

AFFIDAVIT

STATE OF ALABAMA)

COUNTY OF SHELBY)

Before me, The undersigned Notary Public, personally appeared, Pat Maxwell, who after first being duly sworn, deposes and says the following:

I, Pat Maxwell, am over the age of 21 years, of sound mind, reside at
71 Hwy 101 Westover AL 35147 Alabama.
I was previously married to Shelton Hilty Smith, and am the mother of Joseph Shelton Smith, and Sherry Smith Emmerke. My former husband's mother and father were Varina S. Smith and Joseph Claude Smith. Varina S. Smith died in Shelby County, Alabama without a Will on 2/08/89. Joseph Claude Smith died 1/26/02 with Will probated in Jefferson County, Alabama. My former husband predeceased them both and left our 2 children, Joseph Shelton Smith and Sherry Smith Emmerke as his only heirs. At the death of Joseph Claude Smith, the property described in Exhibit "A" was devised to Sherry Smith Emmerke and she owns the same today. This Affidavit give to clear title and induce Magic City Title to insure same under File # 155703. Further Affiant sayeth not.

In Witness Whereof, I have hereunto, set my hand and seal this the 3rd day of November, 2009.

Pat Maxwell
Pat Maxwell

Sworn to and Subscribed before me
this the 3rd day of November, 2009.

Walter S. Thomas

Notary Public

my commission expires: 5/23/2012



20091112000422150 2/2 \$14.00
Shelby Cnty Judge of Probate, AL
11/12/2009 12:24:08 PM FILED/CERT

Exhibit "A"

Attached Legal Description

Commence at the intersection of the West line of the SE ¼ of the NW ¼ of Section 26, Township 19 South, Range 1 West, and the South right of way boundary of (old) Highway#280; thence Easterly along said right of way boundary, a distance of 30.00 feet, to the point of beginning; thence continue Easterly along said right of way, a distance of 140.00 feet; thence turn a deflection angle of 38 degrees 52 minutes 00 seconds to the right and proceed for a distance of 98.00 feet, thence turn a deflection angle of 24 degrees 54 minutes 00 seconds to the left, and proceed for a distance of 156.00 feet; thence turn a deflection angle of 84 degrees 28 minutes 30 seconds to the right and proceed for a distance of thence turn a deflection angle of 84 degrees 28 minutes to the right proceed for a distance of 77.25 feet; thence turn a deflection angle of 84 degrees 28 minutes 30 seconds to the right and proceed for a distance of 75.00 feet; thence turn a deflection angle of 95 degrees 31 minutes 30 seconds to the right and proceed for a distance of 97.25 feet, thence turn a deflection angle of 12 degrees 09 minutes 00 seconds to the right and proceed for a distance of 307.65 feet, to the point, of beginning.

Subject to current taxes, easements and restrictions of record.