

State of Alabama

December 9<sup>TH</sup>, 1988

County of Shelby

## AFFIDAVIT

Before me, the undersigned authority in and for said County and State personally appeared E.R. Elliott who is known to me and who being first by me duly sworn, deposes and says as follows:

That he is over the age of 65 years and has lived in Westover, Shelby County, Alabama for all of his life. That his residence is approximately 2 miles from the following described real estate:

SW $\frac{1}{4}$  of NW $\frac{1}{4}$  and NW $\frac{1}{4}$  of SW $\frac{1}{4}$ , Section 34, Township 19 South, Range 1 East, Shelby County, Alabama, LESS AND EXCEPT the following described land: Commence at the SW corner of Section 34, Township 19 South, Range 1 East, and run Northerly along the West boundary line of said Section 34 a distance of 1255.60 feet to a point at the SW corner of the NW $\frac{1}{4}$  of SW $\frac{1}{4}$  of said Section 34; thence turn an angle of 91°09'36" to the right and run Easterly along the South boundary line of said NW $\frac{1}{4}$  of SW $\frac{1}{4}$  a distance of 1339.95 feet to a point at the SE corner of said NW $\frac{1}{4}$  of SW $\frac{1}{4}$ ; thence turn an angle of 90°57'58" to the left and run Northerly along the East boundary line of said NW $\frac{1}{4}$  of SW $\frac{1}{4}$  a distance of 556.17 feet to a point on the Northwest 40 foot right-of-way line of County Highway No. 450 and the point of beginning; thence continue along the same line a distance of 423.25 feet to a point; thence turn an angle of 90° to the left and run Westerly a distance of 136.30 feet to a point in a rock pile (found in place); thence turn an angle of 88°31'22" to the left and run Southerly a distance of 547.85 feet to a point on the Northwest 40 foot right-of-way line of County Highway No. 450; thence turn an angle of 131°04'16" to the left and run Northeasterly along said right-of-way line a distance of 195.21 feet to the point of beginning.

That he has travelled frequently over the county road known as the Rock School House Road which runs past this property, and has had the opportunity to observe this property from that road for the past 50 years.

That he was in the timber business and was familiar with timber operations for 40 years.

That he observed yellow painted land lines on the above described property which were made by Mr. H.M. Gordon and maintained by him on behalf of himself and Paul Luck in the late 1950's. That

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he also observed repainted blue land lines made by Mr. Gordon on behalf of himself and Clarice W. Luck in the 1960's on this same land. That he has also observed at various times some red and white Gordon ownership signs placed on the trees on said property.

That he remembers Mr. Ed Bentley being hired by Mr. H.M. Gordon to selectively cut timber on said land in the 1960's and observed Mr. Bentley and his crew cutting the timber.

That at one time he owned some land adjoining the southeast part of the above-described property and that he had his timber cut up to the painted line maintained by the Gordons south of the county road.

That this land has been vacant timberland and that for the past 50 years he has never known or heard of anyone disputing the ownership of Ruth L. Gordon, H.M. Gordon and their predecessors in title back to the Shelby County Holding Company, or of anyone else making any claim to any part thereof.

IN WITNESS WHEREOF I have hereunto set my hand and seal on this 9<sup>th</sup> day of December 1988.

E.R. Elliott  
E.R. Elliott

Sworn to and subscribed  
before me on this  
day of December, 1988.

Eva D. Mooney  
Notary Public

STATE OF ALA. SHELBY CO.  
I CERTIFY THE  
INSTRUMENT WAS FILED

89 JAN 18 AM 10:31

Thomas H. Anderson, Jr.  
JUDGE OF PROBATE

RECORDING FEES

Recording Fee	\$ <u>5.00</u>
Index Fee	<u>1.00</u>
TOTAL	<u>6.00</u>

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