

STATE OF ALABAMA )

SHELBY COUNTY )

Before me, the undersigned authority, a Notary Public in and for said County and State, personally appeared ROBERT C. SHIRLEY, who, after being by me first duly sworn to speak the truth deposes and says as follows:

My name is Robert C. Shirley and I am 52 years of age. I presently reside at Chelsea, Shelby County, Alabama, and have been familiar with the occupation, use, and possession of the hereinafter described property for a period in excess of 30 years and have resided in the general vicinity of the said hereinafter described property during that entire period, which said property is more particularly described as follows, to-wit:

A part of the NW $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 5, Township 20 South, Range 1 West, described as follows: Commence at the SW corner of the NW $\frac{1}{4}$  of the SE $\frac{1}{4}$  of Section 5, Township 20 South, Range 1 West, and run thence East along the South line of said  $\frac{1}{4}$   $\frac{1}{4}$  Section a distance of 528.7 feet more or less to SE corner of Bennie Thomas and Doris Thomas lot as shown by deed recorded in Deed Book 240, page 93 in Probate Office, which is the point of beginning of the parcel herein described; thence run North parallel with the West line of said  $\frac{1}{4}$   $\frac{1}{4}$  Section and along the East line of said Thomas lot a distance of 420 feet more or less to point on South right of way line of the Pleasant Valley Road; thence run Northeasterly along said right of way 105 feet to a point; thence run South parallel with the West line of said  $\frac{1}{4}$   $\frac{1}{4}$  Section to a point on the South line of said  $\frac{1}{4}$   $\frac{1}{4}$  Section; thence run West along the South line of said  $\frac{1}{4}$   $\frac{1}{4}$  Section to point of beginning.

The above described property is presently owned by Donald Wayne Shirley and wife, Nancy Lynette Shirley, with right of survivorship, the same having been purchased by them by deed dated May 5, 1966, and recorded in Deed Book 243, page 152, in the Probate Records of Shelby County, Alabama. I remember when the above described property was purchased as a part of a larger tract by Herbert C. Seifert on September 12, 1942, by deed recorded in Deed Book 115, page 305, in the Probate Records of Shelby County, Alabama. At the time Mr. Seifert purchased the above described property by the last mentioned deed he and his wife were already living in a residence which they had constructed on property adjoining the above described property and the rest of the property purchased by said last referred to deed. Immediately after the execution of said deed on September 12, 1942, Mr. Seifert went into the actual, adverse, hostile, notorious, continuous, exclusive and open possession of the above described property in connection with his occupation of the residence on property adjoining said property. From said September 12, 1942, and for each and every year from said date up to and including May 5, 1966, Herbert C. Seifert was in the said actual, open, exclusive, notorious, continuous and adverse possession of said above described property as a part of a contiguous tract of land upon which his residence was located. I have never heard the title of Herbert C. Seifert or the above said present owners questioned or disputed in any way and no other

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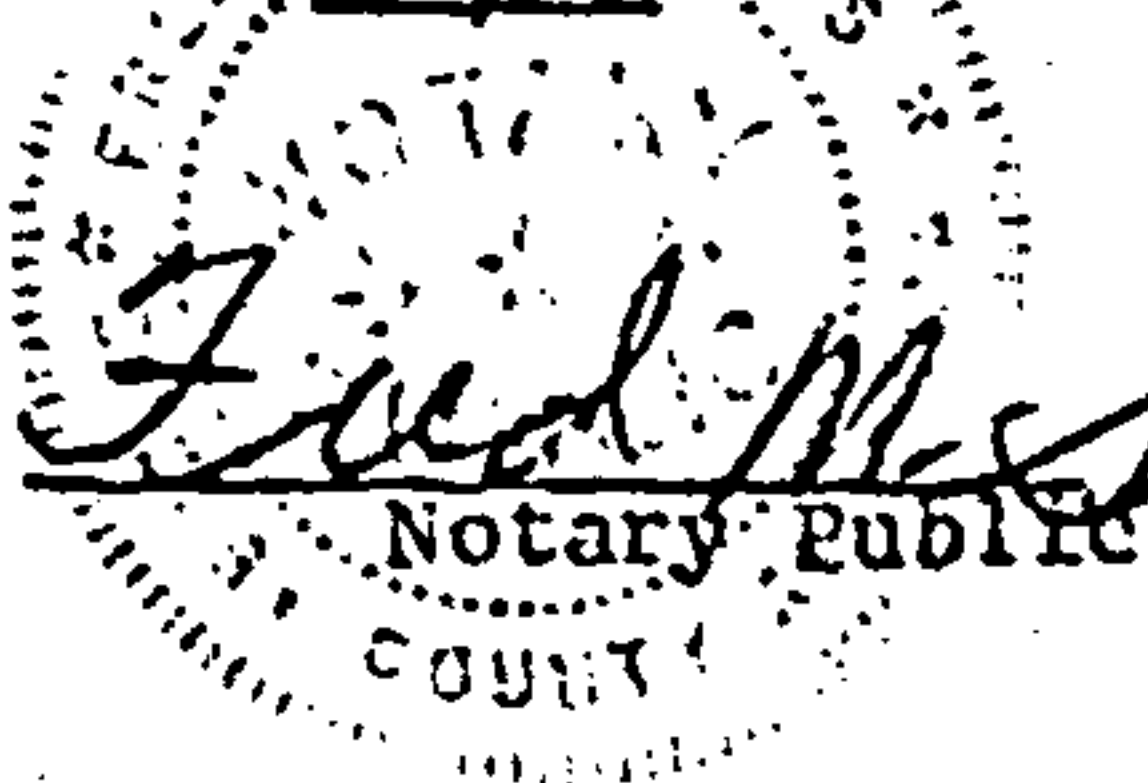
person, firm, or corporation has been in possession of the above described property or any part thereof other than the above said present owners thereof and their predecessor in title, Herbert C. Seifert, during the period I have know the occupation, use, and possession of said property.

I am familiar with the property conveyed by Herbert C. Seifert and wife, Elsie Seifert to William H. Brasher on September 9, 1965, by deed recorded in Deed Book 237, page 668, in the Probate Records of Shelby County, Alabama. The property conveyed by said last mentioned deed to said William H. Brasher and the property which said William H. Brasher went into possession of pursuant to and under the terms of said deed actually lies West of the first above described property and does not join the same on any of its boundaries.

It has been called to my attention that the Saginaw Lumber Company executed a deed conveying a right of way to the Louisville & Nashville Railroad Company on April 2, 1901, by deed recorded in Deed Book 24, page 322, in the Probate Records of Shelby County, Alabama. The said last mentioned railroad right of way was apparently conveyed for the purpose of a small line for the removal of timber from the property. There is presently no railroad located over the above described property nor has a railroad been located over such property during the more than 30 years I have know the occupation, use, and possession thereof and the possession of the above said present owners and Herbert C. Seifert has been hostile, adverse, exclusive, notorious, and continuous as against said Louisville & Nashville Railroad Company and all other persons, firms, and corporation.

It has been called to my attention that the Alabama State Land Company executed a quit claim deed in favor of the South & North Alabama Railroad Company on March 10, 1909, by deed recorded in Deed Book 42, page 127, in the Probate Records of Shelby County, Alabama. Actually, during the more than 30 years I have know the occupation, use, and possession of said above described property neither the Alabama State Land Company nor the South & North Alabama Railroad Company have asserted any right, title, or interest in the above described property or any part thereof, nor has said Alabama State Land Company nor South & North Alabama Railroad Company been in possession of said above described property or any part thereof during said period.

Sworn to and subscribed before me  
this 17 day of October, 1966.



Robert C. Shirley

STATE OF ALA., SHELBY CO.,  
CERTIFY THIS INSTRUMENT  
WAS FILED ON 10-26-66

RECORDED & \$ ✓ MTG. TAX

\$ ✓ DEED TAX HAS BEEN  
PD. ON THIS INSTRUMENT.

Conrad M. Fowler  
JUDGE OF PROBATE