

STATE OF ALABAMA)

SHELBY COUNTY)

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

My name is W. A. Lowery. I am one of the grantees in that certain deed dated April 18, 1957, and recorded in Deed Book 206, page 521, and that certain deed dated September 4, 1965, and recorded in Deed Book 240, page 766, all in the Probate Records of Shelby County, Alabama. I have known the occupation, use, and possession of the hereinafter described property for a period in excess of 20 years, to-wit:

PARCEL NO. 1

A part of the SE 1/4 of SW 1/4 Section 14 Township 21 South, Range 3 west, more particularly described as follows: Commence at the SW corner of said SE 1/4 of SW 1/4 Section 14 and run thence North 89 deg. East 146 feet to the East right of way line of the Siluria-Montevallo Highway; thence continue Easterly along the South boundary of said 1/4-1/4 Section 828 feet to the point of beginning, which said point marks the SE corner of the Lawson Lowery lot; thence turn an angle of 95 deg. left and run thence 236.0 feet to the South boundary of the right of way of Smokey Road; thence turn an angle of 95 deg. right and run thence Easterly along the South right of way of said Smokey Road 170 feet; thence turn an angle of 86 deg. to right and run thence 232.0 feet to the South boundary of said 1/4-1/4 Section; thence turn an angle of 96 deg. right and run thence Westerly along South boundary of said 1/4-1/4 Section 167 feet to the point of beginning.

PARCEL NO. 2

A part of the SE 1/4 of SW 1/4 Section 14 Township 21 South, Range 3 west, more particularly described as follows: Commence at the SW corner of said SE 1/4 of SW 1/4 Section 14 and run thence North 89 deg. East 146 feet to East right of way line of the Siluria-Montevallo Highway; thence continue Easterly along the South boundary of said 1/4-1/4 Section 661 feet to the point of beginning, which said point marks the SE corner of T. J. Lowery lot; thence turn an angle of 95 deg. left and run thence 210 feet to the South boundary of the right of way of Smokey road; thence turn an angle of 85 deg. right and run thence Easterly along the South right of way of said Smokey road 167 feet; thence turn an angle of 95 deg. to the right and run thence 236 feet to the South boundary of said 1/4-1/4 Section; thence turn an angle of 95 deg. right and run thence Westerly along the South boundary of said 1/4-1/4 Section 167 feet to point of beginning, EXCEPT the West 12 feet sold to T. J. and Lydia Lowery as shown by deed recorded in Deed Book 222 on page 329.

Both parcel no. 1 and Parcel No. 2 described above were conveyed to my father Daniel Lowery by deed dated April 5, 1945, and recorded in Deed Book 122, page 212, in the Probate Records of Shelby County, Alabama. Immediately after the execution of said last mentioned deed said Daniel Lowery went into the immediate, actual, adverse, hostile, notorious, open, continuous and exclusive possession of both of the above said parcels no. 1 and parcel no 2. Said Daniel Lowery remained in possession of Parcel No. 1 up to April 18, 1957, when he executed, along with his wife, that certain deed referred to above as being recorded in Deed Book 206, page 521, in the Probate Records of Shelby

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County, Alabama. Affiant and wife Juanita Lowery were the grantees in said last mentioned deed and immediately after the execution thereof went into the actual, hostile, adverse, immediate, notorious, open, continuous and exclusive possession of said property and have so remained in such possession up to and including the date of this affidavit. Although the description in said last mentioned deed was vague, the land conveyed by said deed and the land which my wife and I went into possession of is the same land as is described in that certain deed dated June 23, 1963, and recorded in Deed Book 227, page 593, in the Probate Records of Shelby County, Alabama. The last mentioned deed was executed by the heirs of said Daniel Lowery for the purpose of clearing up any disputes concerning the description used in the original deed. It has been called to my attention that my wife was described as a grantee in the first deed as "Juinita" Lowery. Actually her name is "Juanita" Lowery and she is one in the same persons as are referred to in both deeds.

I am familiar with the location of that property conveyed by Daniel Lowery and wife, Alice B. Lowery to T. J. Lowery and wife Lydia Lowery on September 16, 1947, by deed recorded in Deed Book 132, page 565, in the Probate Records of Shelby County, Alabama. This is the same property as was conveyed by T. J. Lowery and wife, Lydia Lowery to Lloyd Curtis Payne and wife, Maggie Payne on July 27, 1951, by deed recorded in Deed Book 148, page 167, in the Probate Records of Shelby County, Alabama. The property described in the last two mentioned deeds does not touch or overlap on either Parcel No. 1 or Parcel No. 2 described above and there has never been any dispute concerning the location of the boundary lines between said parcels of land.

Parcel No. 2 described above was conveyed by Daniel Lowery and wife, Alice B. Lowery to Lawson H. Lowery and wife, Willie Mae Lowery on April 18, 1957, by deed recorded in Deed Book 222, page 100, in the Probate Records of Shelby County, Alabama. The property conveyed by said last mentioned deed was the exact same property as is described above as Parcel No. 2 and immediately after the execution of said deed said Lawson H. Lowery and wife, Willie Mae Lowery went into the immediate, actual, adverse, hostile, notorious, open, continuous and exclusive possession of said land and so remained in possession up until said Parcel No. 2 was conveyed to affiant and wife, Juanita Lowery on September 4, 1965, by deed recorded in Deed Book 240, page 766, in the Probate Records of Shelby County, Alabama. Immediately after the execution of the last referred to deed affiant and his said wife went into the immediate, actual, adverse, hostile, notorious, open, continuous and exclusive possession of said Parcel No. 2 and have so remained in possession up to and including the date of this affidavit. Actually to my own personal knowledge both Parcel No. 1 and Parcel No. 2 above have been in the continuous and actual

adverse, open, and notorious possession of affiant and wife Juanita Lowery and our
aforesaid predecessors in title for a period in excess of twenty years and no other
person, firm, or corporation has been in possession of either Parcel No. 1 or Parcel
No. 2 described above or any part thereof during said period.

I am familiar with the property conveyed from Daniel Lowery and others to Sam
E. Ryals and wife, Mary E. Ryals by deed dated May 1, 1961, and recorded in Deed Book
215, page 247, in the Probate Records of Shelby County, Alabama. I am also familiar
with the property conveyed by Sam Ryals and wife, Mary E. Ryals to Thomas J. Lowery
and wife, Lydia Lowery by deed dated April 29, 1961, and recorded in Deed Book 215,
page 259, and the property conveyed by Daniel Lowery and wife, Alice B. Lowery to R.
Edward Lowery and wife, Syble Lowery by deed dated April 18, 1957, and recorded in
Deed Book 192, page 211, all in the Probate Records of Shelby County, Alabama. None
of the property conveyed by the last three mentioned deeds overlaps or touches either
Parcel No. 1 or Parcel No. 2 described above and there have never been any disputes
among the owners of the several tracts concerning the location of the boundary lines
separating each said tract from either Parcel No. 1 or Parcel No. 2 described above.

W. A. Lowery
Affiant

Sworn to and subscribed before me

this 2 day of December, 1966.

[Signature]
Notary Public

STATE OF ALA., SHELBY CO.,
I CERTIFY THIS INSTRUMENT
WAS FILED ON

12-2 1966

RECORDED & \$ _____ MTG. TAX

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

Conrad M. Fowler
JUDGE OF PROBATE