

STATE OF ALABAMA
SHELBY COUNTY

Before me, the undersigned authority in and for said county and state, personally appeared Lou Ella Moody, who, after being duly sworn to speak the truth deposes and says:

My name is Lou Ella Moody. On December 24, 1995, my husband, Jerry Neil Moody and I purchase certain property In the SE 1/4 of SW 1/4 of Section 34, Township 21, Range 4 West from Frank and Nora E. Fortenberry, as shown by deed recorded in Deed Book 206 Page 612 in the Probate Office of Shelby County, Alabama.

At that time, the Fortenberrys were living on the property in an old house, which I understood they built, but it was quite an old house at that time. My husband and I did some remodeling on the house and moved into it shortly after we purchased the same. About the year 1975, we built a new house on the property and moved into it, but we continued to leave the old home in tact. During all this time, the Fortenberrys and then we used a woods road leading in a Northerly direction from County Highway No. 10 (Montevallo-Tuscaloosa Road) as a means of ingress and egress to and from our property. My husband died in 1977 but I and my children and friends have continued to use this road until this very day. During this time no one has ever raised any question as to our use of the road. We have maintained the road by putting chert on it and partially asphaltting portions of the road and have kept it in a travelable condition throughout the years. The U.S. Mail service has delivered mail and traveled this road to our property, the utility companies have used this road to come to our home to read metes and service our property, as well as repairmen and contractors who built our house in 1975.

We purchased a portion of our property from the heirs of Willie Phillips who had lived on the property in Section 3, Township 22 Range 4 West and they used this road from many years until her death.

This road is truly a prescriptive road and has been used as such for some 50 years or come and to my knowledge no one has ever contested or objected to our use of the road, for ingress and egress and maintenance of our utilities which run along the road.

This the 14th day of November, 1997.

Lou Ella Moody
Lou Ella Moody

Sworn to and subscribed to before me on this the 14th day of November, 1997.

Martha B. Ferguson
Notary Public

Inst # 1997-38363

11/25/1997-38363
08:04 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
001 MCD 8.50

Inst # 1997-38363

Cahaba Little