


STATE OF ALABAMA

COUNTY OF SHELBY

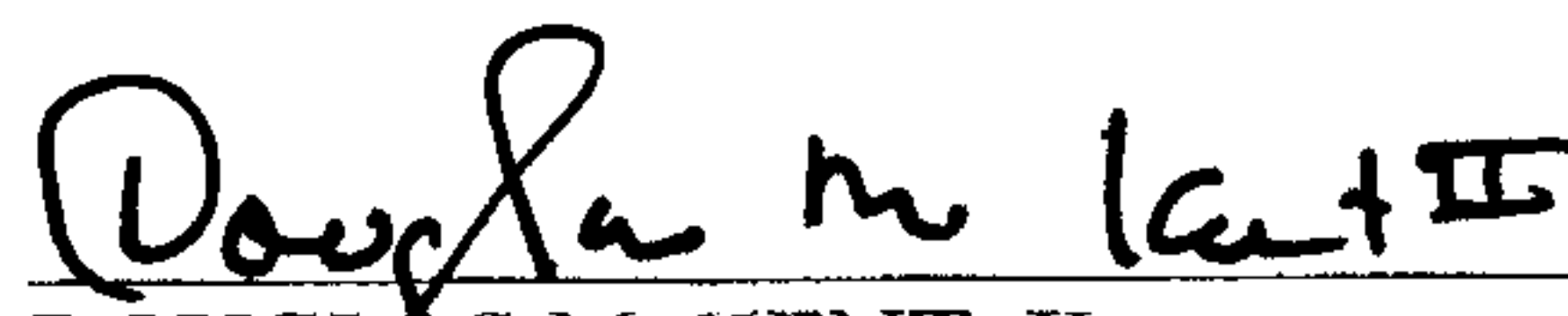

20120319000094920 1/3 \$18.00
Shelby Cnty Judge of Probate, AL
03/19/2012 03:22:44 PM FILED/CERT

AFFIDAVIT

Before me, the undersigned, personally appeared DOUGLAS M. KENT, II who being duly sworn hereby deposes and says as follows:

1. My name is Douglas M. Kent, II and I am filing this Affidavit in connection with that certain warranty deed ("Deed") from Kent Farms, an Alabama general partnership ("Grantor") to Douglas M. Kent, II and wife, Peggy S. Kent ("Grantees") recorded in the Probate Records, Shelby County, Alabama as Instrument No. 1995, Page 18133.
2. When the Deed was recorded, I was the general partner of the Grantor, as well as one of the Grantees. I am very familiar with the property that the Grantor intended to convey to the Grantees in the Deed.
3. The clear intent of the legal description in the Deed was to convey to the Grantees the land contained in the Buck Creek Landing Subdivision and no additional property. The following support this intent:
 - (a) The Deed identifies the boundary line to be common to the easement or right of way line of the gas easement. The legal specifically states "continue along same said easement or right of way line". This should take precedence over the actual bearing angle.
 - (b) The Deed was recorded before the Buck Creek Landing Subdivision Map. Consequently, the legal description of the Buck Creek Landing Subdivision map, which does not contain the additional land, supersedes the Deed and represents the intent not to include the additional land in the Deed.
 - (c) The survey and ground monumentation are consistent with the Buck Creek Landing Subdivision Map.
 - (d) The Grantees in the Deed certified to the Buck Creek Landing Subdivision Map.
 - (e) The Grantor exercised total dominion and control over the additional land.
4. Accordingly, for all of the above referenced reasons, I am filing this Affidavit to clarify that the legal description in the Deed does not conflict with, contain or overlap with the legal description on Exhibit "A".

Witness my hand and seal this the 16 day of March, 2012.


DOUGLAS M. KENT, II

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STATE OF ALABAMA)
Shelby COUNTY)

I, the undersigned authority, a Notary Public in and for said county in said state, hereby certify that Douglas M. Kent, II, whose name is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that, being informed of the contents of such instrument, he executed the same voluntarily on the day the same bears date.

GIVEN under my hand and seal, this 16 day of March, 2012.

[NOTARIAL SEAL]

William A Berryman
Notary Public
My Commission Expires: May 23, 2015

This Instrument Prepared by:
Steven A. Brickman, Esq.
Sirote & Permutt, P.C.
P. O. Box 55727
Birmingham, Alabama 35255-5727

Exhibit A

A parcel of Land situated in the South half of Section 11, Township 21 South, Range 3 West, Shelby County, Alabama, being more particularly described as follows:

Commence at the Southeast corner of Lot 2, YMCA Subdivision, as recorded in Map Book 37, page 115, said point being on a point on a curve to the left, said point also being on a cul-de-sac right of way of Plaza Circle, said curve having a radius of 50.00 feet, a central angle of 115 degrees 29 minutes 15 seconds, a chord bearing of South 55 degrees 36 minutes 40 seconds East for a chord distance of 84.57 feet; thence run along arc of said curve and along said right of way for a distance of 100.78 feet to the point of commencement of a reverse curve to the right, said curve having a radius of 25.00 feet, a central angle of 14 degrees 01 minutes 09 seconds, a chord bearing of North 73 degrees 39 minutes 17 seconds East for a chord distance of 6.10 feet; thence run along arc of said curve and along said right of way for a distance of 6.12 feet; thence leaving said right of way, run South 25 degrees 29 minutes 05 seconds West for a distance of 335.58 feet to a point on the Easternmost easement line of a 90' Alabama Gas Company Easement and the POINT OF BEGINNING; thence run South 32 degrees 53 minutes 03 seconds East along said Easternmost easement line for a distance of 573.58 feet; thence leaving said Easternmost easement line, run South 25 degrees 36 minutes 22 seconds West for a distance of 105.57 feet to a point on the Westernmost easement line of said Alabama Gas Company Easement; thence run North 32 degrees 53 minutes 03 seconds West along said Westernmost Easement line for a distance of 976.62 feet; thence run North 28 degrees 13 minutes 23 seconds West along said Westernmost Easement line for a distance of 82.84 feet; thence leaving said Westernmost Easement line, run South 71 degrees 07 minutes 58 seconds East for a distance of 1.82 feet; thence run North 61 degrees 36 minutes 38 seconds East for a distance of 88.76 feet to a point on said Easternmost Easement line; thence run South 28 degrees 13 minutes 23 seconds East for a distance of 78.10 feet; thence run South 32 degrees 53 minutes 03 seconds East for a distance of 344.20 feet to the POINT OF BEGINNING. Said parcel contains 92,432 square feet or 2.12 acres more or less.