3 and 4; then Westerly along the original lot line as shown on the recorded map a distance of 299.04 feet to the point of beginning.

Such erroneous deeds are as follows:

1. Corrected Heirs Deed attached herewith as Exhibit "A", conveying the above noted property from the Estate of Carl D. Hulsey, to William C. Hulsey, Carla H. Simmons and Gabriella H. Lynn.
2. Deed from William C. Hulsey, Carla H. Simmons, and Gabriella H. Lynn to Hulsey and Hulsey, an Alabama General Partnership, Attached herewith as Exhibit "B".
3. Deed from Hulsey and Hulsey, an Alabama General Partnership, to Gabriella H. Lynn, attached herewith as Exhibit "C".

The above and foregoing being recorded in the office of the Judge of Probate, Shelby County to cure defects of title, if any, to the above parcel being conveyed to Colleen I. Norton.

In Witness Whereof, the undersigned has caused this affidavit to be executed on the 30<sup>th</sup> day of May, 2003.

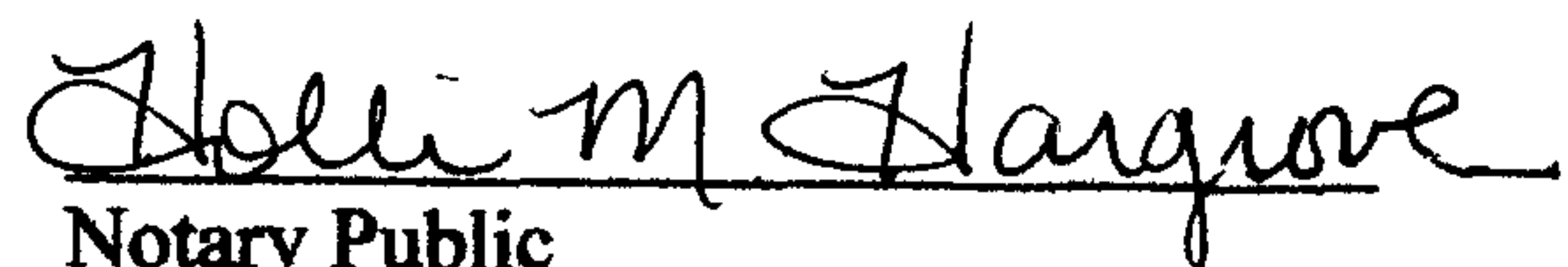


Philander K. Smartt III, Esquire

STATE OF ALABAMA )  
COUNTY OF JEFFERSON )

I, the undersigned, a Notary Public in and for said county in said state, hereby certify that Philander K. Smartt III, whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me that, being informed of the contents of the instrument, he executed the same voluntarily on the day the same bears date.

Given under my hand and seal this 30<sup>th</sup> day of May, 2003.

  
Notary Public

My Commission Expires: 2-11-07



SEND TAX NOTICE TO:

William C. Hulsey  
Carla H. Simmons  
Gabriella H. Lynn  
c/o Hulsey & Co.  
300 Midtown Center  
1801 1st Avenue South  
Birmingham, Alabama 35233

THIS INSTRUMENT PREPARED BY:

Howard Donovan  
1 Independence Plaza  
Suite 510  
Birmingham, Alabama 35209

CORRECTED HEIRS' DEED

STATE OF ALABAMA

JEFFERSON COUNTY

KNOW ALL MEN BY THESE PRESENTS,

That in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the said Estate of Carl D. Hulsey, deceased, does by these presents grant, bargain, sell and convey unto the said William C. Hulsey, Carla H. Simmons, Gabriella H. Lynn, the following described real estate situated in Shelby County, Alabama, to wit:

Lot 4-A, according to Map of Lake Wehapa situated in the SW 1/4 and SW 1/4 of SE 1/4 of Section 8, Township 18, Range 1 East, and the NE 1/4 of NW 1/4 of Section 17, Township 18 South, Range 1 East, according to Map as recorded in Map Book 4, on Page 62, in the Probate Office of Shelby County, Alabama.

SUBJECT TO: (i) transmission line permits to Alabama Power Company recorded in Deed Book 131, Page 197; Deed Book 131, Page 209; Deed Book 150, Page 111; Deed Book 200, Page 528; Deed Book 214, Page 365, and Deed Book 223, Page 81, in Probate Office of Shelby County, Alabama; (ii) title to minerals underlying captioned lands with mining rights and privileges belonging thereto as reserved in Deed Book 188, Page 330, in Probate Office of Shelby County, Alabama; (iii) easements for public roads which may now exist across any portion of said property and easements for private roads shown upon map of Lake Wehapa by Wehapa Land Company, Inc., recorded in Probate Office of Shelby County, Alabama, in Map Book 4, Page 61-64; (iv) restrictions and limitations as set forth in declaration by Wehapa Land Company, Inc., recorded in Deed Book 214, Page 463, in Probate Office of Shelby County, Alabama; and (v) the lien for ad valorem taxes for the current tax year.



This is a conveyance to the heirs-at-law of Carl D. Hulsey, deceased, in accordance with the terms of the Last Will and Testament of Carl D. Hulsey, Jefferson County Probate Court, Case No. 128327.

The purpose of this corrective deed is to correct the legal description in the original deed recorded at Real Book 368, Page 129. An incorrect description (lot number) was given due to a scrivener's error.

**TO HAVE AND TO HOLD** unto William C. Hulsey, Carla H. Simmons, Gabriella H. Lynn, their personal representatives and assigns forever.

**IN WITNESS WHEREOF**, the said Estate of Carl D. Hulsey, deceased, by its Executor and Executrixes, who are authorized to execute this conveyance, has hereto set its signature and seal, this the 3rd day of June, 1992.

**ESTATE OF CARL D. HULSEY,**  
Deceased

By: William C. Hulsey

William C. Hulsey, Executor

By: Carla H. Simmons

Carla H. Simmons, Executrix

By: Gabriella H. Lynn

Gabriella H. Lynn, Executrix



## Exhibit B

TITLE NOT EXAMINED

SEND TAX NOTICE TO:  
Hulsey & Hulsey  
800 Midtown Center  
Birmingham, AL 35233

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**STATUTORY WARRANTY DEED**

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STATE OF ALABAMA ]

SHELBY COUNTY ]

KNOW ALL MEN BY THESE PRESENTS, that for and in consideration of Ten Dollars (\$10.00) to the undersigned Grantors, **William C. Hulsey, Carla H. Simmons and Gabriella H. Lynn**, in hand paid by Grantee, **Hulsey & Hulsey, an Alabama general partnership**, the receipt whereof is acknowledged, we, the said Grantors, do grant, bargain, sell and convey unto the said Grantee, the following described real estate situated in Shelby County, Alabama, to-wit:

Lot 4-A, according to Map of Lake Wehapa situated in the SW 1/4 and SW 1/4 of SE 1/4 of Section 8, Township 18, Range 1 East, and the NE 1/4 of NW 1/4 of Section 17, Township 18 South, Range 1 East, according to Map as recorded in Map Book 4, on Page 62, in the Probate Office of Shelby County, Alabama.

Subject to current taxes, encumbrances, easements, restrictions, and limitations, if any, of record.

The property conveyed herein does not constitute the homestead of the Grantors.

To have and to hold the said above described property unto the said Grantee, together with all and singular the tenements,



hereditaments and appurtenances thereunto belonging or in anywise appertaining, and unto its successors and assigns forever.

IN WITNESS WHEREOF, we have hereunto set our hands and seals, this the 30<sup>th</sup> day of September, 1995.

W. C. Hulsey (SEAL)  
WILLIAM C. HULSEY

Carla H. Simmons (SEAL)  
CARLA H. SIMMONS

Gabriella H. Lynn (SEAL)  
GABRIELLA H. LYNN

STATE OF Alabama ]  
Jefferson COUNTY ]

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that William C. Hulsey, whose name 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 this conveyance, he executed the same voluntarily on the day the same bears date.

Given under my hand and seal, this 22 day of September, 1995.

James A. Poole  
NOTARY PUBLIC  
MY COMMISSION EXPIRES 4-27-96

STATE OF Alabama ]  
Jefferson COUNTY ]

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that CARLA H. SIMMONS, whose name 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 this conveyance, she executed the same voluntarily on the day the same bears date.

Given under my hand and seal, this 30<sup>th</sup> day of September, 1995.

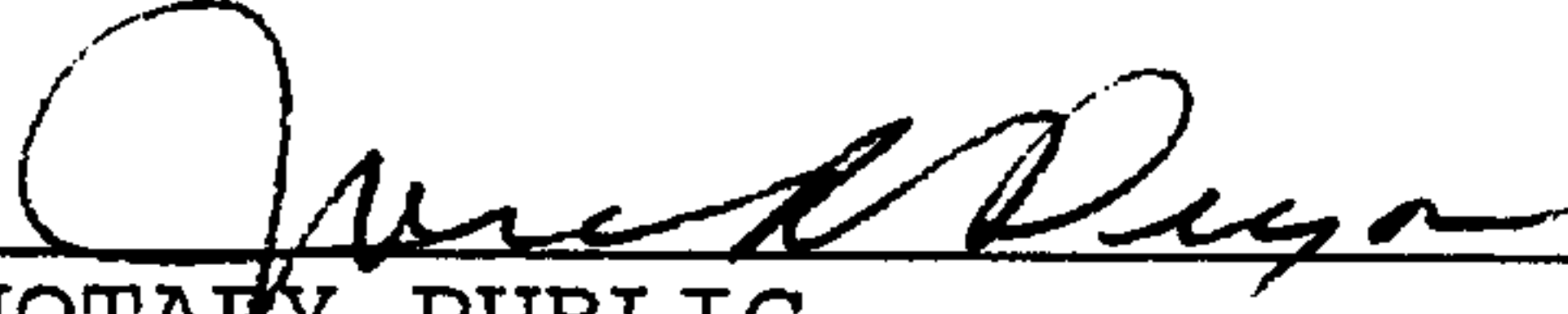
James A. Poole  
NOTARY PUBLIC  
MY COMMISSION EXPIRES 10/27/97



STATE OF Alabama ]  
Jefferson COUNTY ]

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that GABRIELLA H. LYNN, whose name 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 this conveyance, she executed the same voluntarily on the day the same bears date.

Given under my hand and seal, this 30<sup>th</sup> day of September, 19 95.

  
NOTARY PUBLIC  
MY COMMISSION EXPIRES 10/27/97

THIS DOCUMENT PREPARED BY:

Paul S. Leonard, Esq.  
Spain & Gillon  
2117 Second Avenue, North  
Birmingham, Alabama 35203

0387\0001



## Exhibit C

3

TITLE NOT EXAMINED

SEND TAX NOTICE TO:  
 Gabriella Hulsey Lynn  
 2509 LANARK RD.  
 Birmingham, AL 35223

**STATUTORY WARRANTY DEED**  
**STATE OF ALABAMA** ]

**SHELBY COUNTY** ]

KNOW ALL MEN BY THESE PRESENTS, that for and in consideration of Ten Dollars (\$10.00) to the undersigned Grantor, Hulsey and Hulsey, an Alabama general partnership, in hand paid by Grantee, Gabriella H. Lynn, the receipt whereof is acknowledged, the said Grantor, does grant, bargain, sell and convey unto the said Grantee, the following described real estate situated in Shelby County, Alabama, to-wit:

Lot 4-A, according to Map of Lake Wehapa situated in the SW 1/4 and SW 1/4 of SE 1/4 of Section 8, Township 18, Range 1 East, and the NE 1/4 of NW 1/4 of Section 17, Township 18 South, Range 1 East, according to Map as recorded in Map Book 4, on Page 62, in the Probate Office of Shelby County, Alabama.

Subject to current taxes, encumbrances, easements, restrictions, and limitations, if any, of record.

The property conveyed herein does not constitute the homestead of the Grantors.

To have and to hold the said above described property unto the said Grantee, together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and unto its successors and assigns forever.

Inst # 2000-42021

-1-

18/06/2000-42021  
 10:59 AM CERTIFIED  
 SHELBY COUNTY JUDGE OF PROBATE  
 003 C31 217.00



4

IN WITNESS WHEREOF, we have hereunto set our hands and seals, this the 21<sup>st</sup>  
day of November, 2000.

HULSEY AND HULSEY, an Alabama General  
Partnership

By: [Signature] (SEAL)  
WILLIAM C. HULSEY

By: [Signature] (SEAL)  
CARLA H. SIMMONS

STATE OF ALABAMA }  
Jefferson COUNTY }

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that WILLIAM C. HULSEY, whose name 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 this conveyance, he executed the same voluntarily on the day the same bears date.

Given under my hand and seal, this 21<sup>st</sup> day of November, 2000.

[Signature]  
NOTARY PUBLIC  
MY COMMISSION EXPIRES 8-1-03

STATE OF ALABAMA }  
Jefferson COUNTY }

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that CARLA H. SIMMONS, whose name 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 this conveyance, she executed the same voluntarily on the day the same bears date.

Given under my hand and seal, this 22<sup>nd</sup> day of November, 2000.

[Signature]  
NOTARY PUBLIC  
MY COMMISSION EXPIRES 8-1-03

THIS DOCUMENT PREPARED BY:

John P. McKleroy, Jr.  
Spain & Gillon, L.L.C.  
2117 Second Avenue, North  
Birmingham, Alabama 35203

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20030618000381740 Pg 9/9 35.00  
Shelby Cnty Judge of Probate, AL  
06/18/2003 10:34:00 FILED/CERTIFIED

**EXHIBIT "A"**  
**TO**  
**STATUTORY WARRANTY DEED**  
**HULSEY AND HULSEY, AN ALABAMA GENERAL PARTNERSHIP**  
**TO GABRIELLA H. LYNN**

**LEGAL DESCRIPTION**

Lot 4-A, according to Map of Lake Wehapa situated in the SW 1/4 and SW 1/4 of SE 1/4 of Section 8, Township 18, Range 1 East, and the NE 1/4 of NW 1/4 of Section 17, Township 18 South, Range 1 East, according to Map as recorded in Map Book 4, on Page 62, in the Probate Office of Shelby County, Alabama.

Subject to current taxes, encumbrances, easements, restrictions, and limitations, if any, of record.

The property conveyed herein does not constitute the homestead of the Grantors.

Inst # 2000-42021

12/06/2000-42021  
10:59 AM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
003 CJ1 217.00