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STATE OF ALABAMA )  
JEFFERSON COUNTY )

Before me, the undersigned Authority, in and for said County in said State, personally appeared C.E. Dickey, who is known to me, and who being by me first duly sworn, deposes and says on oath that he owns and operates a business known as Alabama Red Ash Coal Company; that for the past twenty years he has been engaged in the coal mining business near Acton, in Shelby County, Alabama, that he has knowledge of and concerning certain real property belonging to B.A. Chace and F.A. Chace, described as the East half of the Southeast Quarter of the Northeast Quarter (E½ of SE¼ of NE¼) of Section 26, Township 19, South, Range 3, West; that Affiant operates a coal yard, weighing station and coal mine on adjoining lands and near the property line of above described parcel of property, and has operated said business at said location for at least eighteen years prior hereto; that Affiant secured permission from said Chace Brothers and dumped spoils and spoil piles from his said mining operations on a part of said tract above described over a long period of time, to wit, for the past ten years; that said property is now being used as a site for sanitary land fill garbage operations by a tenant of said Chace Brothers; that Affiant knows that the said Chace Brothers have from time to time cut and harvested timber from said tract of land; that Said Chace Brothers have from time to time had mining props cut and moved from said tract of land; that said Chace Brothers have exercised many acts of ownership over said lands since they purchased same in 1959. Affiant knows that said Chace Brothers (meaning B.A. Chace and F.A. Chace) purchased said property around 1959 from Samuel F. Bains; that said B.A. Chace and F.A. Chace are reputed throughout the community where said property is located to be the owners thereof; that Affiant although active in the community and acquainted with a large number of persons who reside there, has never heard of any one question the ownership, or the right to possession, of said Chace Brothers; that Samuel F. Bains was reputed to own said property for a long period of time prior to his sale to Chace Brothers in 1959; that Affiant has never heard of any person asserting any claim of ownership or right of possession of said property prior to 1959 other than Samuel F. Bains; that said Samuel F. Bains before his sale in 1959, and said B.A. Chace and F.A. Chace since their purchase of said property in 1959, have together had the open, notorious, continuous, uninterrupted possession of said property, which occupancy was at all times peaceful and recognized in the community, under full claim of ownership, for at least twenty years prior to this date.

C. E. Dickey  
(C.E. Dickey).

Sworn to and subscribed before me this the 30th day of July, 1968.

C. H. Heciman  
NOTARY PUBLIC.

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