

20071203000546660 1/4 \$20.00  
Shelby Cnty Judge of Probate, AL  
12/03/2007 10:36:56AM FILED/CERT

STATE OF ALABAMA  
COUNTY OF SHELBY

AFFIDAVIT AND INDEMNITY

In order to induce the Shelby County Board of Education to purchase from the undersigned the real property described on the attached Exhibit A, the undersigned hereby acknowledges receipt of a survey of said real property by Michael R. Bridges, Gonzalez-Strength & Associates, Inc., dated November 15, 2007, and states as follows regarding said survey:

1. Along the easternmost boundary, there is shown a fence which runs inside the surveyed boundary line. A portion of the survey showing this fence is attached hereto as Exhibit B. The undersigned acknowledges and confirms that this fence was located and erected by the undersigned or its predecessors in title and not by a neighboring landowner. This fence was not intended to and does not mark the boundary line, but the boundary line is as shown on the above-described survey. This fence has been maintained by the undersigned and no one else has adversely possessed or made any claim of ownership to the land lying east of this fence and west of the actual boundary line as shown on said survey.

2. Crossing the easterly portion of said real property, there is shown a dirt road running northeasterly from Bear Holler Drive to Lot 9, according to the survey of Bear Holler Sector 1, as recorded in Map Book 38, page 103, in the Probate Office of Shelby County, Alabama. A portion of the survey showing this dirt road is attached hereto as Exhibit C. This road was permitted by the undersigned as a convenience to the adjacent property owner and is not a way of necessity, easement, private road, public road, or any other form of title, interest, or access right owned or claimed to be owned by any party other than the undersigned. No one else has adversely possessed or made any claim of ownership to or right to use the dirt road.

Magic City Title, Inc./Lawyers Title Insurance Corporation has been requested to issue an owner's title insurance policy to the Shelby County Board of Education insuring said real property without a survey exception and without excepting the above-described fence and dirt road. Should it do so, the undersigned hereby agrees to indemnify and hold Magic City Title, Inc./Lawyers Title Insurance Corporation harmless from any and all actions, causes of action, claims, demands, costs, expenses, and compensation on account of or in any manner connected with or emanating from said fence and dirt road.

Executed this 28<sup>th</sup> day of November, 2007.

BHS, L.L.C.

by John T. Campbell  
John T. Campbell, managing member

Sworn to and subscribed this 28<sup>th</sup> day of November, 2007.

Notary public [Signature]

# EXHIBIT A

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## LEGAL DESCRIPTION (PARCEL A) SHELBY COUNTY, ALABAMA

A parcel of land situated in the East half of Section 7, Township 20 South, Range 2 West, Shelby County, Alabama, being more particularly described as follows:

Commence at the Southeast corner of the Northeast quarter of the Southeast quarter of said Section; thence run in a Westerly direction along the South line of said quarter - quarter Section for a distance of 947.20 feet to a point; thence turn an interior angle to the left of 91 degrees 39 minutes 05 seconds and run in a Northerly direction for a distance of 356.62 feet to a found capped rebar LS#9587; thence turn an interior angle to the left of 88 degrees 01 minutes 31 seconds and run in an Easterly direction for a distance of 200.47 feet to a set capped rebar stamped GSA CA-560-LS, said point also being the POINT OF BEGINNING; thence turn an exterior angle to the right of 89 degrees 59 minutes 46 seconds and run in a Northerly direction for a distance of 60.00 feet to a set capped rebar stamped GSA CA-560-LS; thence turn an interior angle to the left of 269 degrees 59 minutes 46 seconds and run in a Westerly direction for a distance of 200.47 feet to a set capped rebar stamped GSA CA-560-LS; thence turn an interior angle to the left of 180 degrees 00 minutes 14 seconds and run in a Westerly direction for a distance of 490.64 feet to a set capped rebar stamped GSA CA-560-LS, said point also being on the Easternmost right of way line of Shelby County Road 35 (80' right of way) and said point also being on a curve to the left, said curve having a radius of 1260.81 feet, a central angle of 27 degrees 03 minutes 09 seconds, an interior chord angle to the left of 83 degrees 08 minutes 19 seconds, and a chord distance of 589.79 feet; thence run in a Northwesterly direction along the arc of said curve and along said right of way for a distance of 595.30 feet to a found 1/2 inch rebar; thence leaving said right of way, and said curve turn an interior chord angle to the left of 95 degrees 20 minutes 44 seconds and run in an Easterly direction for a distance of 107.88 feet to a found 1/2 inch rebar; thence turn an interior angle to the left of 272 degrees 21 minutes 56 seconds and run in a Northerly for a distance of 556.40 feet to a found 1/2 inch rebar; thence turn an interior angle to the left of 61 degrees 39 minutes 19 seconds and run in a Southeasterly direction for a distance of 908.29 feet to a found nail and flagging in the top of a fence post; thence turn an interior angle to the left of 117 degrees 31 minutes 41 seconds and run in a Southerly direction for a distance of 424.82 feet to a found capped rebar LS#9587; thence turn an interior angle to the left of 269 degrees 59 minutes 05 seconds and run in an Easterly direction for a distance of 319.96 feet to a found capped rebar LS#9587; thence turn an interior angle to the left of 90 degrees 03 minutes 56 seconds and run in a Southerly direction for a distance of 242.39 feet to a found 5/8 inch rebar; thence turn an interior angle to the left of 119 degrees 54 minutes 03 seconds and run in a Southwesterly direction for a distance of 225.43 feet to a found capped rebar LS#9587; thence turn an interior angle to the left of 150 degrees 00 minutes 43 seconds and run in a Westerly direction for a distance of 409.93 feet to the POINT OF BEGINNING. Said parcel contains 931,425 square feet or 21.38 acres more or less.

## LEGAL DESCRIPTION (PARCEL B) SHELBY COUNTY, ALABAMA

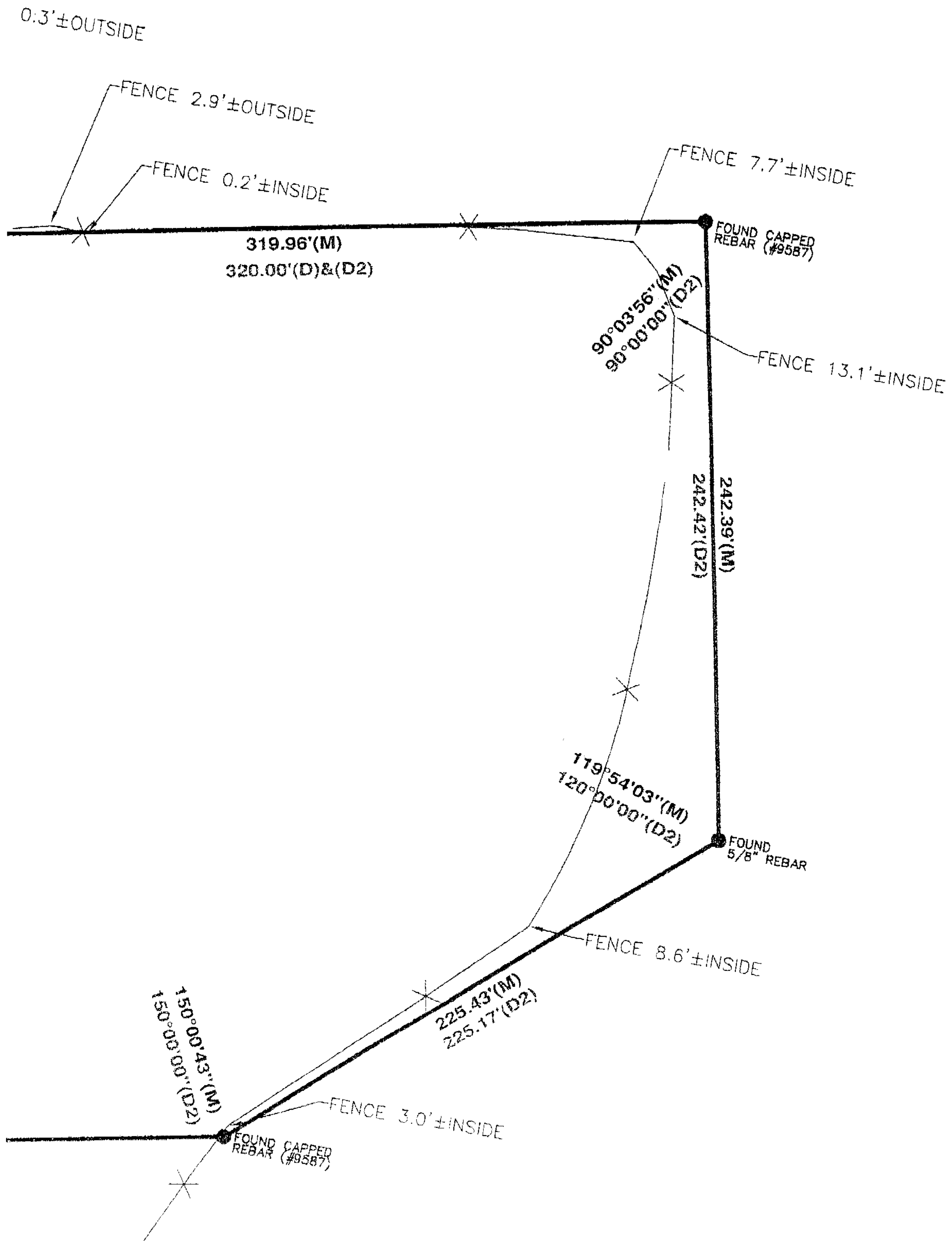
A parcel of land situated in the East half of Section 7, Township 20 South, Range 2 West, Shelby County, Alabama, being more particularly described as follows:

Commence at the Southeast corner of the Northeast quarter of the Southeast quarter of said Section; thence run in a Westerly direction along the South line of said quarter - quarter Section for a distance of 947.20 feet to a point; thence turn an interior angle to the left of 91 degrees 39 minutes 05 seconds and run in a Northerly direction for a distance of 356.62 feet to a found capped rebar LS#9587; thence turn an interior angle to the left of 88 degrees 01 minutes 31 seconds and run in an Easterly direction for a distance of 200.47 feet to a set capped rebar stamped GSA CA-560-LS; thence turn an exterior angle to the right of 89 degrees 59 minutes 46 seconds and run in a Northerly direction for a distance of 60.00 feet to a set capped rebar stamped GSA CA-560-LS; thence turn an interior angle to the left of 269 degrees 59 minutes 46 seconds and run in a Westerly direction for a distance of 200.47 feet to a set capped rebar stamped GSA CA-560-LS; thence turn an interior angle to the left of 180 degrees 00 minutes 14 seconds and run in a Westerly direction for a distance of 490.64 feet to a set capped rebar stamped GSA CA-560-LS, said point also being on the Easternmost right of way line of Shelby County Road 35 (80' right of way) and said point also being on a curve to the left, said curve having a radius of 1260.81 feet, a central angle of 27 degrees 03 minutes 09 seconds, an interior chord angle to the left of 83 degrees 08 minutes 19 seconds, and a chord distance of 589.79 feet; thence run in a Northwesterly direction along the arc of said curve and along said right of way for a distance of 595.30 feet to a found 1/2 inch rebar, said point also being the POINT OF BEGINNING, said point also being on a curve turning to the left, said curve having a radius of 1,434.89 feet, a central angle of 12 degrees 51 minutes 43 seconds, an exterior chord to chord angle to the right of 160 degrees 02 minutes 34 seconds, and a chord distance of 321.43 feet; thence run in a Northwesterly direction along the arc of said curve and along said right of way line for a distance of 322.11 feet to a set capped rebar stamped GSA CA-560-LS; thence leaving said curve turn an interior chord angle to the left of 186 degrees 25 minutes 51 seconds and run in a Northwesterly direction along said right of way line for a distance of 143.29 feet to a set capped rebar stamped GSA CA-560-LS; thence leaving said right of way line turn an interior angle to the left of 64 degrees 11 minutes 45 seconds and run in an Easterly direction for a distance of 223.58 feet to a set capped rebar stamped GSA CA-560-LS; thence turn an interior angle to the left of 97 degrees 07 minutes 37 seconds and run in a Southerly direction for a distance of 426.58 feet to a found 1/2 inch rebar; thence turn an interior angle to the left of 87 degrees 38 minutes 04 seconds and run in a Westerly direction for a distance of 107.88 feet to the POINT OF BEGINNING. Said parcel contains 66,794 square feet or 1.53 acres more or less.

# EXHIBIT B

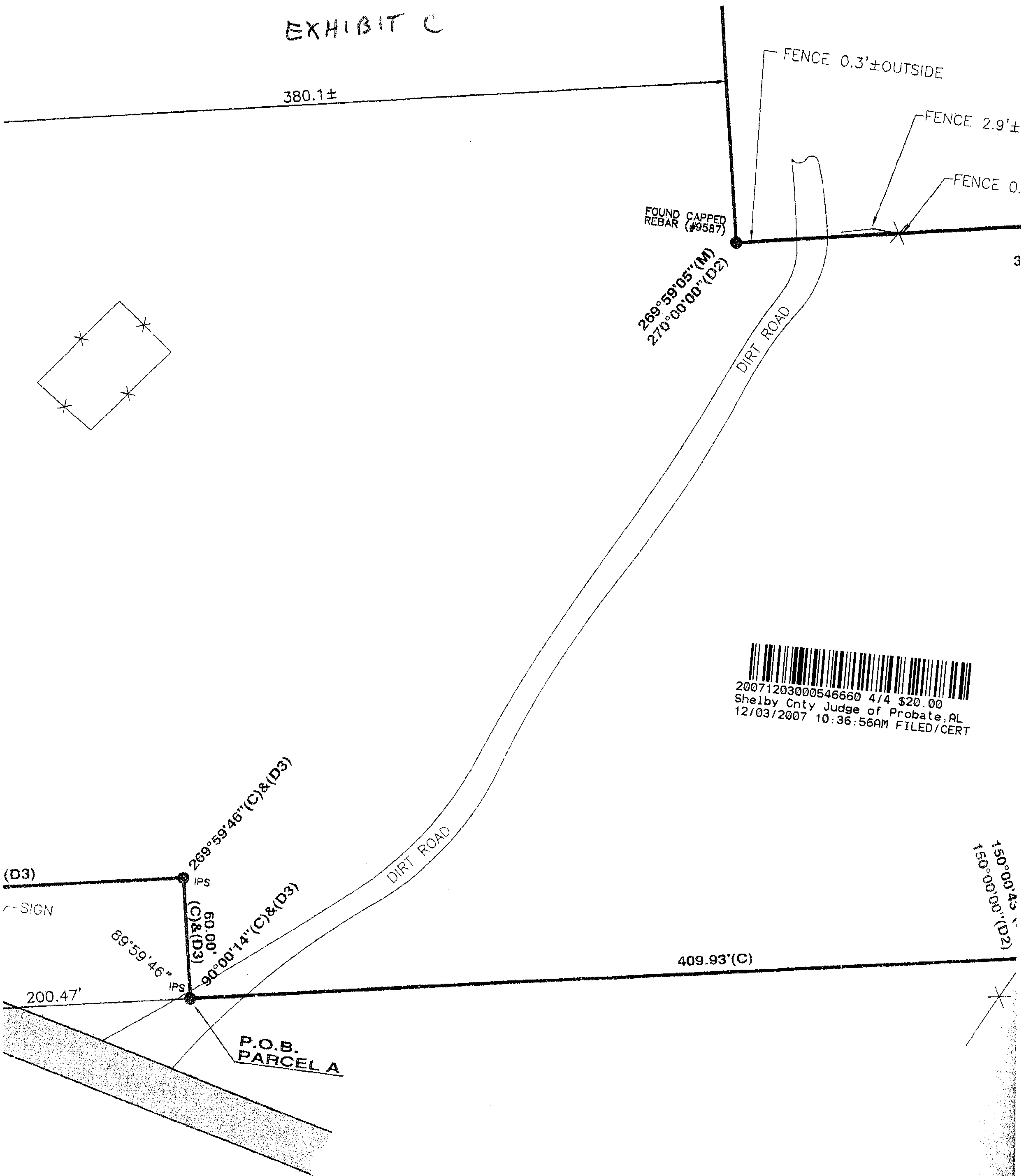
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EAST LINE SEC. 7, T20S, R2W



C  
S  
9  
fe  
de  
fee

# EXHIBIT C



269°59'05" (M)  
270°00'00" (D2)

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150°00'45" (D2)  
150°00'00" (D2)