

THIS INSTRUMENT WAS PREPARED BY:

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STATE OF ALABAMA
SHELBY COUNTY


20081223000475070 1/2 \$16.00
Shelby Cnty Judge of Probate, AL
12/23/2008 03:34:06PM FILED/CERT

AFFIDAVIT

Before me, the undersigned authority, a Notary Public, in and for said County, in said State, personally appeared Thomas E. Simmons, who being by me first duly sworn, deposes on oath and says as follows:

My name is Thomas E. Simmons, and I am a licensed surveyor in the State of Alabama, and am familiar with the following facts:

On October 22, 1998, I prepared a survey for Joe R. Keel and Alice M. Keel, of property located in Sections 16 and 17, Township 21 South, Range 1 East, Shelby County, Alabama. Said survey described Tract 1, a 5.00 acre tract in the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 16, Township 21 South, Range 1 East, and Tract 2, a 20.08 acres tract also located in the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 16, Township 21 South, Range 1 East, together with an easement located in the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 17, Township 21 South, Range 1 East. This survey was prepared in anticipation of the sale of Tract 1, but the sale was not consummated at that time.

In 2000, Mr. Keel asked me to revise the survey of Tract 1 slightly, as is reflected by my Project Number 2000-283, which is a 5.03 acre tract. This revised Tract 1 was subsequently sold to Theodore G. Kizoff, as shown by deed recorded in Instrument #20030528000331460, in the Probate Office of Shelby County, Alabama. At that time, I did not revise the legal description for Tract 2 of my 1998 map.

I have been informed that in 2004, Joe and Alice Keel sold the remainder of the property to David C. Oakes and Kathy Oakes, as shown by deed recorded in Instrument #20040217000080100, in the Probate Office of Shelby County, Alabama, using the description of Tract 2 from my original 1998 survey. The legal description contained in said deed does not reflect the revision of Tract 1. The property sold to the Oakes would be more accurately described as follows:

Begin at the SW corner of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 16, Township 21 South, Range 1 East; thence run easterly along the South line thereof 1325.44 feet to the SE corner of said $\frac{1}{4}$ - $\frac{1}{4}$ section; thence 90 degrees 06 minutes 45 seconds left run northerly 825.00 feet; thence 89 degrees 53 minutes 15 seconds left run westerly 1322.52 feet to the West line of said $\frac{1}{4}$ - $\frac{1}{4}$ section; thence 89 degrees 44 minutes 35 seconds left run southerly 825.00 feet to the point of beginning.

LESS AND EXCEPT property conveyed in deed recorded in Inst. No.

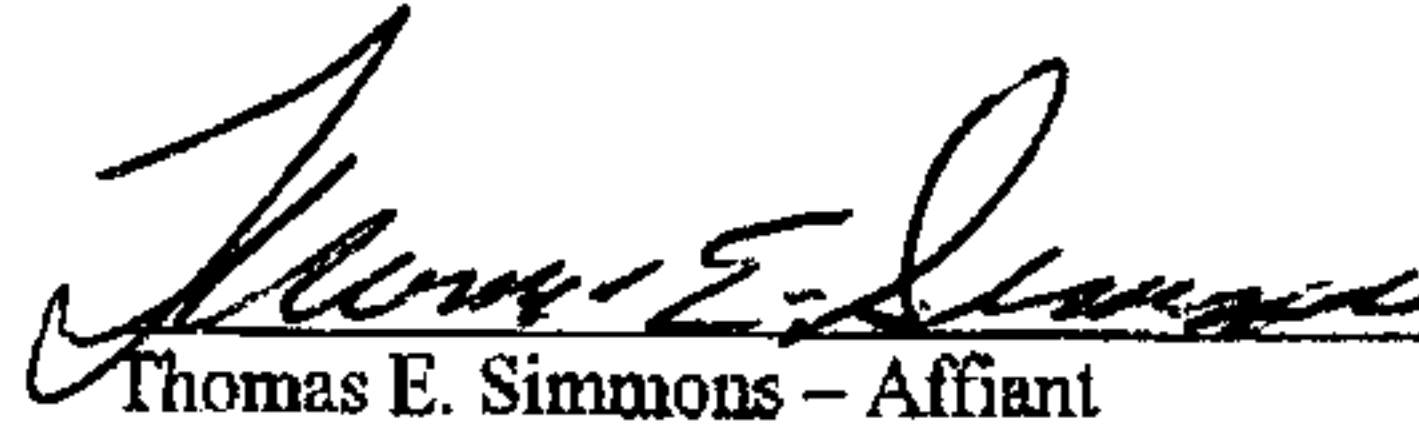
20030528000331460, Probate Office, Shelby County, Alabama.

TOGETHER with and SUBJECT TO 40' easement, the centerline of which being more particularly described as follows:

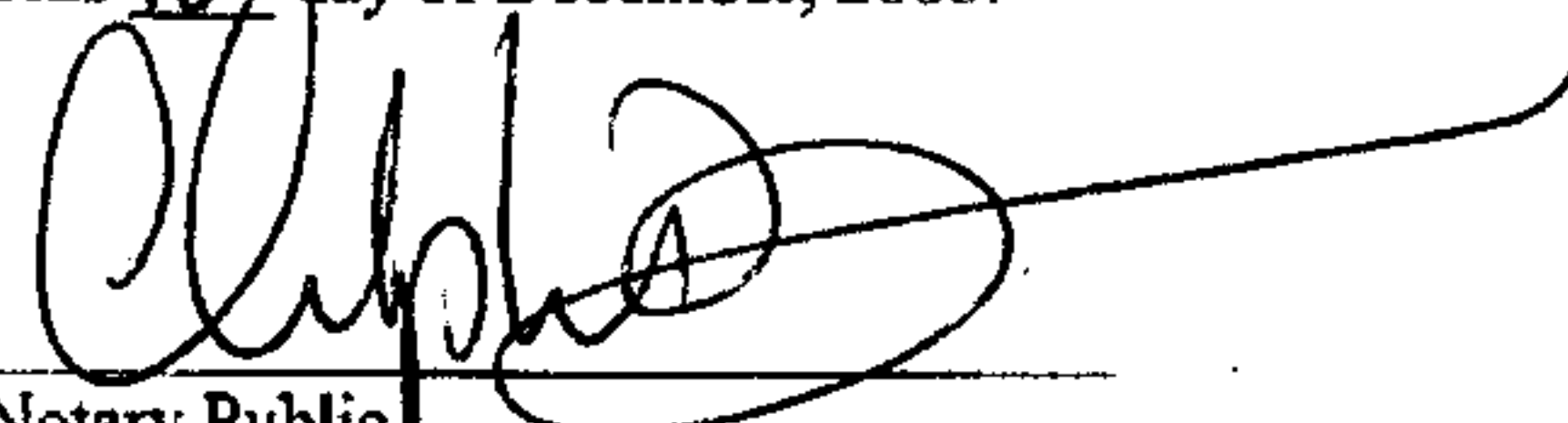
Commence at the SW corner of the SW ¼ of the NW ¼ of Section 16, Township 21 South, Range 1 East; thence run northerly along the West line thereof for 258.03 feet; thence 82 degrees 53 minutes 45 seconds right run easterly for 182.31 feet to the point of beginning; thence 99 degrees 19 minutes 49 seconds left run northwesterly for 155.80 feet; thence 42 degrees 37 minutes 12 seconds left run northwesterly for 114.39 feet; thence 21 degrees 35 minutes 58 seconds left run westerly for 304.49 feet; thence 10 degrees 18 minutes 7 seconds left run westerly for 84.92 feet; thence 14 degrees 9 minutes 4 seconds left run southwesterly for 197.96 feet to the easterly R/W of Shelby County Highway 5 and the Point of Beginning.

This affidavit is given to confirm the correct description for Tract 2 of my 1998 survey, had it been corrected.

Further the affiant saith not.


Thomas E. Simmons - Affiant

Sworn to and subscribed to before me
This 10 day of December, 2008.


Notary Public



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