

STATE OF ALABAMA )

COUNTY OF SHELBY )

AFFIDAVIT & INDEMNITY

I, GARY WAYNE WALTON, hereby affirm that the General Durable Power of Attorney executed by HILMA WALTON on April 9, 2008, is still in full force and effect and HILMA WALTON is alive. I have no knowledge at the time of execution or otherwise, that HILMA WALTON has revoked amended or in any way altered the General Durable Power of Attorney which she signed on April, 9, 2008.

It is my belief that HILMA WALTON was competent to execute this General Durable Power of Attorney and did not do so under any duress.

This Affidavit is given to reflect execution of the documents required for the refinance with METLIFE HOME LOANS of the following described real property located in Jefferson SHELBY, Alabama

SEE ATTACHED EXHIBIT A

I acknowledge, agree and indemnify to hold harmless Magic City Title, Lawyers Title Insurance Corporation, METLIFE HOME LOANS., its successors and/or assigns and Kracke & Thompson, LLP from any loss or damage that may arise out of the reliance of this Affidavit and the above mentioned General Durable Power of Attorney.

Signed with my hand and seal this the 3 day of MARCH, 2010

Gary Wayne Walton  
GARY WAYNE WALTON

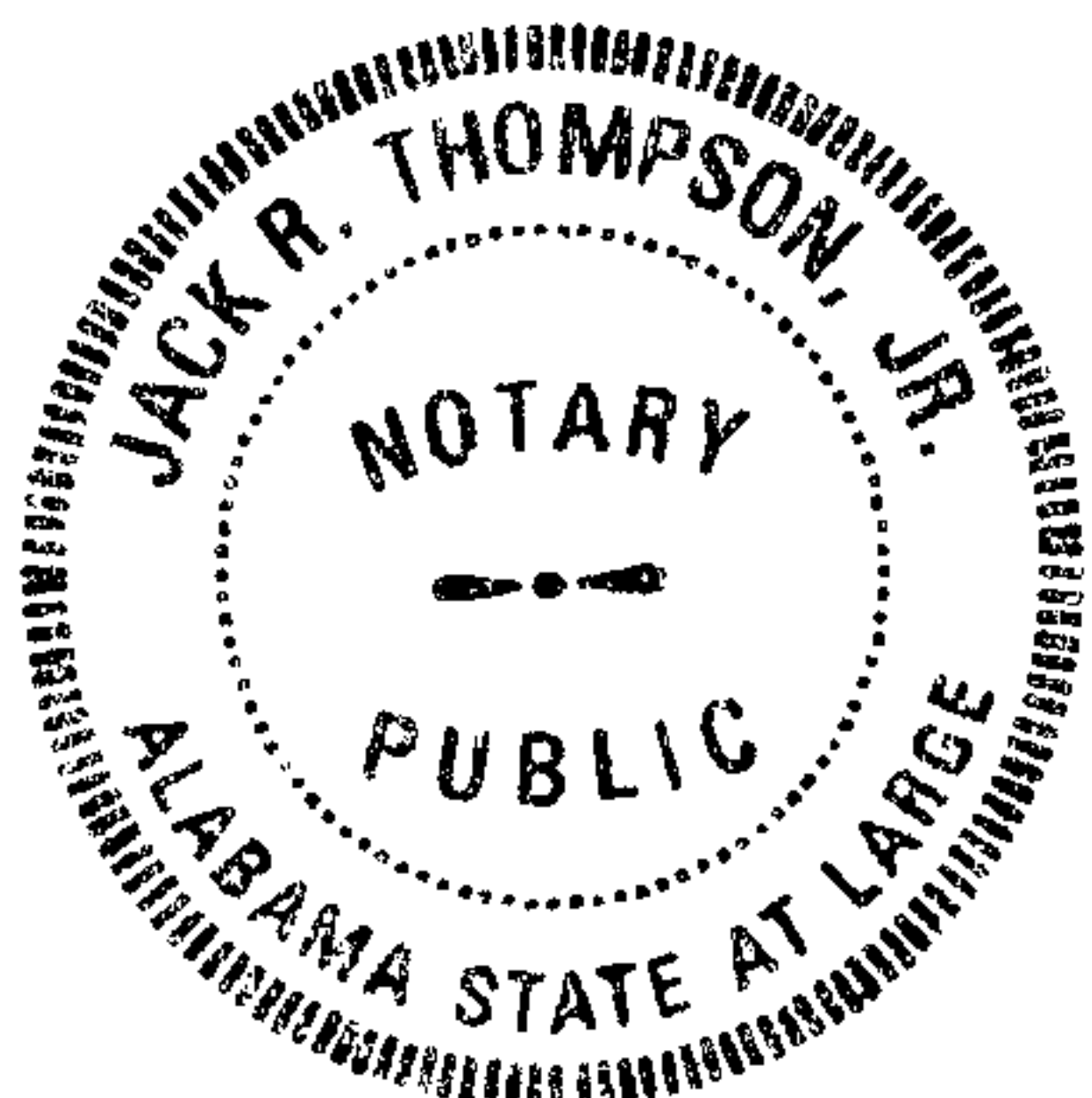
STATE OF Alabama )  
COUNTY OF Jefferson )

I, Jack R. Thompson Jr., a Notary Public in and for said county in said state, hereby certify that GARY WAYNE WALTON, 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 this conveyance, he/she executed the same voluntarily.

Given under my hand and official seal this 3<sup>rd</sup> day of March, 2010.

Notary Public [Seal]

My Commission Expires 10/31/2012





20100316000077280 2/2 \$14.00  
Shelby Cnty Judge of Probate, AL  
03/16/2010 02:06:53 PM FILED/CERT

## EXHIBIT A

### LEGAL DESCRIPTION

A parcel of land being a part of Lot 1 of Elvis Walton Family Subdivision as recorded in Map Book 38, Page 13 in the Office of the Judge of Probate in Shelby County, Alabama, said parcel also being a part of Lot 1A on an unrecorded subdivision known as Walton Davis Subdivision and being more particularly described as follows:

Begin iron pin capped RCFA at the intersection of the northerly line of Lot 1 of Elvis Walton Family Subdivision in Map Book 38, Page 13 in the Office of the Judge of Probate in Shelby County, Alabama and the westerly right-of-way of Shelby County Highway 32, said point also being the beginning of a curve to the right, having a central angle of  $02^{\circ}25'50''$  and a radius of 9,460.00 feet, said curve subtended by a chord bearing  $S 17^{\circ}33'08'' W$  and a chord distance of 401.29 feet; thence along the arc of said curve and along said right of way a distance of 401.32 feet to a iron pin capped EDG; thence  $S 18^{\circ}46'03'' W$  along said right of way, a distance of 364.76 feet to an iron pin capped EDG; thence  $62^{\circ}20'37'' W$  and leaving said right of way a distance of 238.90 feet to an iron pin capped EDG; thence  $N 40^{\circ}14'41'' W$ , a distance of 185.92 feet to an iron pin capped EDG; thence  $N 32^{\circ}01'09'' W$ , a distance of 523.33 feet to an iron pin capped EDG on said northerly line of Lot 1; thence  $S 89^{\circ}31'53'' E$  along said northerly line a distance of 233.43 feet to an iron pin capped RCFA; thence  $N 60^{\circ}36'04'' E$  along said northerly line, a distance of 67.96 feet to the Point of Beginning.