

STATE OF ALABAMA)

JEFFERSON COUNTY)

A F F I D A V I T

RE: South 1/2 of the Southeast 1/4 of
Section 17, Township 19 South, Range
2 West, Shelby County, Alabama.

Before me, the undersigned authority, in and for said County
and said State, personally appeared:

M. M. Argo, Sr.
Charles F. DeBardleben, Jr.
Frank Collier

each of whom is known to me and each of whom being by me first
duly sworn, deposed and said on oath that:

1. He has been personally familiar with the title and
possession of the above described property located in Shelby
County, Alabama, ever since the property was acquired by Cahaba
Mines, Inc., an Alabama corporation.

2. That he knows of his own knowledge that Cahaba Mines,
Inc. bought and received a Tax Deed from the State of Alabama
on said property, the same bearing the date of August 30, 1943.

3. That continuously since August 30, 1943, Cahaba Mines,
Inc. has assessed said property in the name of Cahaba Mines, Inc.
for ad valorem tax purposes in Shelby County, Alabama, and has
paid the ad valorem taxes when the same became due and payable.

4. That said property was surveyed, marked and continuously
used by Cahaba Mines, Inc. from August 30, 1943, to the present
date.

5. That said property was part of 440 acres owned in fee
simple, plus 440 acres of additional mineral interest and 40
acres of surface interest owned by Cahaba Mines, Inc., all of
which was contiguous, located in Sections 9, 16 and 17, Township
19, Range 2 West, Shelby County, Alabama, where Cahaba Mines, Inc.
has for a period in excess of 25 years immediately preceding the
date of this Affidavit mined coal; cut timber; built roads, tippl
electric utility installations and other improvements; fenced said

property in part where it was deemed appropriate, all of which was open, adverse and notorious and constituted actual adverse physical possession of said property.

6. That during all of the time referred to above each of the undersigned was an officer, stockholder and director of Cahaba Mines, Inc.

7. That to the personal knowledge of each of the undersigned no other party, person, firm or corporation during said period of time has claimed or asserted any right, title or interest in and to the surface rights of said property.

M. M. Argo, Sr.
M. M. Argo, Sr.

Sworn to and subscribed before me

this 16 day of April, 1968.

W. J. Zutter
Notary Public

Ch. F. DeBardleben, Jr.
Charles F. DeBardleben, Jr.

Sworn to and subscribed before me

this 16 day of April, 1968.

W. J. Zutter
Notary Public

Frank Collier
Frank Collier

Sworn to and subscribed before me

this 16 day of April, 1968.

W. J. Zutter
Notary Public