



20120210000049590 1/3 \$20.00  
Shelby Cnty Judge of Probate, AL  
02/10/2012 10:53:44 AM FILED/CERT

STATE OF ALABAMA )  
:  
SHELBY COUNTY )

*This instrument was prepared by:*  
Walter Francis Scott, III  
Galloway & Scott, LLC  
2200 Woodcrest Place, Suite 310  
Birmingham, AL 35209

## AFFIDAVIT

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I, William R. Justice, hereby testify under oath as follows:

1. I am a licensed attorney practicing in the State of Alabama, and competent to make this affidavit.

2. I was the scrivener of each of the following Deeds:

- (a) the Warranty Deed dated December 2, 1998, conveying the below described property from Ray Benson and Lola Benson, husband and wife, and Jonathan Benson, an unmarried person, as Grantors to Jeff Denney and Chastity Denney, as Grantees, which Warranty Deed was recorded in the Office of the Judge of Probate of Shelby County, Alabama, on December 3, 1998, in Instrument #1998-48098 (hereafter "Warranty Deed 1"); and
- (b) the Warranty Deed dated August 8, 2001, conveying the below described property from Chastity Denney, a married person as Grantor, to Jeff Denney as Grantee, which Warranty Deed was recorded in the Office of the Judge of Probate of Shelby County, Alabama, on August 8, 2001, in Instrument #2001-33500 (hereafter "Warranty Deed 2"); and
- (c) the Warranty Deed dated September 13, 2001, conveying the below described property from Jeff Denney, an unmarried person, Grantor, to Orthopaedic Physical Therapy, Inc. as Grantee, which Warranty Deed was recorded in the Office of the Judge of Probate of Shelby County, Alabama, on September 14, 2001, in Instrument #2001-39930 (hereafter "Warranty Deed 3").

3. Each of Warranty Deed 1, Warranty Deed 2 and Warranty Deed 3 mistakenly used the following legal description which legal description stated "Northeast" when it should have stated "Southeast", the incorrect legal description being:



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A parcel of land in the Northeast quarter of the Northwest quarter of Section 26, Township 21 South, Range 1 West, said parcel of land being more particularly described as follows: Commencing at the Northwest corner of the Northeast quarter of the Northwest quarter of said Section 26; thence South 01 degree 15 minutes 00 seconds East, along the west line of said sixteenth section, a distance of 1238.19 feet to a point; thence North 79 degrees 33 minutes 00 seconds East, a distance of 346.21 feet to a point; thence South 10 degrees 27 minutes 00 seconds East, a distance of 200.00 feet to a point; thence South 10 degrees 00 minutes 36 seconds East, a distance of 350.37 feet to a point; thence North 79 degrees 44 minutes 31 seconds East, a distance of 105.80 feet to the point of beginning; thence South 00 degrees 45 minutes 08 seconds East, a distance of 169.29 feet to the center of a creek; thence North 86 degrees 25 minutes 01 seconds East, along the center of the creek, a distance of 59.50 feet to a point; thence North 88 degrees 10 minutes 50 seconds East along the center of the creek, a distance of 101.33 feet to a point on the right of way of State Highway No. 25; thence North 23 degrees 48 minutes 12 seconds East, along said right of way at 25.00 feet, set a reference iron with cap stamped "S. Wheeler, RPLS 16165", a total distance of 175.28 feet to a 1/2" rebar set with a cap stamped "S. Wheeler RPLS 16165"; thence North 66 degrees 11 minutes 48 seconds West, a distance of 77.79 feet to a 3/4" pipe found; thence South 79 degrees 44 minutes 31 seconds West, a distance of 165.14 feet to the point of beginning.

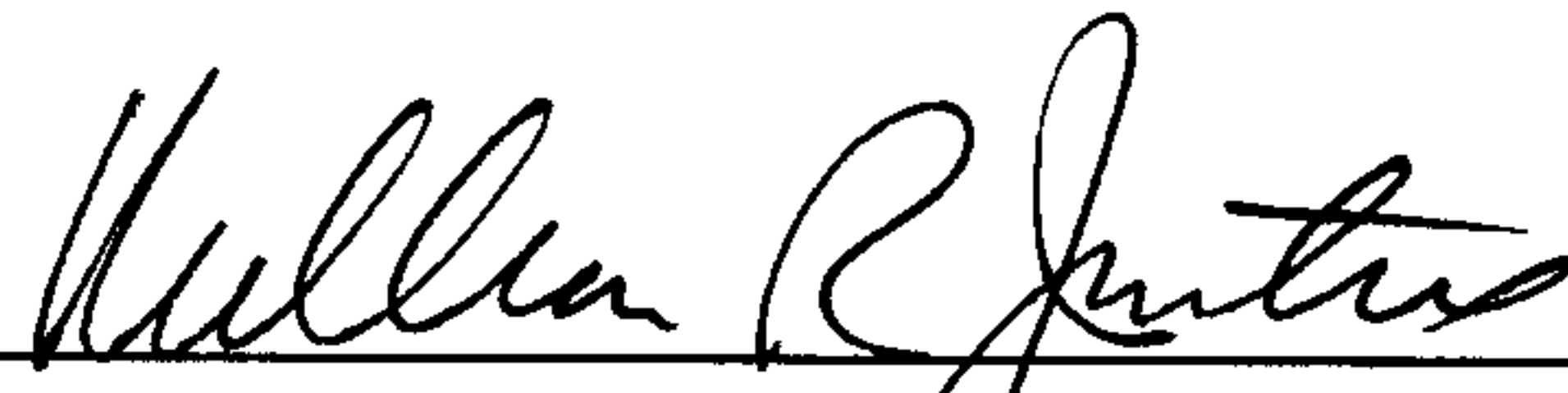
4. The correct legal description should be:

A parcel of land in the Southeast Quarter of the Northwest Quarter of Section 26, Township 21 South, Range 1 West, said parcel of land being more particularly described as follows: Commencing at the Northwest corner of the Northeast Quarter of the Northwest Quarter of said Section 26; thence South 01 degrees 15 minutes 00 seconds East, along the West line of said sixteenth section, a distance of 1238.19 feet to a point; thence North 79 degrees 33 minutes 00 seconds East, a distance of 346.21 feet to a point; thence South 10 degrees 27 minutes 00 seconds East, a distance of 200.00 feet to a point; thence South 10 degrees 00 minutes 36 seconds East, a distance of 350.37 feet to a point; thence North 79 degrees 44 minutes 31 seconds East, a distance of 105.80 feet to the point of beginning; thence South 00 degrees 45 minutes 08 seconds East, a distance of 169.29 feet to the center of a creek; thence North 86 degrees 25 minutes 01 seconds East, along the center of the creek, a distance of 59.50 feet to a point; thence North 88 degrees 10 minutes 50 seconds East along the center of the creek, a distance of 101.33 feet to a point on the right of way of State Highway No. 25; thence North 23 degrees 48 minutes 12 seconds East, along said right of way at 25.00 feet, set a reference iron with cap stamped "S. Wheeler, RPLS 16165", a total distance of 175.28 feet to a 1/2" rebar set with a cap stamped "S. Wheeler, RPLS 16165"; thence North 66 degrees 11 minutes 48 seconds West, a distance of 77.79 feet to a 3/4" pipe found; thence South 79 degrees 44 minutes 31 seconds West, a distance of 165.14 feet to the point of beginning.

Situated in Shelby County, Alabama.

5. Such instruments are hereby corrected by this affidavit to reflect the correct legal description.

Sworn to this 7<sup>th</sup> day of February, 2012.


  
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William R. Justice

STATE OF ALABAMA )

SHELBY COUNTY )

I, Celeste Fulmer, a notary for said County and in said State, hereby certify that William R. Justice, whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed the contents of said instrument, he executed the same voluntarily on the day the same bears date.

Given under my official hand and seal this the 7<sup>th</sup> day of February, 2012.

  
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Notary Public  
Commission Expires: 10-6-12

