

STATE OF ALABAMA )

SHELBY COUNTY )

Inst # 1999-43049  
10/18/1999-43049  
11:03 AM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
005 CJ1 18.50

**AFFIDAVIT OF ADVERSE POSSESSION  
BY CHARLES W. SIMMONS**

Before me, the undersigned, Notary Public, this day personally appeared **CHARLES W. SIMMONS** who, after being duly sworn, deposes and says as follows:

1. My name is Charles W. Simmons and I reside in the town of Chelsea, Shelby County, Alabama. I am over the age of nineteen years and otherwise qualified to execute this affidavit. This affidavit is made on my personal knowledge.

2. I am familiar with the property described in Exhibit A which is attached to this affidavit and incorporated herein by reference (hereinafter the "Property"). I was born in a house that used to be situated on the Property on May 31, 1934 and I have been familiar with the Property all of my life.

3. The house that is currently situated on the Property was built by R. E. Simmons and his wife, Rosetta Simmons, in 1905. The Simmons daughter, Mattie Nivens, also known as Mattie Nivens McWaters, acquired such house on <sup>March 6/1964</sup> ~~May~~ 14, 1964 by deed from John Franklin Melton and his wife, Sarah Virginia Melton. From 1964, Mattie Nivens continuously <sup>owned</sup> ~~lived~~ <sup>owned</sup> ~~in~~ such house and <sup>lived</sup> ~~resided~~ on the Property until May 1992 when Mattie Nivens conveyed the house and the Property to her daughter, Rosa Hazel Looney, also known as Hazel Looney. Mattie Nivens has since died. Since <sup>1964</sup> ~~May 1992~~, Rosa Hazel Looney has continuously lived in such house and <sup>lived</sup> ~~resided~~ on the Property.

4. Mattie Nivens and then her daughter, Rosa Hazel Looney, have lived in the house and maintained the Property as their own home continuously and without interruption since 1964. I have never observed the Property being used or possessed by anyone other than Mattie Nivens and then Rosa Hazel Looney since 1964.

5. The use and possession of the entire Property by Mattie Nivens and then by Rosa Hazel Looney has been open and visible to common observation and Mattie Nivens and Rosa Hazel Looney have claimed to be the owners of the Property since 1964. I have observed Mattie Nivens and then Rosa Hazel Looney improving the Property by adding a mobile home and by maintaining and using the house, the driveways, the yard and the old dirt drive located on the western boundary of the Property since 1964.

6. I am familiar with the general reputation in the community in which the Property is located as to the ownership of the Property. Rosa Hazel Looney is generally reputed to be the owner of the entire Property and I have never heard anyone dispute her ownership or claim to own the Property or any interest therein.

Further the Affiant Saith Not.


  
\_\_\_\_\_  
CHARLES W. SIMMONS

STATE OF ALABAMA    )  
                                  )  
SHELBY COUNTY        )

Before me, the undersigned, a Notary Public in and for said County, in said State, personally appeared Charles W. Simmons whose name is signed to the foregoing Affidavit, and who is known to me and who, being by me first duly sworn on oath, deposes and says that he has personal knowledge of the statements contained in the foregoing Affidavit and that they are true and correct.

Sworn to and subscribed before me this the 15 day of March, 1999.

(SEAL)

  
\_\_\_\_\_  
Notary Public  
My commission expires 4-12-99

**EXHIBIT A TO  
AFFIDAVIT OF ADVERSE POSSESSION**

**PARCEL 1:**

Commence at the SE corner of SW $\frac{1}{4}$  of NE $\frac{1}{4}$  of Section 28, Township 19 South, Range 1 West and run thence Easterly along the south boundary of said Quarter-Quarter Section 592 feet for the point of beginning of the triangular lot hereby conveyed; thence run Northeast a distance of 250 feet to a point on the southwest right of way of U.S. Highway No. 280; thence run Southeasterly along said right of way 306 feet to its intersection with the South boundary of said Quarter-Quarter Section; thence West along the South boundary of said Quarter-Quarter section 420 feet to the point of beginning.

**PARCEL 2:**

[On next page]

State of Alabama)  
Shelby County)


"BOUNDARY LINE SURVEY"

I, Lawrence D. Weygand, Registered Engineer-Land Surveyor, certify that I have surveyed the land shown hereon and described below; that I have consulted the Federal Insurance Administration Flood Hazard Boundary Map and found that this property is located in a special flood hazard area; that this survey meets the minimum technical standards for boundary line surveys as required by the State of Alabama (using 14" long #5 iron rebars); and that the correct description is as follows:

Part of the SW 1/4 of the NE 1/4 of Section 28, Township 19 South, Range 1 West, Shelby County, Alabama being more particularly described as follows: From an existing old 2" open top iron pin being the locally excepted SW corner of the NE 1/4 of said Section 28, run in an Easterly direction along the South line of said quarter Section for a distance of 502.55 feet to an existing iron rebar set by Lawrence D. Weygand and being the point of beginning; thence continue in an Easterly direction along last mentioned course for a distance of 89.45 feet to an existing iron rebar; thence turn an angle to the left of 46 degrees 13 minutes 57 seconds and run in a Northeasterly direction for a distance of 249.60 feet to a point on the Southwest right of way line of Old Highway 280 and being on a curve, said curve being concave in a Northeasterly direction and having a central angle of 1 degree 38 minutes 19 seconds and a radius of 974.71 feet; thence turn an angle to the left of 92 degrees 28 minutes 10 seconds to the tangent of said curve and run in a Northwesterly direction along the Southwest right of way line of Old Highway 280 for a distance of 27.88 feet to an existing iron rebar being the point of ending of said curve; thence continue in a Northwesterly direction along the Southwest right of way line of said Old Highway 280 and along line tangent to the end of said curve for a distance of 172.38 feet to an existing iron rebar set by Lawrence D. Weygand; thence turn an angle to the left of 115 degrees 37 minutes 06 seconds and run in a Southwesterly direction for a distance of 168.02 feet to an existing iron rebar set by Lawrence D. Weygand; thence turn an angle to the left of 8 degrees 39 minutes 53 seconds and run in a Southwesterly direction for a distance of 82.82 feet to an existing iron rebar set by Lawrence D. Weygand; thence turn an angle to the right of 26 degrees 48 minutes and run in a Southwesterly direction for a distance of 90.95 feet, more or less, to the point of beginning, containing 0.83 acres, more or less.

According to my survey of: MARCH 10, 1999

Order No.: \_\_\_\_\_  
Purchaser: THOPNTNL  
Address: \_\_\_\_\_  
Flood Zone: A1C  
C.P.# 010191 0050 B

  
Lawrence D. Weygand  
Reg. P. B.-L. S. #10373  
169 Oxmoor Rd. PH: 942-0086  
Homewood, AL 35209

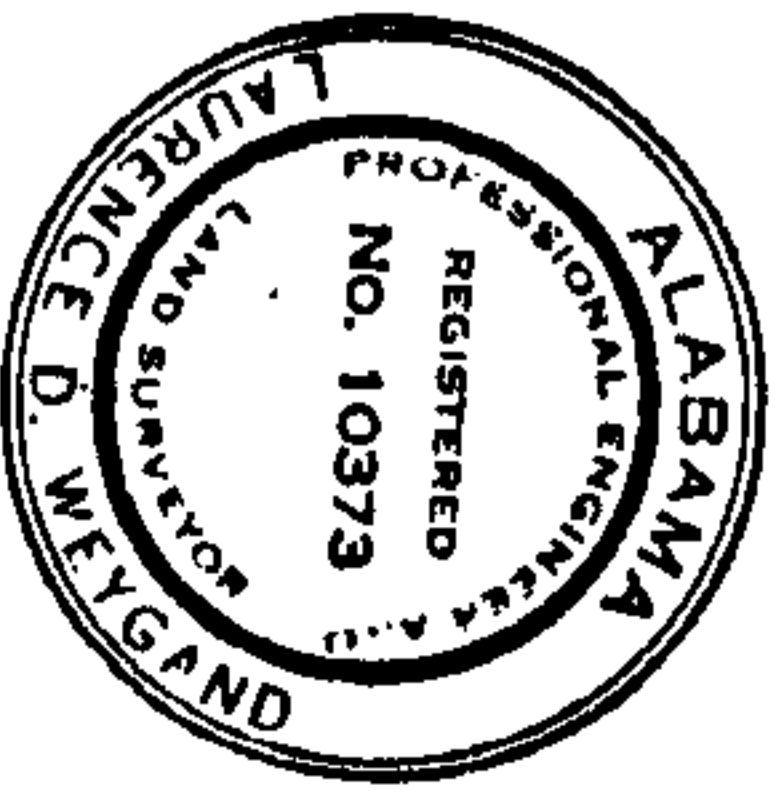
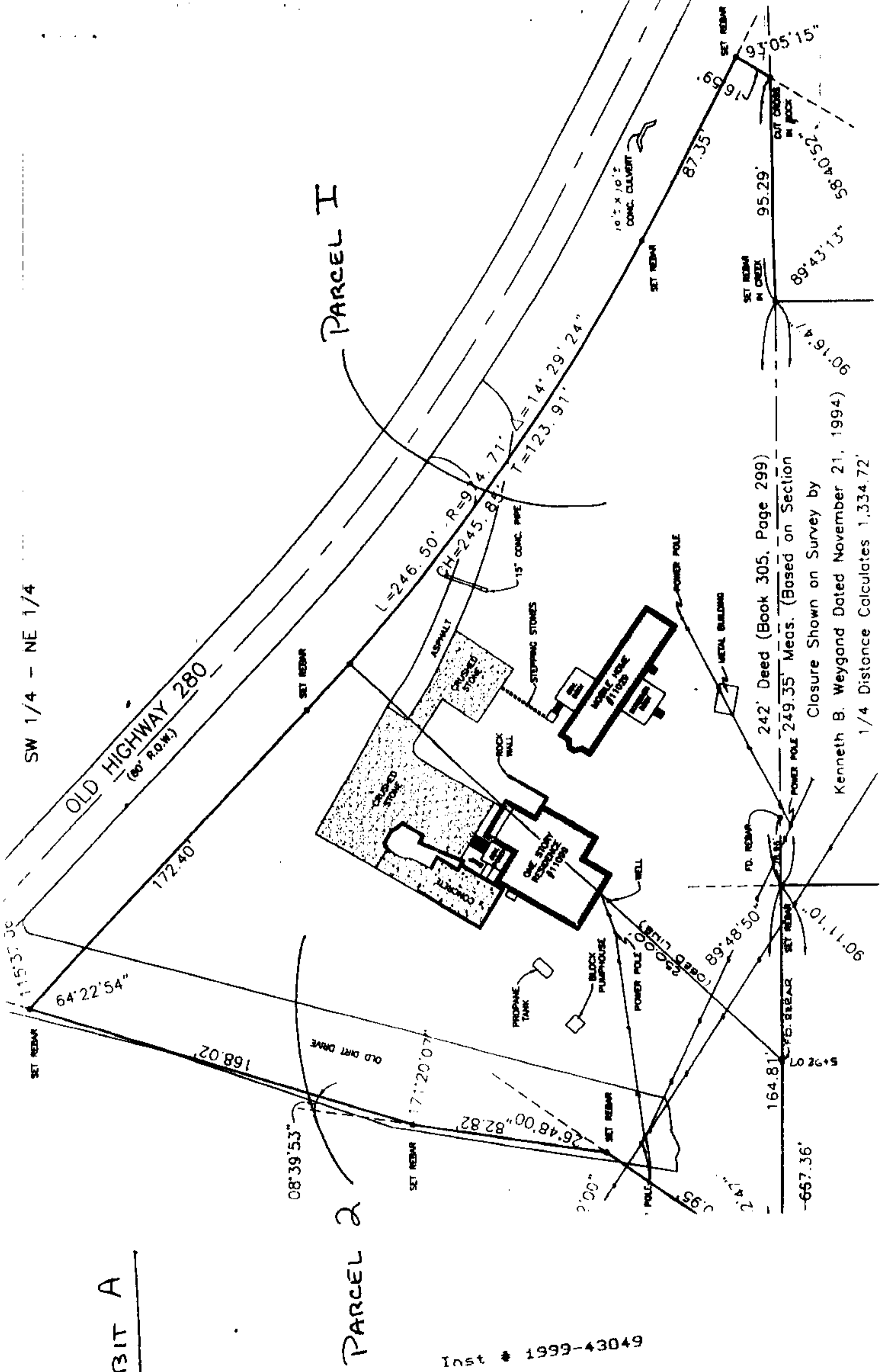


EXHIBIT A

SW 1/4 - NE 1/4



PARCEL 1

PARCEL 2

OLD HIGHWAY 280  
(60' R.O.W.)

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242' Deed (Book 305, Page 299)  
Closure Shown on Survey by  
Kenneth B. Weygand Dated November 21, 1994  
1/4 Distance Calculates 1,334.72'