Shelby Cnty Judge of Probate, AL 09/09/2003 09:39:00 FILED/CERTIFIED

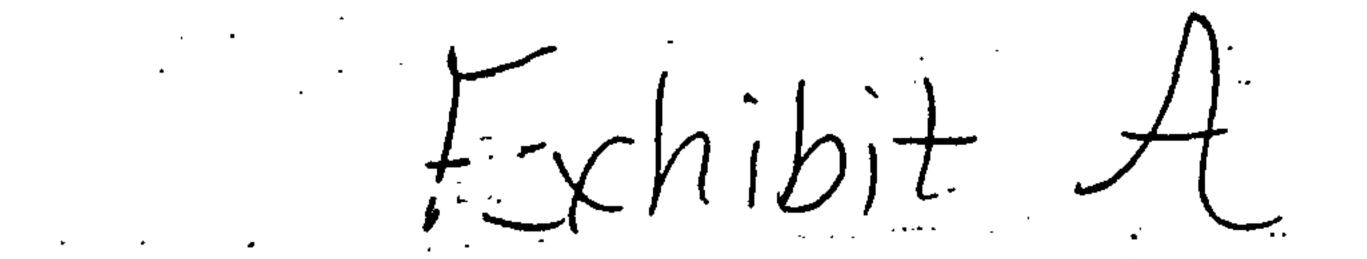
## **AFFIDAVIT**

This is to certify that Donald Wayne Duke is not holding purchase money mortgage for Janet Gayle Garner as stated in deed recorded in 20002-31023 in the Probate Office of Shelby County, Alabama. The mortgage mentioned on said decd was in error. The undersigned claims no interest in subject property.

Wonald Wayne Duke Date 8/2963

Thysis Sherill Sylant 19 August 2003 Network

MY COMMISSION EXPIRES JUNE 12, 2007



The SW 1/4 of the SW 1/4 of Section 35, Township 21 South, Range 1 West, Shelby County, Alabama, being the same property as surveyed by R. Edward Gilliland, Ala. Reg. No. 15919, on the 4th day of December, 1995, which is more particularly described by said survey as follows:

Commence at a corner in place accepted as the Southwest corner of Section 35, Township 21 South, Range 1 West, Shelby County, Alabama, said point being the point of beginning. From this beginning point proceed North 00 dea. 03' 09" East along the West boundary of the SW 1/4 of the SW 1/4 of said Section for a distance of 1323.04 feet to a corner in place accepted as the Northwest corner of said 1/4 1/4 Section; thence proceed North 87 deg. 57' 04" East along the North boundary of said 1/4 1/4 Section for a distance of 1330.99 feet to a corner in place accepted as the Northeast corner of said 1/4 1/4 Section; thence proceed South 00 deg. 14' 42" East along the East boundary of said 1/4 1/4 Section for a distance of 1349.53 feet to a corner in place accepted as the Southeast corner of said 1/4 1/4 Section; thence South 89 deg. 06' 11" West along the South boundary of said 1/4 1/4 Section for a distance of 1337.11 feet to the point of beginning. The above land is located in the SW 1/4 of the SW 1/4 of Section 35. Township 21 South, Range 1 West, Shelby County, Alabama, and contains 40.91 acres. According to survey or R. Edward Gilliland, daced December 4, 1995.

SUBJECT TO Mineral and Mining rights reserved by grantors.

The above described property constitutes no part of the homestead of any of the grantors or their spouses.