

1146

AFFIDAVIT OF POSSESSION

STATE OF ALABAMA
COUNTY OF JEFFERSON

THIS DAY PERSONALLY APPEARED BEFORE ME, the undersigned authority within and for the jurisdiction duly commissioned and acting, Robert L. Taylor, known to me to be credible, and who, after having been duly sworn, upon his solemn oath, DID DEPOSE AND SAY:

My name is Robert L. Taylor. I am sixty-four (64) years of age. I reside at 5319 Woodford Drive, Birmingham, Alabama 35242. I retired in the year 1989 as Manager-Southern Lands and Minerals, U. S. Diversified Group of USX Corporation after thirty-six (36) years of service. I was manager directly in charge of all land matters related to the property from the year 1971 to June, 1989. I held prior positions from 1953 to 1971 as a Junior Engineer, Chief Engineer and Land Negotiator. I have participated in land surveys and mapping on USX Corporation property. I am a Registered Engineer-Surveyor Number 2326 of the State of Alabama. I have now formed my own company and am presently under contract to USX Corporation as a consultant. I am familiar with the USX Corporation lands. Subject land is more particularly described as:

TOWNSHIP 21 SOUTH, RANGE 4 WEST

Shelby County, Alabama

Section 15: The SE $\frac{1}{4}$ of NW $\frac{1}{4}$; NE $\frac{1}{4}$ of SW $\frac{1}{4}$; SW $\frac{1}{4}$ of NE $\frac{1}{4}$; and NW $\frac{1}{4}$ of SE $\frac{1}{4}$.

USX Corporation acquired title to the subject land through various corporate mergers. The Tennessee Coal, Iron and Railroad Company (TCI) acquired fee simple title to the subject land by deed dated December 19, 1892, from the Cahaba Coal Mining Company. Said deed was filed of record with the Judge of Probate, Shelby County, Alabama, February 4, 1893, in Volume 17 of Deeds, Page 200, et. seq. TCI, et al, merged into United States Steel Company in the year 1951. United States Steel Company merged into United States Steel Corporation in the year 1953 and into USX Corporation in the year 1986.

The following activities constituting authority by USX Corporation (or its predecessors in title) occurred on the subject property in Section 15, Township 21 South, Range 4 West. The activity information was taken from the files of USX and is listed below under an appropriate heading and date.

Timber Sales Cutting Contracts of USX

No.	Dates	Cutting Entity	Remarks & Location in Section 15, Township 21 South, Range 4 West
(1)	1975	Georgia-Pacific Corporation (G.P.)	SE $\frac{1}{4}$ of NW $\frac{1}{4}$; NE $\frac{1}{4}$ of SW $\frac{1}{4}$; NW $\frac{1}{4}$ of SE $\frac{1}{4}$; and the SW $\frac{1}{4}$ of NE $\frac{1}{4}$
(2)	1974	Seaman Timber Co.	NW $\frac{1}{4}$ of SE $\frac{1}{4}$
(3)	1964	John Epperson	SE $\frac{1}{4}$ of NW $\frac{1}{4}$; NE $\frac{1}{4}$ of SW $\frac{1}{4}$; NW $\frac{1}{4}$ of SE $\frac{1}{4}$; and the SW $\frac{1}{4}$ of NE $\frac{1}{4}$

BOOK 318 PAGE 632

McKie



A-11

- (4) 1956 Clyde Wallace SE $\frac{1}{4}$ of NW $\frac{1}{4}$; NE $\frac{1}{4}$ of SW $\frac{1}{4}$;
and the NW $\frac{1}{4}$ of SE $\frac{1}{4}$.

Electric Power Transmission Lines

- (1) September 16, 1925 - Tennessee Coal, Iron and Railroad Company (called TCI and predecessor in title to USX Corporation) conveyed to Alabama Power Company (APC) by agreement the right to construct, operate and maintain upon land of TCI a line of wires together with the necessary towers, poles and other supports and appliances thereof for the purpose of transmitting electric power upon the South half of the NW $\frac{1}{4}$ and the S $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Section 15, Township 21 South, Range 4 West.

The transmission line has been abandoned with all poles, etc. removed.

- (2) July 17, 1918 - Tennessee Coal, Iron and Railroad Company (called TCI and predecessor in title to USX Corporation) conveyed to Alabama Power Company (APC) by agreement the right to install, maintain and use an electric power transmission line carrying 44,000 volts, known as the "Helena-Blocton" line across parts of Sections 15, 22 and 23, Township 21 South, Range 4 West and in particular the SE $\frac{1}{4}$ of NW $\frac{1}{4}$, NE $\frac{1}{4}$ of SW $\frac{1}{4}$ and the NW $\frac{1}{4}$ of SE $\frac{1}{4}$.

The transmission line has been abandoned with all poles, etc. removed.

Right-of-Way

Southern Railway Company acquired a 100 foot strip of land for a railroad right-of-way from Alabama Iron and Steel Company by deed dated November 9, 1889, recorded in Deed Book 14, Page 394. On February 12, 1930, Tennessee Coal, Iron and Railroad Company granted Southern Railway Company the right to fill the trestle of the main track of the railroad by the use of a strip of land of irregular width and approximately 364 feet in length on the southwest side of the present railroad right-of-way, along with the right to change the channel of Pine Woods Creek on land located in the NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 15, and the right to change the branches or streams crossing said right-of-way by the use of a 27 inch pipe culvert across the present railroad right-of-way and under the embankment.

Coal Mining and Gas Leases - USX, as Lessor

- (1) June 1, 1971
Coal Lease - United States Steel Corporation (owner and predecessor in title to USX Corporation) and Black Diamond Coal Mining Company as a contractor entered into an initial contract of one (1) year whereby the contractor agreed to mine, by strip mining methods, and to transport wash and load coal into railroad cars for delivery to the owner's (USX) Fairfield, Alabama Coke Plant.

The Coal Interests of the owner (USX) mined by the contractor included several thousand acres in Bibb and Shelby Counties, Alabama, including ownership of USX Corporation in all of Section 15, Township 21 South, Range 4 West, except the NE $\frac{1}{4}$ of NE $\frac{1}{4}$; the West half of SW $\frac{1}{4}$ and the NE $\frac{1}{4}$ of SW $\frac{1}{4}$.

The contract between USX Corporation and Black Diamond Coal Mining Company was extended each year from June 1, 1971 ending December 6, 1977.

BOOK 318 PAGE 634

- (2) November 1, 1977 - United States Steel Corporation (owner and predecessor in title to USX Corporation) and Burgess Mining and construction Company, as a contractor entered into a four (4) year agreement which was terminated early on December 31, 1980, whereby the contractor agreed to mine by strip mining methods and to transport, wash and load coal into railroad cars or trucks for delivery to the owner's (USX) coke plant located at Fairfield, Alabama.

The coal interests of the owner (USX) mined by the contractor included several thousand acres in Bibb and Shelby Counties, Alabama, including ownership of USX Corporation in all of Section 15, Township 21 South, Range 4 West, except the NE $\frac{1}{4}$ of NE $\frac{1}{4}$; the West half of SW $\frac{1}{4}$; and the SE $\frac{1}{4}$ of SW $\frac{1}{4}$.

- (3) September 30, 1988 - USX Corporation and McKenzie Methane Corporation entered into an agreement for an option of six (6) months duration on approximately 55,000 acres of USX lands for anticipated production of coalbed methane. The option was exercised in its entirety including all USX acreage in Section 15, Township 21 South, Range 4 West.

Drill Hole Location

In the year 1985, USX Corporation contracted for the drilling of a test hole (M-848) for the purposes of determining thickness of coal seams and quantities of coal seam gas. Test Hole M-848 was located in the NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 15, Township 21 South, Range 4 West, Shelby County, Alabama.

The boundaries of said land have been well defined and there has been no dispute or controversy with respect to the correct location thereof, but on the contrary, they have been well established. The surveyors/engineers for the Tennessee Coal, Iron and Railroad Company (TCI) undertook in 1907 the task of retracing the footsteps of the deputy surveyor for the USA in Section 15, Township 21 South, Range 4 West of the Huntsville Principal Meridian. The surveyors for the USA had surveyed and marked the land lines and placed corners in this Section 15 subsequent to the acceptance of Alabama Statehood in 1819.

The assistant engineer, J. W. Gwinn, of TCI re-surveyed and re-established the government land lines by marking trees with hacks and blazes and placing prominent iron corners at the government section corners. Gwinn surveyed, marked, placed line and interior corners, as required, and prepared a final section plat of his re-surveys in September, 1907.

The index of all past and present surveys, records and maps are on file in the offices of Southern Land and Minerals of USX Corporation in Fairfield, Alabama.

No churches, schools or cemeteries have ever existed on the subject property to the best knowledge of the affiant.

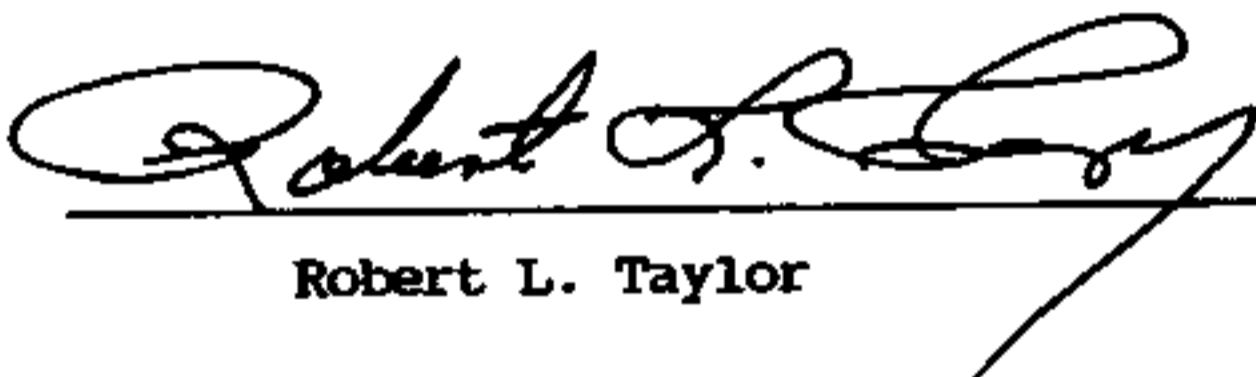
Except as otherwise noted herein above, during all of said period of time, the land described has been actually occupied as stated above, and such occupancy and claim of title has been open, visible, notorious, continuous, peaceable, exclusive and hostile to all of the world and those claiming said lands, as aforesaid, have recognized no title superior

to theirs during all of said period of time and the aforesaid occupants of said land have cultivated and enjoyed the same and have exercised exclusive acts of ownership of the same and have appropriated any rents, income and revenues during all of said period of time, without any hostile claim or interference from any source whatsoever, so as to put the true owner on notice that the land is held upon an adverse claim of ownership, and that said possession has been continuous for at least the last thirty-six (36) years, and the aforesaid property has been commonly known in the surrounding area as the property of said person in possession of said property at that time.

I have read the above and foregoing affidavit and all facts and matters set out therein are true and correct to the best of my knowledge and belief.

Witness my signature this the 11th day of April, 1990.

BOOK 318 PAGE 635


Robert L. Taylor

STATE OF ALABAMA)
COUNTY OF JEFFERSON)

Personally appeared before the undersigned, a Notary Public, in and for said County in said State, Robert L. Taylor, who being by me first duly sworn, says that the above and foregoing Affidavit and the facts stated therein are true and correct according to the best of his knowledge, information and belief. Given under my hand and official seal, this 11th day of April, 1990.


Notary Public

My Commission Expires: 3-16-92

STATE OF ALABAMA DEED CL.
I CERTIFY THIS
INSTRUMENT WAS FILED
90 NOV 16 AM 9:58

JUDGE OF PROBATE

1. Deed Tax	\$	—
2. MTA Tax	\$	—
3. Recording Fee	\$	10.00
4. Indexing Fee	\$	3.00
5. No Tax Fee	\$	—
6. Certified Fee	\$	1.00
Total	\$	14.00