

THIS INSTRUMENT PREPARED
BY JEROME K. LANNING
% BUTLER SNOW
ONE FEDERAL PLACE
1819 FIFTH AVE. NORTH
BIRMINGHAM, AL. 35203

STATE OF ALABAMA)
)
COUNTY OF SHELBY)

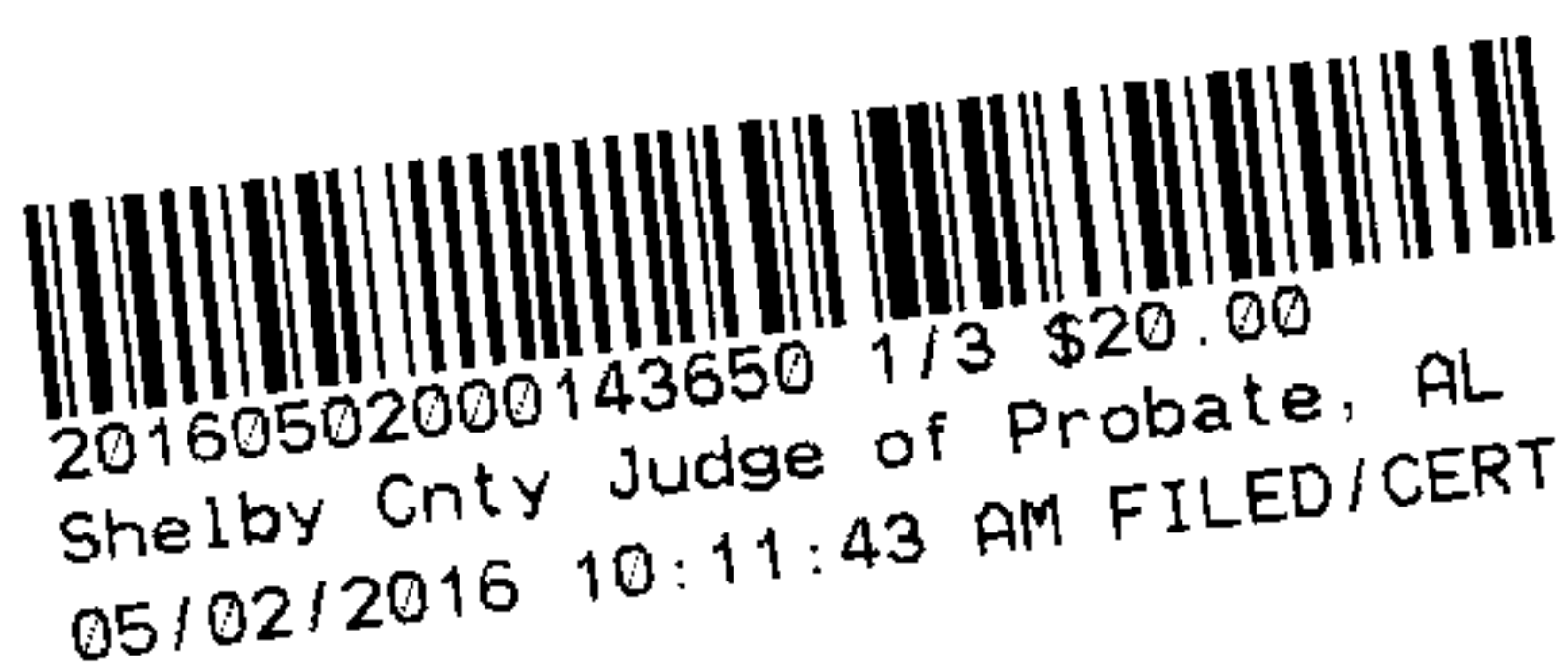
AFFIDAVIT AS TO TITLE

THIS AFFIDAVIT AS TO TITLE ("Affidavit") is given by the undersigned, as attorney for the "Smyers" named as among the parties to a Second Amendment to Declaration of Covenants and Restrictions; Quit Claim Deed; and Agreements entered into between the Smyers and Hollybrook Lake Corporation ("Hollybrook") dated as of the 28th day of August 2014, and recorded in the Office of the Judge of Probate of Shelby County, Alabama, as Instrument No. 20141023000336140 (the "Second Amendment"), which amended the terms of a Declaration dated June 2, 1998, recorded as Instrument No. 1998-20485 in said Probate Office (the terms of the Second Amendment are incorporated herein by reference), and is given by the undersigned pursuant to Section 35-4-69, Code of Alabama (1975), and amended, and may be relied upon by any party searching title to the Smyers' Property and the "Smyer Children's Parcel" and the four (4) "Children's Lots" described in Section 1(a) of the Second Amendment and the attached "Plat" referred to in that Section.

The title condition related to the Second Amendment and the Smyers' Property, the Smyer Children's Parcel and the Children's Lots and Plat, and the purpose of this Affidavit, is to call to the attention of any party searching title to the same to a letter from Hollybrook to Harald L. Smyer ("Hal" and Ingrid Frances Smyer ("Fran") dated March 14, 2016, a copy of which is attached to this Affidavit, confirming certain understandings related to any future development of the Children's Lots.

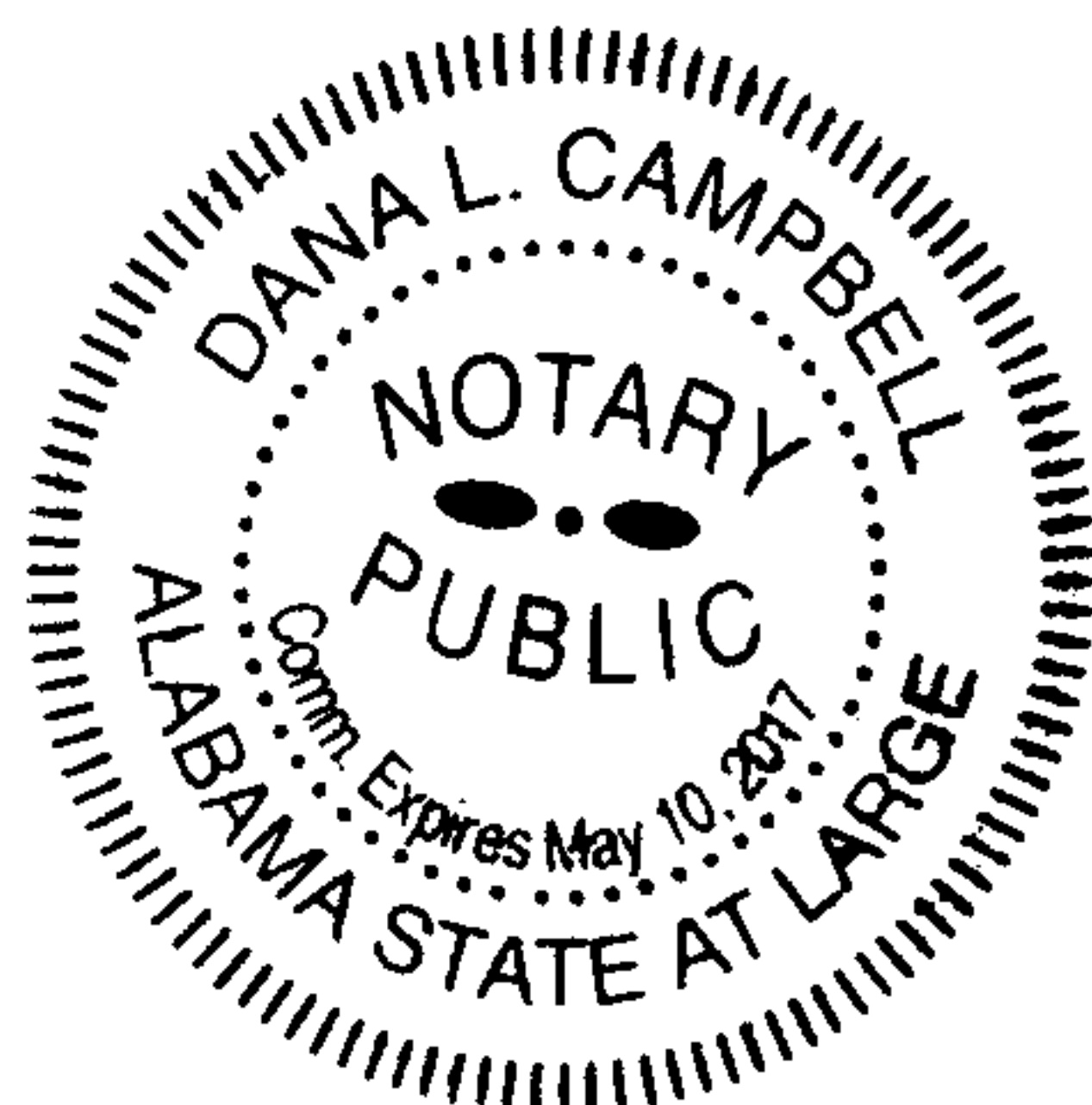
This Affidavit should be indexed in the real estate records in Shelby County under the names of all "Parties" to the Second Amendment.

Dated this 25th day of April, 2016.



Jerome K. Lanning
Jerome K. Lanning

Sworn to and subscribed before me this 25th day of April, 2016.



Dana L. Campbell
My commission expires: May 10, 2017

Hollybrook Lake Corporation

March 14, 2016

Harald L. Smyer
5681 Oak Grove Avenue
Oakland, CA 94618

Ingrid Frances Smyer
350 Revere Beach Boulevard, #55 West
Boston, MA 01251

Re: Declaration of Covenants and Restrictions; Quitclaim Deed; and Agreements; Second Amendment dated as of August 28, 2014 (the "Second Amendment")

Dear Hal and Fran:

As a matter of information and courtesy, you have asked for a letter from Hollybrook Lake Corporation to the effect that your 4 "Children's Lots" described in the above Second Amendment may be as small as 10 acres each (as long as there shall be no more than 4 such lots).

Schoels' July 22, 2014 Plat, attached to the Second Amendment as Exhibit A as illustrative only, showed the 4 Children's Lots as containing 20 acres each, including submerged land in Duck Pond. We are told by you that this plan would have been exempt from Shelby County, Alabama subdivision requirements.

You have advised that an acceptable alternative to you is available under the "Rural Subdivision" Regulations of Shelby County. Although requiring County approval, apparently there is an expedited procedure for Rural Subdivisions.

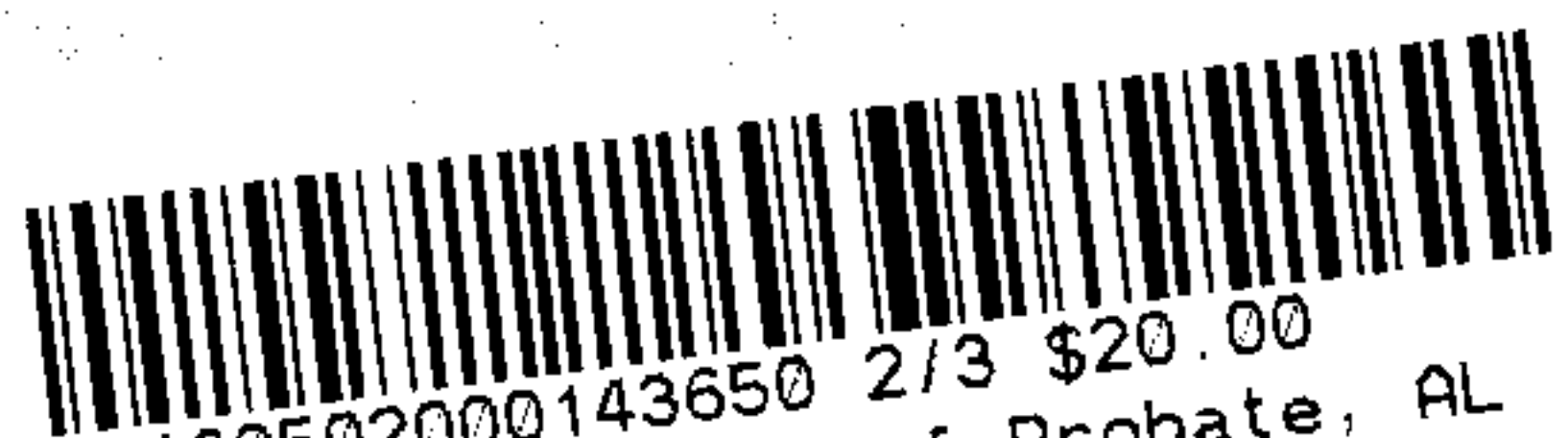
Provided (1) that there shall be no improvements or upgrades to Hollybrook Road in connection with any subdivision or improvement of the Children's Lots; and (2) that the Children's Lots shall continue to be 4 or less in number, this letter is to confirm that Hollybrook Lake Corporation would have no objection to the Children's Lots being developed in that fashion.

Very truly yours,

Hollybrook Lake Corporation

By:


Robert J. Nichols, President


20160502000143650 2/3 \$20.00
Shelby Cnty Judge of Probate, AL
05/02/2016 10:11:43 AM FILED/CERT

Real Estate Sales Validation Form

AFFIANT This Document must be filed in accordance with Code of Alabama 1975, Section 40-22-1

Grantor's Name % BUTLER SNOW LLP Grantee's Name N/A
Mailing Address ONE FEDERAL PLACE, SUITE 1000 Mailing Address _____
1819 FIFTH AVE. NORTH _____
BIRMINGHAM, ALA _____
TGL. 205-297-2200 _____

Property Address REAL ESTATE DESCRIBED IN Date of Sale _____
INSTRUMENT NO. 20141023 Total Purchase Price \$ _____
000336140 IN SHELBY COUNTY, or _____
AL Actual Value \$ _____
or _____
Assessor's Market Value \$ _____

The purchase price or actual value claimed on this form can be verified in the following documentary evidence: (check one) (Recordation of documentary evidence is not required)

☐ Bill of Sale ☐ Appraisal ☒ Other AS AFFIDAVIT OF TITLE RECORDED PURSUANT TO SECTION 35-4-69, CODE OF ALABAMA, AND DOES NOT CONVEY ANY INTEREST IN REAL OR PERSONAL PROPERTY

☐ Sales Contract

☐ Closing Statement

If the conveyance document presented for recordation contains all of the required information referenced above, the filing of this form is not required.

Instructions

Grantor's name and mailing address - provide the name of the person or persons conveying interest to property and their current mailing address.

Grantee's name and mailing address - provide the name of the person or persons to whom interest to property is being conveyed.

Property address - the physical address of the property being conveyed, if available.

Date of Sale - the date on which interest to the property was conveyed.

Total purchase price - the total amount paid for the purchase of the property, both real and personal, being conveyed by the instrument offered for record.

Actual value - if the property is not being sold, the true value of the property, both real and personal, being conveyed by the instrument offered for record. This may be evidenced by an appraisal conducted by a licensed appraiser or the assessor's current market value.

If no proof is provided and the value must be determined, the current estimate of fair market value, excluding current use valuation, of the property as determined by the local official charged with the responsibility of valuing property for property tax purposes will be used and the taxpayer will be penalized pursuant to Code of Alabama 1975 § 40-22-1 (h).

I attest, to the best of my knowledge and belief that the information contained in this document is true and accurate. I further understand that any false statements claimed on this form may result in the imposition of the penalty indicated in Code of Alabama 1975 § 40-22-1 (h).

Date _____

Unattested _____

Print JEROME K. LANNING, ATTY. FOR HAROLD L. SMYER + INGRID FRANCES SMYER

Sign Jerome K. Lanning (Grantor/Grantee/Owner/Agent) circle one

(verified by) _____