



20060526000250900 1/3 \$22.00
Shelby Cnty Judge of Probate, AL
05/26/2006 11:28:01AM FILED/CERT

STATE OF ALABAMA)
SHELBY COUNTY)

AFFIDAVIT

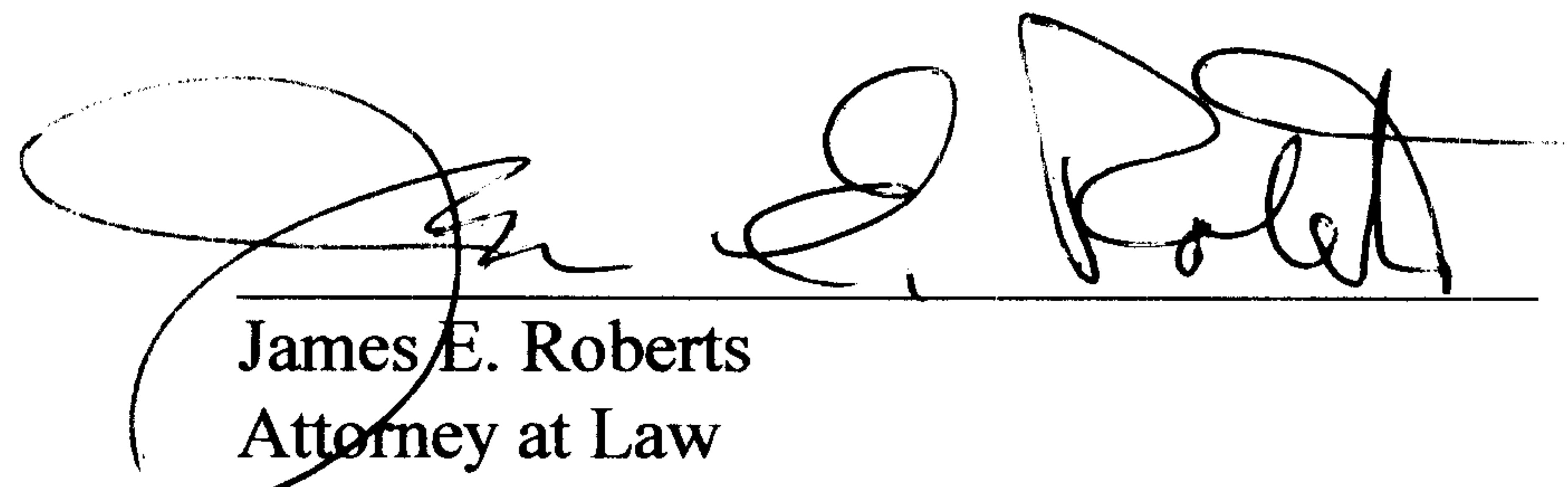
5,000⁰⁰ JMC

NOW COMES the undersigned, James E. Roberts, and gives this affidavit in connection with that certain Warranty Deed executed by Carl Jacob, and his wife, Christine Jacob, on November 1, 1998. The purpose of such Warranty Deed was to convey title to a small strip of land to James Mark Clayton, and his wife, Elizabeth Clayton.

Mr. Clayton's mother, Mary Ann Clayton, owned property contiguous to Carl and Christine's property. Over the course of many years, Mr. and Mrs. Jacob became close with the Clayton family, and agreed to convey the small strip of land running from Mrs. Clayton's property to a small lake partially on the Jacob property.

The deed was never recorded and the original has not been found. I prepared the deed and notarized Carl and Christine Jacob's signatures. I was their personal attorney for over thirty years and attest to their execution of the original of the attached deed. Upon his death, Carl Jacob left all real property owned by him to James Mark Clayton and Elizabeth Clayton. Mr. Jacob's will was probated and on record in Shelby County Probate Court Case No. 41-106

I further certify the copy of the Warranty Deed dated November 1, 1998 which is offered to be recorded is a true, correct, and exact copy of the original Warranty Deed executed in my presence by Carl Jacob and Christine Jacob on November 1, 1998, both of whom were at such time over the age of twenty-one and competent.

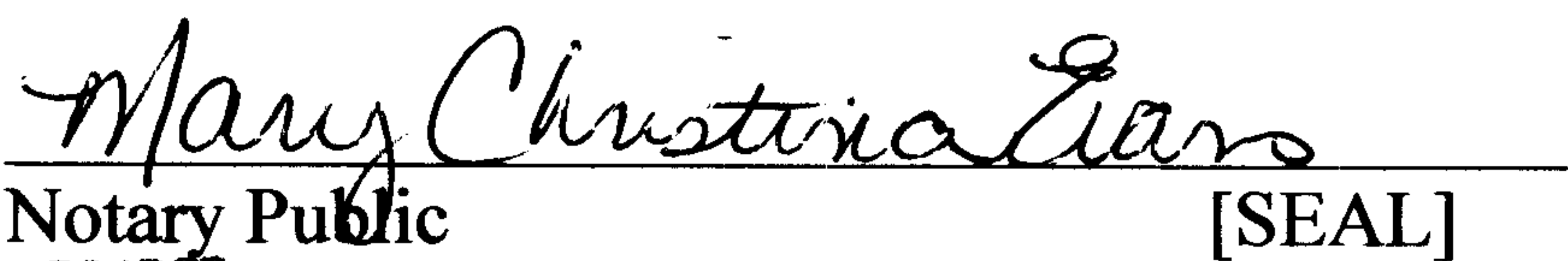


James E. Roberts
Attorney at Law
P.O. Box 430224
Birmingham, AL 35243

STATE OF ALABAMA)
SHELBY COUNTY)

I, Mary Christina Evans, a notary public in and for said County, in said State, hereby certify that James E. Roberts 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 such affidavit, he executed same voluntarily in the day the same bears date.

Given under my hand and official seal this the 25th day of May, 2006.



My commission expires:

Notary Public

[SEAL]

NOTARY PUBLIC STATE OF ALABAMA AT LARGE
MY COMMISSION EXPIRES: July 28, 2007
BONDED THRU NOTARY PUBLIC UNDERWRITERS

COPY



20060526000250900 2/3 \$22.00
Shelby Cnty Judge of Probate, AL
05/26/2006 11:28:01AM FILED/CERT

This instrument was prepared by:
James E. Roberts
P. O. Box 370004
Birmingham, AL 35237

Send tax notice to:
Mark Clayton
4924 Caldwell Mill
Birmingham, AL 35242

WARRANTY DEED

STATE OF ALABAMA)

SHELBY COUNTY)

KNOW ALL MEN BY THESE PRESENTS, that in consideration of the payment of ten dollars and other good and valuable consideration in hand paid by the grantees herein, the receipt whereof is acknowledged, we CARL JACOB and wife, CHRISTINE H. JACOB, (hereinafter referred to as grantors), do grant, bargain, sell and convey unto James Mark Clayton and wife Elizabeth Clayton (hereinafter referred to as grantees), the following described real estate situated in Shelby County, Alabama, to-wit:

Commence at the northwest corner of Section 10, Township 19 south, Range 2 west, Jefferson County, Alabama and run thence southerly along the west line of said section 10 a distance of 662.21' to a point; Thence turn a deflection angle of 66 degrees 30 minutes 00 seconds to the left and run southeasterly a distance of 272.58' to a steel rebar corner and the POINT OF BEGINNING of the property being described; Thence continue along last described course a distance of 369.50' to a point that is 5.0' (feet) into a small lake; Thence turn a deflection angle of 90 degrees 00 minutes 00 seconds to the left and run northeasterly a distance of 40.00' to a point in the same said lake; Thence turn a deflection angle of 90 degrees 00 minutes 00 seconds to the left and run northwesterly a distance of 382.89' to a steel rebar corner; Thence turn a deflection angle of 113 degrees 30 minutes 00 seconds to the left and run southerly a distance of 43.45' to the point of beginning, containing 15,047.8 square feet or 0.345 of an acre.

Further, grantors do for themselves and their heirs and assigns grant unto the grantees herein, their heirs and assigns forever, the right and privilege to use the small lake shown on a Survconn survey, dated October 23, 1998, a photocopy of which is attached hereto. Such right and privilege shall include any and all benefits that might normally be derived from the use of such lake. This privilege and right granted herein shall include the right to fish, swim, boat, construct piers, boat houses, boat launches and do each and every act which might normally be associated with the right to enjoy the lake. The only prohibition on such right shall be deemed to be any illegal or unlawful use. The intent of this easement is that grantees shall have the same rights as grantors. The grantees have become as close to grantors as if they were grantors own grandchildren, and the depth and breadth of this easement shall not be subject to question by any other party. Grantors acknowledge that a portion of the lake is owned by another property owner, but to the extent possible grantors grant unto grantees each and every right grantors now have or might have in the future. The term of this easement shall be perpetual and grantees shall have the privilege of inviting

their friends and other persons to likewise share and enjoy the rights granted to grantees herein with no restrictions. This easement shall run with the grantors and grantees land and shall be assignable by grantees in the future. Grantors recognize that in the event of future conveyance of the fee owned by grantors, then the rights given to grantees herein, although an easement, shall be equal or superior to the fee interest underlying this easement.

TO HAVE AND TO HOLD to the said grantees, their heirs and assigns forever.

And we do for ourselves and for our heirs, executors, and administrators covenant with the said GRANTEES, their heirs and assigns, that we are lawfully seized in fee simple of said premises; that they are free from all encumbrances, unless otherwise noted above. that we have a good right to sell and convey the same as aforesaid; that we will and our heirs, executors, and administrators shall warrant and defend the same to the said GRANTEES, their heirs and assigns forever, against the lawful claims of all persons.

IN WITNESS WHEREOF, we have hereunto set our hand(s) and seal(s) this the 1st day of November, 1998.

Shelby County, AL 05/26/2006
State of Alabama

Deed Tax: \$5.00

Carl Jacob (Seal)
Carl Jacob

Christine H. Jacob (Seal)
Christine H. Jacob

STATE OF ALABAMA)

SHELBY COUNTY)

I, James E. Roberts, a Notary Public in and for said County, in said State, hereby certify that Carl Jacob and Christine H. Jacob, whose names are signed to the foregoing conveyance, and who are known to me, acknowledged before me on this day, that, being informed of the contents of the conveyance, they executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 1st day of November, 1998.

James E. Roberts
Notary Public

My commission expires: NOTARY PUBLIC STATE OF ALABAMA AT LARGE.
MY COMMISSION EXPIRES: Apr. 7, 2001.
BONDED THRU NOTARY PUBLIC UNDERWRITERS.