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09/23/2022 02:36:22 PM  
AFFID 1/5

This instrument prepared by & return to:  
Victor Kang  
Rubin Lublin, LLC  
3145 Avalon Ridge Place, Suite 100  
Peachtree Corners, GA 30071  
File No. 22-01809

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Please cross reference to:  
Instrument No. 20220706000266810  
Instrument No. 20191122000435330  
Instrument No. 20190204000034920  
Instrument No. 20080922000374040  
Instrument No. 20050204000058580  
Instrument No. 20041101000600180  
Shelby County, Alabama Records

### **AFFIDAVIT AFFECTING TITLE TO PROPERTY**

STATE OF GEORGIA  
COUNTY OF GWINNETT

Before me, the undersigned officer authorized by law to administer oaths in said state and county, personally appeared the undersigned Affiant, who states under oath as follows:

1.

I am over the age of nineteen years and suffering under no legal disability. I have personal knowledge of the facts contained herein and they are true.

2.

I, Victor Kang, am an attorney licensed in the state of Alabama. I have examined the chain of title for the property located at 5050 Beabout Drive, Birmingham, AL (the "Property"), described more particularly in **Exhibit "A"** attached hereto.

3.

There appears of record a Special Warranty Deed from Federal National Mortgage Association to David P. Gray dated October 25, 2004, and recorded at Instrument Number 20041101000600180, in the Shelby County, Alabama probate records (the "Special Warranty Deed").

4.

There appears of record a Warranty Deed from David P. Gray to David Gray and Celeste Gray, dated January 21, 2005, and recorded at Instrument Number 20050204000058580, in the Shelby County, Alabama probate records (the "First Warranty Deed").

5.

There appears of record a Warranty Deed from Celeste Nunnally Gray to David Gray, dated September 22, 2008, and recorded at Instrument Number 20080922000374040, in the Shelby County, Alabama probate records (the "Second Warranty Deed").

6.

There appears of record a Warranty Deed from David Paul Gray to Jonathan C. Davidson, dated January 31, 2019, and recorded at Instrument Number 20190204000034920, in the Shelby County, Alabama probate records (the "Third Warranty Deed").

7.

There appears of record a Mortgage from Jonathan C. Davidson, to Mortgage Electronic Registration Systems, Inc, as nominee for Planet Home Lending, LLC, dated November 12, 2019, and recorded at Instrument Number 20191122000435330, in the Shelby County, Alabama probate records (the "Mortgage").

8.

There appears of record a Mortgage Foreclosure Deed to Planet Home Lending, LLC , dated June 27, 2022, and recorded at Instrument Number 20220706000266810, in the Shelby County, Alabama probate records (the "Foreclosure Deed").

9.

In the Special Warranty Deed, the First Warranty Deed, the Second Warranty Deed, the Third Warranty Deed, the Mortgage, and the Foreclosure Deed, the following call is used in the description of an easement: THENCE RUN NORTH 88 DEGREES 10 MINUTES 11 SECONDS EAST FOR A DISTANCE OF 116.50 FEET TO THE ENDING POINT OF SAID EASEMENT. However, based on prior deeds in the chain of title for the Property, the correct call appears to be "THENCE RUN NORTH 80 DEGREES 10 MINUTES 11 SECONDS EAST FOR A DISTANCE OF 116.50 FEET TO THE ENDING POINT OF SAID EASEMENT."

10.

Also, in the Mortgage and Foreclosure Deed, the following call is used in the description of an easement: THENCE 3 DEGREES 20 MINUTES 38 SECONDS LEFT AND 58.70 FEET TO THE POINT OF A CURVE TO THE LEFT. However, based on prior deeds in the chain of title, the correct call appears to be "THENCE 3 DEGREES 20 MINUTES 36 SECONDS LEFT AND 58.70 FEET TO THE POINT OF A CURVE TO THE LEFT."

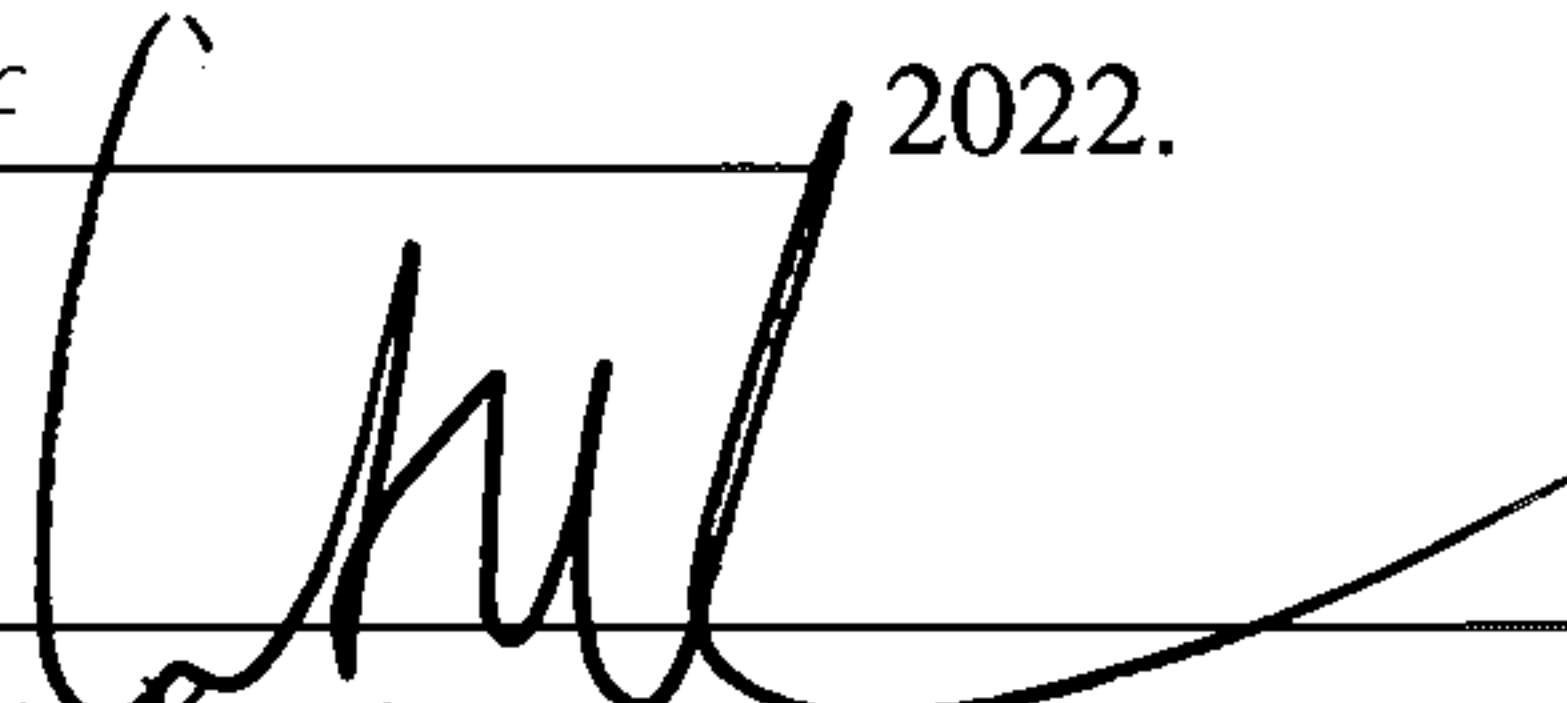
Correcting the legal descriptions contained in the above-referenced instruments is consistent with the intentions of the parties and does not in any way change or alter the parties' understandings.

12.

I understand that this affidavit will be recorded in the Shelby County, Alabama Probate Records and that it will be relied upon in the future by those seeking to acquire or to insure an interest in the above-described realty, as well as those who examine the title to said realty.

FURTHER AFFIANT SAYETH NAUGHT.

Witness my hand this 21 day of September 2022.

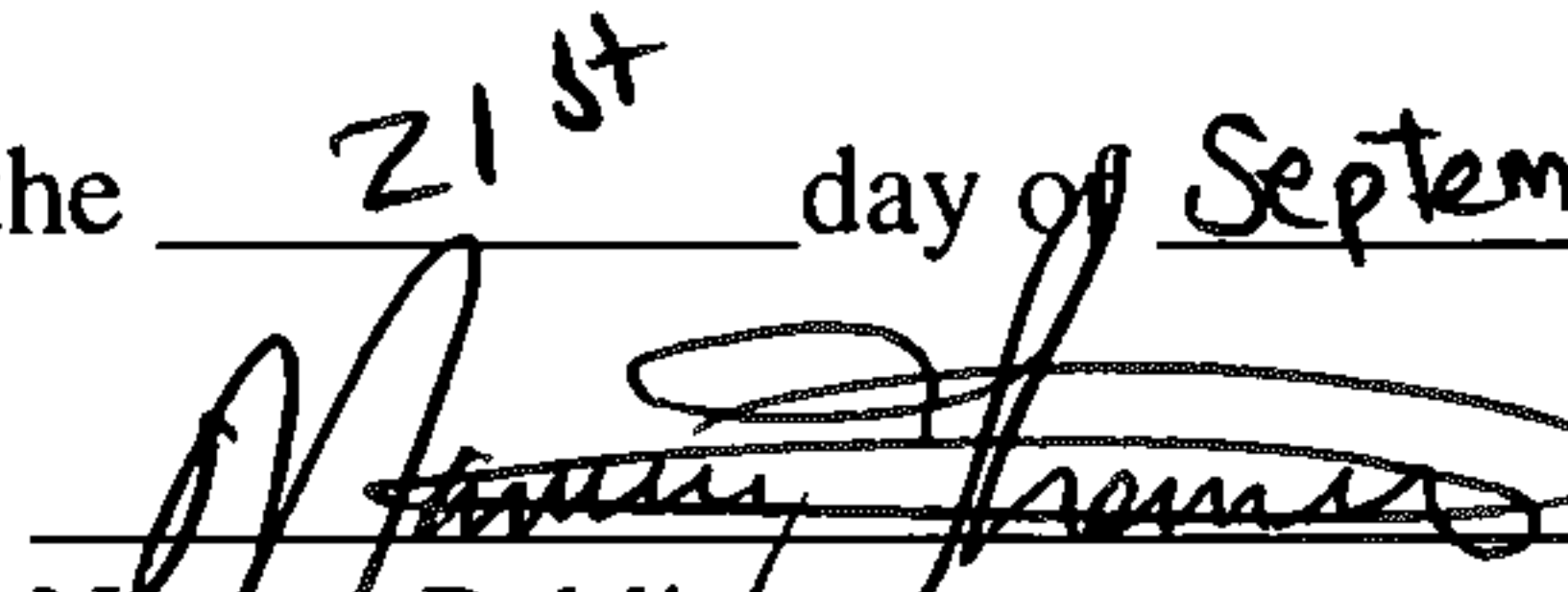
  
\_\_\_\_\_  
Victor Kang

**ACKNOWLEDGMENT**

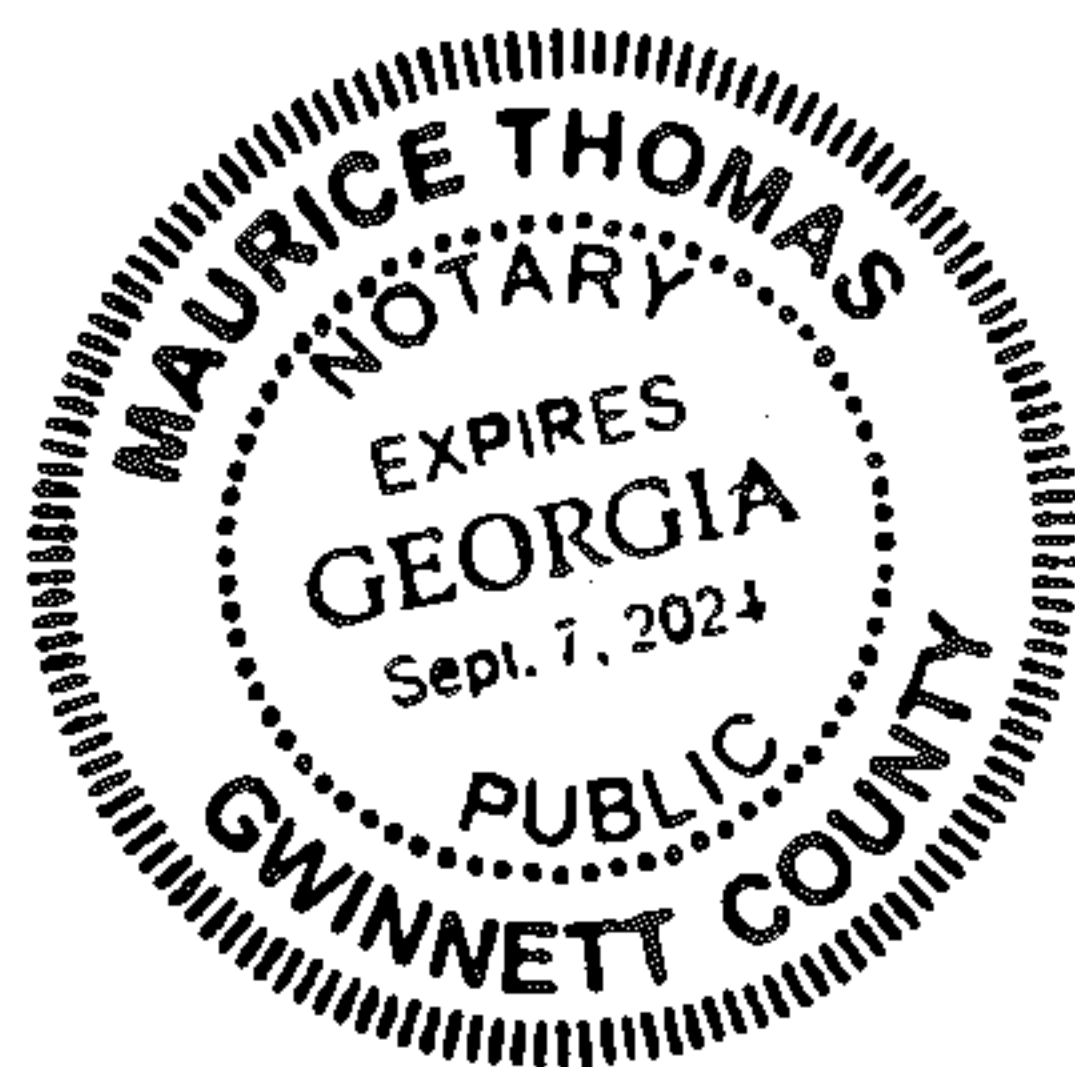
THE STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

I, Maurice Thomas, Notary Public in and for said County in said State do hereby certify that Victor Kang whose name is signed to the foregoing affidavit, and who is known to me or has proved his identity to me, acknowledged before me on this day that, being informed of the contents of said affidavit, he executed the same voluntarily.

Given under my hand and official seal this the 21<sup>st</sup> day of September, 2022.

  
\_\_\_\_\_  
Notary Public

My Commission Expires:  
(Affix Notary Seal) Sept 7, 2024

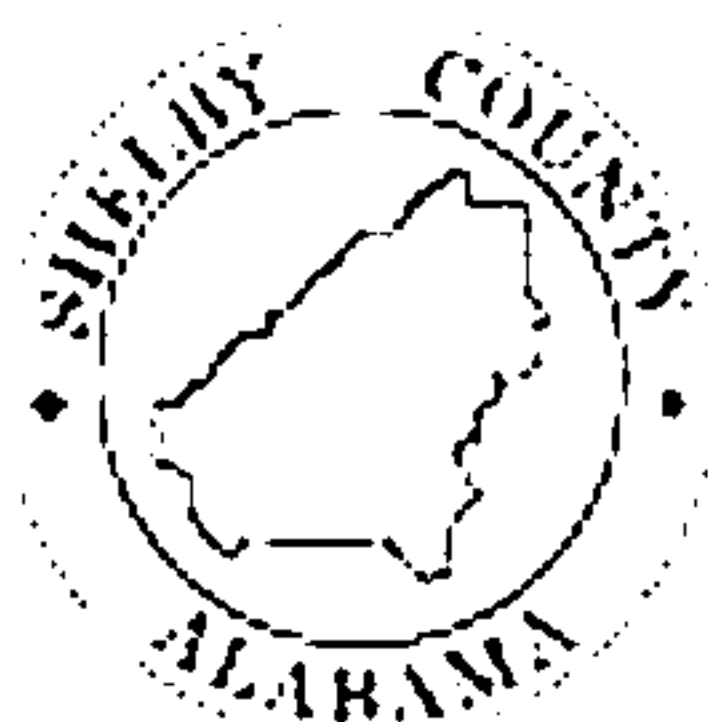


**EXHIBIT "A"**

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF SHELBY, STATE OF ALABAMA IN INSTRUMENT NUMBER 20190204000034920 AND IS DESCRIBED AS FOLLOWS: BEGIN AT THE SW CORNER OF THE EAST 1/2 OF THE EAST 1/2 OF THE SW 1/4 OF SECTION 30, TOWNSHIP 19 SOUTH, RANGE 2 WEST, AND RUN NORTH ALONG THE WEST BOUNDARY THEREOF 175.00 FEET; THENCE TURN 92 DEGREES 11 MINUTES RIGHT AND RUN EASTERLY 170.00 FEET; THENCE TURN 87 DEGREES 49 MINUTES RIGHT AND RUN SOUTHERLY 175.00 FEET TO A POINT OF THE SOUTH BOUNDARY OF SAID EAST 1/2 OF EAST 1/2 OF SW 1/4; THENCE 92 DEGREES 11 MINUTES RIGHT AND RUN 170.00 FEET TO THE POINT OF BEGINNING. LESS AND EXCEPT: A PARCEL OF LAND SITUATED IN THE SE 1/4 OF THE SW 1/4 OF SECTION 30, TOWNSHIP 19 SOUTH, RANGE 2 WEST, SHELBY COUNTY, ALABAMA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 19 SOUTH, RANGE 2 WEST; THENCE RUN NORTH 87 DEGREES 42 MINUTES 56 SECONDS WEST ALONG THE SOUTH LINE OF SAID SECTION FOR A DISTANCE OF 605.88 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 87 DEGREES 42 MINUTES 56 SECONDS WEST FOR A DISTANCE OF 60.00 FEET, THENCE RUN NORTH 00 DEGREES 05 MINUTES 52 SECONDS EAST FOR A DISTANCE OF 40.00 FEET; THENCE RUN SOUTH 87 DEGREES 42 MINUTES 56 SECONDS EAST A DISTANCE OF 61.53 FEET; THENCE RUN SOUTH 02 DEGREES 17 MINUTES 04 SECONDS WEST FOR A DISTANCE OF 39.97 FEET TO THE POINT OF BEGINNING. ALSO; AN EASEMENT FOR INGRESS AND EGRESS TO A PUBLIC ROAD (VALLEYDALE ROAD) SAID EASEMENT TO BE OVER AN EXISTING PAVED DRIVE AS PRESENTLY LOCATED, SAID PAVED DRIVE BEING LOCATED WITHIN A PARCEL OF LAND DESCRIBED AS FOLLOWS: COMMENCE AT THE SW CORNER OF THE EAST 1/2 OF EAST 1/2 OF THE SW 1/4 OF SECTION 30, TOWNSHIP 19 SOUTH, RANGE 2 WEST, SHELBY COUNTY, ALABAMA; THENCE RUN EASTERLY ALONG THE SOUTH BOUNDARY OF SAID 1/4 SECTION 170.00 FEET; THENCE TURN 92 DEGREES 11 MINUTES LEFT AND RUN NORTHERLY 95.00 FEET TO THE POINT OF BEGINNING OF THE EASEMENT HEREIN DESCRIBED; THENCE 14 DEGREES 00 MINUTES RIGHT AND 180.00 FEET; THENCE 83 DEGREES 40 MINUTES LEFT AND 40.00 FEET; THENCE 49 DEGREES 00 MINUTES RIGHT AND 55.00 FEET; THENCE 28 DEGREES 40 MINUTES 36 SECONDS RIGHT AND 595.52 FEET; **THENCE 3 DEGREES 20 MINUTES 36 SECONDS LEFT AND 58.70 FEET TO THE POINT OF A CURVE TO THE LEFT**; SAID CURVE HAVING A CENTRAL ANGLE OF 47 DEGREES 02 MINUTES AND RADIUS OF 227.50 FEET, THENCE RUN ALONG SAID CURVE 186.75 FEET TO THE SOUTHEASTERLY RIGHT OF WAY LINE OF



VALLEYDALE ROAD; THENCE LEFT AND SOUTHWESTERLY ALONG SAID ROAD RIGHT OF WAY LINE 20.37 FEET; THENCE 100 DEGREES 52 MINUTES LEFT TO THE TANGENT OF A CURVE TO THE RIGHT, SAID CURVE HAVING A CENTRAL ANGLE OF 48 DEGREES 00 MINUTES AND A RADIUS OF 207.50 FEET; THENCE SOUTHERLY ALONG SAID CURVE 173.83 FEET TO THE POINT OF TANGENT TO SAID CURVE; THENCE SOUTHERLY ALONG THE TANGENT TO SAID CURVE 68.16 FEET; THENCE 3 DEGREES 20 MINUTES 36 SECONDS RIGHT AND 590.88 FEET; THENCE 28 DEGREES 40 MINUTES 36 SECONDS LEFT AND 78.00 FEET; THENCE 33 DEGREES 37 MINUTES 58 SECONDS RIGHT AND 85.04 FEET; THENCE 100 DEGREES 46 MINUTES 58 SECONDS LEFT AND 25.00 FEET; THENCE 87 DEGREES 49 MINUTES RIGHT AND 80.00 FEET TO THE POINT OF BEGINNING. SAID TRACT OF LAND BEING SUBJECT TO AN EASEMENT DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 19 SOUTH, RANGE 2 WEST, SHELBY COUNTY, ALABAMA; THENCE RUN NORTH 87 DEGREES 42 MINUTES 56 SECONDS WEST ALONG THE SOUTH LINE OF SAID SECTION FOR A DISTANCE OF 665.88 FEET; THENCE RUN NORTH 00 DEGREES 05 MINUTES 52 SECONDS EAST FOR A DISTANCE OF 40.00 FEET; THENCE RUN SOUTH 87 DEGREES 42 MINUTES 56 SECONDS EAST FOR A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING OF A 12 FOOT WIDE EASEMENT FOR INGRESS AND EGRESS LYING 6 FEET TO EACH SIDE OF THE FOLLOWING DESCRIBED LINE; THENCE RUN NORTH 02 DEGREES 48 MINUTES 27 SECONDS EAST FOR A DISTANCE OF 86.19 FEET TO THE POINT OF CURVATURE OF A TANGENT CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 77 DEGREES 21 MINUTES 43 SECONDS, A RADIUS OF 25.00 FEET, AND CHORD BEARING NORTH 41 DEGREES 29 MINUTES 19 SECONDS EAST FOR A DISTANCE OF 31.25 FEET; THENCE RUN ALONG THE ARC OF SAID CURVE FOR A DISTANCE OF 33.76 FEET TO THE POINT OF TANGENCY; **THENCE RUN NORTH 80 DEGREES 10 MINUTES 11 SECONDS EAST FOR A DISTANCE OF 116.50 FEET TO THE ENDING POINT OF SAID EASEMENT.** ALL SITUATED IN SHELBY COUNTY, AL.



Filed and Recorded  
 Official Public Records  
 Judge of Probate, Shelby County Alabama, County  
 Clerk  
 Shelby County, AL  
 09/23/2022 02:36:22 PM  
 \$46.00 BRITTANI  
 20220923000367460

*Allen S. Bayl*