

STATE OF ALABAMA)
COUNTY OF SHELBY)

INSTRUMENT PREPARED BY:
Mitchell A. Spears
Attorney at Law
P. O. Box 119
Montevallo, Alabama 35115
(205) 665-5076

Inst # 1994-02746

ADVERSE POSSESSION AFFIDAVIT

COME NOW Mary L. Casey and Kenneth Earl Casey as Affiants herein, and after first having been duly sworn, said Affiants do hereby depose and say as follows:

1. That they are both over the age of forty-five (45) years, and have personal knowledge of the facts stated herein.
2. On or about December 30, 1993, Harwood Beard conveyed certain property located within Shelby County, Alabama, to Ethel Cochran, which property is hereinafter described within Exhibit "A" attached hereto, said Exhibit "A" being hereto and fully incorporated herewith, as though set out herein.
3. For a period exceeding twenty (20) years next immediately preceding the execution of this Affidavit, said Affiants hereby acknowledge, affirm, and attest to the fact that said property has been owned and maintained by the said Harwood Beard, and his immediate predecessors in title.
4. The said Harwood Beard and/or his immediate predecessors in title, have owned and had adverse possession which was open, notorious, continuous and adverse to any other person or entity, for and during said twenty-year period.
5. Within the time frame indicated above, said Affiants are not aware of any other person, except Harwood Beard, and his immediate predecessors in title to said property which have made any claim to the property described within Exhibit "A" attached hereto.
6. Harwood Beard has exerted full possession and control of said property, without interference from any other person or entity since he obtained right, title and interest in and to said property on April 2, 1986; and the chain of title is herein designated as follows:
 - A) On or about August 1, 1974, Reggie Lucas, Sr. and wife, Jessie K. Lucas conveyed such property to Daniel S. Minshew and wife, Janet L. Minshew, which Deed is recorded in the Office of the Probate Judge, Shelby County, Alabama, at Book 288 Page 322.
 - B) On or about the 11th day of June, 1979, Daniel S. Minshew and wife, Janet L. Minshew conveyed such property to Thomas Warren Smith and wife, Barbara J. Smith, pursuant to Deed recorded at Book 320, Page 21, in the Office of the Probate Judge, Shelby County, Alabama.
 - C) On or about the 15th day of October, 1981, Thomas Warren Smith and wife, Barbara J. Smith conveyed said property to Ahmed Earl Casey, pursuant to Deed recorded at Book 335, Page 528, Office of the Probate Judge, Shelby County, Alabama.

01/26/1994-02746
09:18 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
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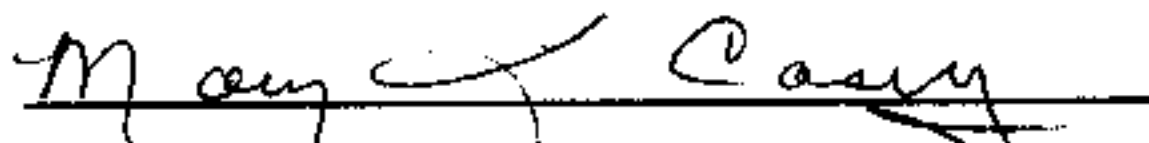
D) On or about the 2nd day of April, 1986, Ahmed Earl Casey conveyed said property to Harwood Beard, pursuant to Deed recorded at Book 066, Page 793, and correctively recorded at Book 067, Page 793, in the Office of the Probate Judge Shelby County, Alabama.


7. As based upon the above designated history and chain of title of said property, said Affiants would acknowledge and confirm that the property herein described within Exhibit "A" is the same property which the Affiants intended to, and in fact did, convey to Harwood Beard, on or about the 2nd day of April, 1986.

8. The Affiants are not aware of any other person or entity who has any right or claim to the right, title or interest in and to the said property, except as designated above.

9. On or about the 30th day of December, 1993, said Harwood Beard and wife, Geneva Lucile Beard, conveyed said property to Ethel Cochran, while at all times being in direct and adverse possession of said property, during the term of ownership of said Harwood Beard.

FURTHERMORE, the Affiants saith naught.

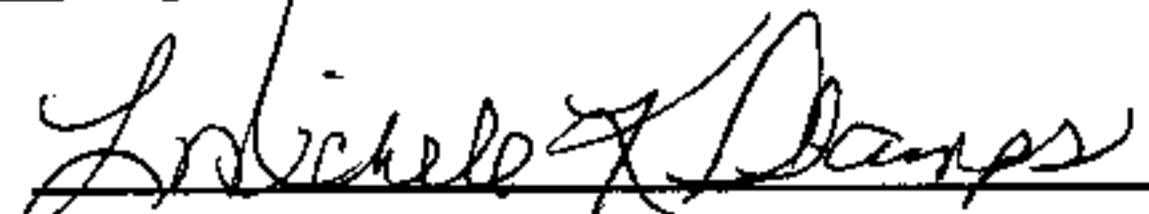

Mary L. Casey


Kenneth Earl Casey

STATE OF ALABAMA)
COUNTY OF SHELBY)

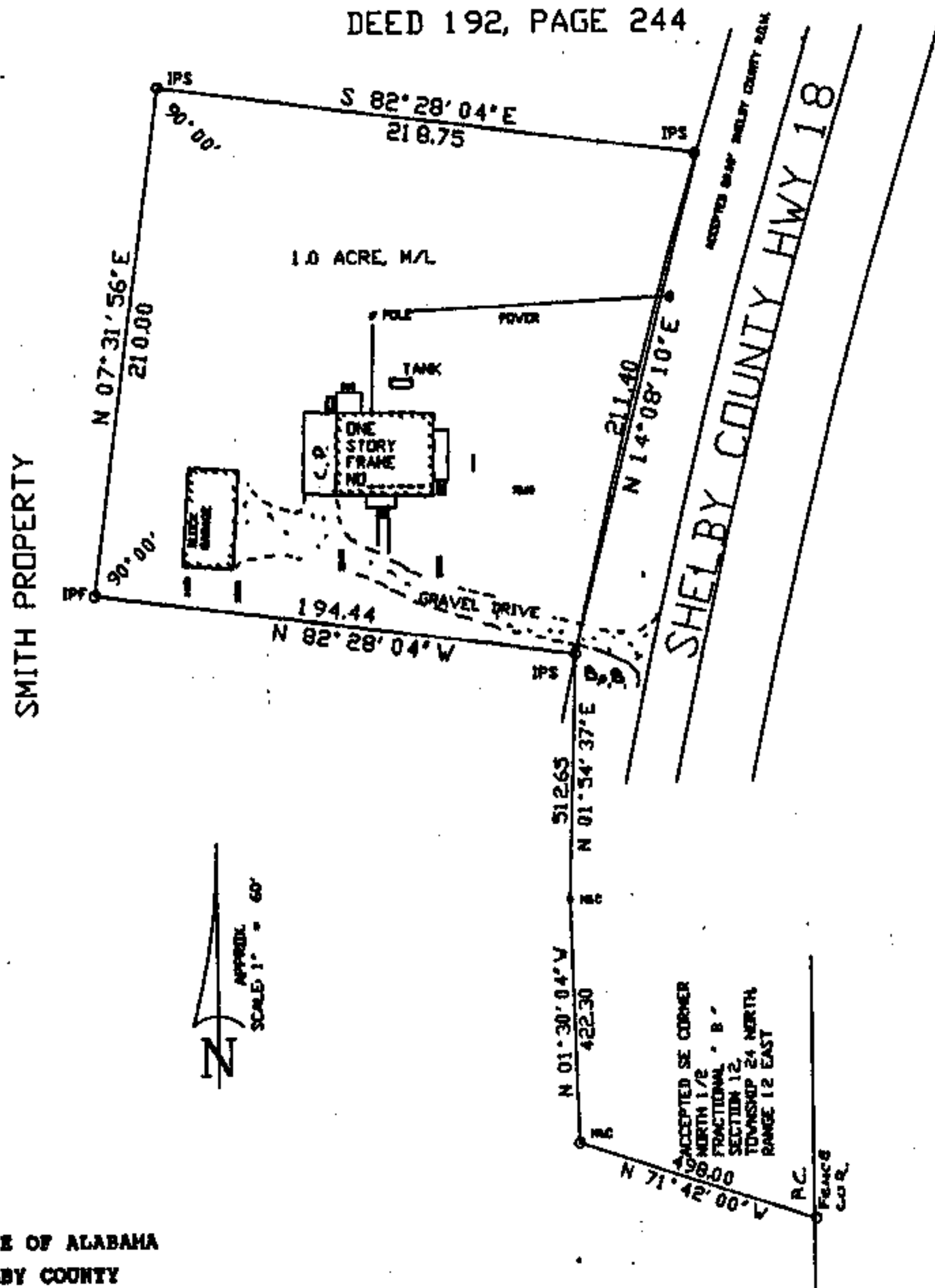
I, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that Mary L. Casey and Kenneth Earl Casey, whose names are signed to the foregoing Adverse Possession Affidavit, and who are known to me, acknowledged before me on this day, that, being informed of the contents of the Adverse Possession Affidavit, they executed the same voluntarily on the day the same bears date.

Given under my hand and seal this 24th day of January, 1994.


Notary Public

My Commission Expires: 5/95

DEED 192, PAGE 244



STATE OF ALABAMA
SHELBY COUNTY

I, W.M. VARNON, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF ALABAMA, HEREBY STATE THAT I HAVE MADE A SURVEY OF THE PROPERTY SHOWN ABOVE AND AS DESCRIBED BELOW; THAT ALL PARTS OF THIS SURVEY AND DRAWING HAVE BEEN PERFORMED IN ACCORDANCE WITH THE MINIMUM TECHNICAL STANDARDS FOR THE PRACTICE OF LAND SURVEYING IN THE STATE OF ALABAMA; THAT THE BUILDING NOW ON SAID LOT IS WITHIN THE BOUNDS OF SAID LOT; THAT NO VISIBLE ENCROACHMENTS EXCEPT THOSE SHOWN ABOVE, FROM ADJOINING PROPERTIES; THAT THERE ARE NO RIGHT OF WAYS, EASEMENTS OR JOINT DRIVEWAYS OVER OR ACROSS SAID LAND VISIBLE ON THE SURFACE EXCEPT AS SHOWN; THAT THERE ARE NO VISIBLE ELECTRIC OR TELEPHONE WIRES (EXCLUDING WIRES WHICH SERVE THE PREMISES ONLY) OR STRUCTURES OR SUPPORTS THEREFOR, INCLUDING POLES, ANCHORS AND GUY WIRES ON OR OVER SAID PREMISES EXCEPT AS SHOWN; AND THAT I HAVE INVESTIGATED THE FEDERAL INSURANCE ADMINISTRATION "FLOOD HAZARD BOUNDARY MAP" AND HAVE DETERMINED THAT THIS PROPERTY DOES NOT APPEAR TO BE IN A SPECIAL FLOOD HAZARD AREA, UNLESS NOTED HEREON.

THE CORRECT STREET ADDRESS IS:

DESCRIPTION: A TRACT OF LAND SITUATED IN FRACTION SECTION 12, TOWNSHIP 24 NORTH RANGE 12 EAST, SHELBY COUNTY ALABAMA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE ACCEPTED SOUTHEAST CORNER OF NORTH 1/2 FRACTIONAL "B" SECTION 12, TOWNSHIP 24 NORTH, RANGE 12 EAST, SHELBY COUNTY ALABAMA AND RUN NORTH 71° 42' WEST FOR 498.00 FEET TO A POINT OF INTERSECTION WITH THE CENTER LINE OF SHELBY COUNTY HIGHWAY NO. 18, THENCE NORTH 01° 30' 04" WEST FOR 422.30 FEET; THENCE NORTH 01° 54' 37" EAST FOR 512.65 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF SHELBY COUNTY HIGHWAY NO. 18 AND POINT OF BEGINNING; THENCE NORTH 82° 28' 04" WEST FOR 194.44 FEET; THENCE NORTH 07° 31' 56" EAST FOR 210.00 FEET, MORE OR LESS TO A POINT ON THE SOUTH LINE OF PROPERTY DESCRIBED IN DEED 192, PAGE 244, SHELBY COUNTY; THENCE SOUTH 82° 28' 04" EAST AND ALONG SAID SOUTH LINE FOR A DISTANCE OF 218.75 FEET, MORE OR LESS TO A POINT OF INTERSECTION WITH THE WESTERLY RIGHT OF WAY LINE OF SAID SHELBY COUNTY HIGHWAY 18; THENCE SOUTH 14° 08' 10" WEST A CHORD DISTANCE OF 211.40 FEET MORE OR LESS TO POINT OF BEGINNING.

CONTAINING 1.0 ACRES, MORE OR LESS.

ACCORDING TO MY SURVEY THIS THE 16TH DAY OF DEC., 1993,


REG. NO. 9324 FILE NO. C931554
VARNON SURVEYORS, INC.

NOTE:

THE PURPOSE OF THIS CERTIFICATE IS TO SATISFY MORTGAGE LOAN REQUIREMENTS ONLY
NO OTHER USE IS IMPLIED OR INTENDED, AND IS BASED ON SURVEY MARKERS FOUND IN PLACE AS SHOWN.



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SHELBY COUNTY JUDGE OF PROBATE