

STATE OF ALABAMA
SHELBY COUNTY

Before me, L. E. Parker, a Notary Public in and for the State of Alabama at Large, personally appeared Orin Pearson, who is known to me and after first being duly sworn, deposes and says as follows:

My name is Orin Pearson. I am 82 years of age and reside in Shelby County, Alabama, in the vicinity of the land described hereinbelow. I have been familiar with this land and have known its possessors for more than 60 years. This land is best described as:

East Half ($E\frac{1}{2}$) of Fractional Southeast Quarter ($SW\frac{1}{4}$) and Southwest Quarter of Southeast Quarter ($SW\frac{1}{4}$ of $SE\frac{1}{4}$), Section 1, Township 22 South, Range 1 East;

East Half of Northeast Quarter ($E\frac{1}{2}$ of $NE\frac{1}{4}$); Northwest Quarter of Northeast Quarter ($NW\frac{1}{4}$ of $NE\frac{1}{4}$); Southeast Quarter of Southeast Quarter ($SE\frac{1}{4}$ of $SE\frac{1}{4}$), Section 12; Township 22 South, Range 1 East;

All fractional Section 6, Township 22 South, Range 2 East lying Southwest of River;

All of fractional Section 7, Township 22 South, Range 2 East that lies west of Coosa River, except North Half of Southwest Quarter ($N\frac{1}{2}$ of $SW\frac{1}{4}$) of said Section 7;

All of Fractional Sections 8 and 17 in Township 22 South, Range 2 East, that lies west of Coosa River;

All of Fractional Section 18, Township 22 South, Range 2 East, that lies north of Coosa River;

EXCEPTING rights and interest of Alabama Power Company to all above described lands that lie below the 425 foot contour line established in Survey of Coosa River made 2nd August, 1903 by the Corps of Engineers;

being situated in Shelby County, Alabama.

I know that for several years prior to 1913 the above described land was divided into three parcels, each parcel being in the possession of and owned by separate individuals. The description of these three parcels are as follows:

Parcel No. 1 - Land described in deed from W. P. Eason to Alabama Power Company dated January 14, 1913, recorded in Deed Book 52, page 311, in the Probate Office, Shelby County, Alabama, had been in the possession of W. P. Eason since prior to 1900. In about 1913, the said W. P. Eason conveyed this land by deed and relinquished his possession to Alabama Power Company. This parcel of land was conveyed with other lands to T. C. McSwain and the estate of J. H. Roberts in about 1920, with Alabama Power Company retaining title to the South Half of Northwest Quarter ($S\frac{1}{2}$ of $NW\frac{1}{4}$), Section 18 and other land rights for Lay Dam Reservoir. Sidney McSwain later became the sole possessor of this land under the claim of title continuing in this position until about 1947 when she conveyed this land by deed to C. B. Kirkpatrick.

Parcel No. 2 - Land described in deed from Henry J. Busby to Alabama Power Company dated April 28, 1913, recorded in Deed Book 52, page 189, in the Probate Office, Shelby County, Alabama. G. W. Busby had been in possession of this land from prior to 1900 until his death. Thereafter possession was maintained and ownership claimed by the heirs of the said G. W. Busby. Henry J. Busby being one of these heirs later obtained the interests of the remaining heirs and in about 1913 conveyed all of this parcel of land to Alabama Power Company, who in about 1920 conveyed this land less certain rights to T. C. McSwain and the estate of J. H. Roberts. Sidney McSwain later also became the sole possessor and title claimant to this parcel of land continuing in this position until about 1947 when this portion of land was also conveyed to C. B. Kirkpatrick.

Parcel No. 3 - The East Half of the Southeast Quarter ($E\frac{1}{2}$ of $SE\frac{1}{4}$) and the Southwest Quarter of the Southeast Quarter ($SW\frac{1}{4}$ of $SE\frac{1}{4}$) of Section 1 in Township 22, Range 1 East; also the East Half of the Northeast Quarter ($E\frac{1}{2}$ of $NE\frac{1}{4}$) and the Northwest Quarter of the Northeast Quarter ($NW\frac{1}{4}$ of $NE\frac{1}{4}$) and the East Half of the Southeast Quarter ($E\frac{1}{2}$ of $SE\frac{1}{4}$) of Section 12, Township 22, Range 1 East; also all of Fractional Sections 6, 7, 8, 17 and the Northeast Quarter of the Northwest Quarter ($NE\frac{1}{4}$ of $NW\frac{1}{4}$) of Section 18 in Township 22, Range 2 East. This parcel of

084
253

land was known as a part of the Hazzard Place and in about 1912 was in the possession of J. B. Gaston who claimed title thereto. In 1913 Alabama Power Company obtained certain interest and rights in this land by condemnation for the reservoir of Lay Dam. The remaining portion of this parcel of land was conveyed later in 1913 by deed to M. D. Foshee who in about 1915 conveyed his interests in this parcel of land to T. C. McSwain and J. H. Roberts. After their deaths, Sidney McSwain became the sole possessor and title claimant continuing in this position until in about 1947 when she conveyed this land, a portion of Parcel No. 1, and Parcel No. 2, to C. R. Kirkpatrick.

The said C. R. Kirkpatrick was in possession of all heretofore described parcels of land under claim of title from the date of his deed in about 1947, until in about 1957 when he conveyed all of this land to George C. Kirkpatrick, whose possession was for about two years or until 1959 when he conveyed this land by deed and relinquished his possession to Lewis B. Walker, Vales W. Wallace, Jr., George Horn, Margaret Christie, Roy Downs, Conrad M. Fowler and Harold J. Hall, who moved into possession of all this land claiming title from the date of their deed given by the said George C. Kirkpatrick up until the present time except for two smaller parcels of land deeded away. One of these parcels being the land described in that certain deed dated September 12, 1962 to Shelby Shores, Inc., recorded in Deed Book 222 at pages 338 to 340, inclusive, in the Probate Office, Shelby County, Alabama. The other parcel of land was conveyed to J. T. Jones as described in that certain deed dated December 7, 1964, recorded in Deed Book 233 at pages 832 to 834, inclusive, in the Probate Office, Shelby County, Alabama. The said J. T. Jones conveyed a portion of this land to Calvin D. Green and Albertine V. Green by deed dated January 19, 1965 as recorded in Deed Book 233 at pages 848 and 849 in the Probate Office, Shelby County, Alabama. The said Albertine V. Green deeded her interest in this land to Calvin D. Green and his wife, Virginia Green, in early 1966.

The said Shelby Shores, Inc., have subdivided portions of their lands and have sold lots and acreage therefrom. The following named lot owners are in the actual possession of their respective lots, claiming title thereto through Shelby Shores, Inc.

Lot No. 3 - Andrew G. Cross and Ellen Cross.

Lot No. 7 - Wyatt Owens who has subsequently conveyed to Viva Chumbler.

Lot No. 9 - Hortense L. Jones.

Lot No. 8 - Henry R. Edge and wife, Gladys A. Edge.

Lot No. 10 - Cates Milk Hauling, Inc.

Lot No. 11 - Larkin D. Abernathy and wife, Francis J. Abernathy, who later conveyed to Lloyd D. Chesser and wife, Margaret B. Chesser.

Lot Nos. 31 & 32 - Lloyd D. Chesser and wife, Margaret Chesser.

Lot Nos. 12 & 13 - Herbert O. Ezzell and wife, Lillian H. Ezzell, subsequently conveyed to Viva Chumbler.

Lot No. 14 - Henry E. Cain.

Lot No. 15 - Benjamin E. Malone and wife, Virginia Malone.

Lot No. 16 - James E. Dean and wife, Alma T. Dean.

Lot No. 17 - H. Evan Zeiger and wife, Imogene M. Zeiger.

Lot No. 23 - William H. Robertson, Jr., and wife, Ruby T. Robertson.

Acreage - Orville Lee Edmondson and wife, Dorothy Petts Edmondson, as described in that certain deed recorded in Deed Book 236, page 252.

Acreage - Viva Chumbler, as described in deed recorded in Deed Book 236, page 575.

Lots 4 & 5 and acreage - Viva Chumbler Real Estate Company, Inc.

Acreage situated between said Lots as recorded in Deed Book 247, page 353. Lot 4 and part of said acreage sold to George C. Pharr as recorded in Deed Book 250, page 328.

Lot No. 6 - R. O. Bean and wife, Audrey Bean.

085
253

I know that all of the persons named hereinabove in the chain of title to their respective lands have been in the actual, continuous and exclusive possession of their respective lands during the time they held title. Their possession has been visible, hostile, open and notorious. They have assessed their respective lands for taxes and have paid the taxes due thereon.

I know that the persons named hereinabove as the present owners and their predecessors in title have constructed dwelling houses, barns and other necessary outbuildings on portions of this land. They have fenced and cross-fenced portions of this land and have kept livestock therein. They have cultivated portions of this land in major crops and have harvested timber therefrom for market. The most recent owners have improved this land for cottage sites by surveying, excavating, building roads, piers, granting utility permits across their respective land. They have used their respective portions of this land as security for mortgages and have built cottages on their respective lots. They have exercised every other act necessary to the peaceful use and enjoyment of this land as was consistent with the nature of the land and within the subdivision restrictions.

I know that the boundaries and corners of this land including the lots of the subdivision have been plainly marked and in place and there has been no conflict as to such between adjoining land owners.

I know of no person claiming any right to any portion of the hereinabove described land adversely to the named owners and their predecessors in title and possession during the past 60 years or more. I know of no person or persons during this time that has disputed the possession of any portion of this land by the persons named herein in the chain of title.

All of above cited recordings refer to the Probate Office, Shelby County, Alabama.

I know that Viva Chumbler was a single woman on January 13, 1964.

Orin Pearson

Sworn to and subscribed before me
this 28th day of March, 1968.

[Signature]
Notary Public - State at Large

Tract No. 430 - Shelby Shores, Inc.
431 - Lewis Walker, et al
107-2 - James T. Jones
163-2 - Calvin D. Green
514 - Andrew G. & Ellen Cross
414 - Wyatt Owens
415 - Henry R. & Gladys Edge
416 - Hortense L. Jones
417 - Cates Milk Hauling, Inc.
418 - Larkin D. & Frances Abernathy
419 - Orville Lee & Dorothy Betts Edmondson
420 - Viva Chumbler
421 - Henry E. Cain
422 - Benjamin E. & Virginia Malone
423 - James E. & Alma T. Dean
424 - H. E. & Imogene M. Zeiger
425 - William G. Robertson, Jr., and Ruby T. Robertson

085

253

RECORDED
INDEXED
MAR 28 1968
SHELBY COUNTY, ALA.
OFFICE OF THE CLERK