

STATE OF ALABAMA)

SHELBY COUNTY)

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

My name is R. F. Horton and I am 52 years of age. I presently reside at Route 2, Columbiana, Shelby County, Alabama. I have been very closely familiar with the occupation, use, and possession of the hereinafter described real property situated in Shelby County, Alabama, for a period in excess of 35 years. Said property is more particularly described as follows, to-wit:

A part of the SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 32, Township 21, Range 1 West, more particularly described as follows: Commence at the NW corner of said $\frac{1}{4}$ $\frac{1}{4}$ Section and run thence in a Southerly direction along the Western boundary thereof a distance of 525 feet to point of beginning; thence continue in the same direction along the Western boundary of said $\frac{1}{4}$ $\frac{1}{4}$ Section a distance of 525 feet to a point; thence turn to the left and run in an Easterly direction parallel with the Southern boundary of said $\frac{1}{4}$ $\frac{1}{4}$ Section a distance of 420 feet to a point; thence turn to the left and run in a Northerly direction parallel with the Western boundary of said $\frac{1}{4}$ $\frac{1}{4}$ Section a distance of 525 feet to a point; thence turn to the left and run in a Westerly direction parallel with the Southern boundary of said $\frac{1}{4}$ $\frac{1}{4}$ Section a distance of 420 feet to the point of beginning, situated in Shelby County, Alabama.

In 1939 the above described property was purchased by W. C. Butler. Shortly after W. C. Butler purchased the said property, which was then a portion of a larger tract consisting of the entire S $\frac{1}{2}$ of NE $\frac{1}{4}$ of said Section, affiant and affiant's two brothers negotiated for the purchase of the entire S $\frac{1}{2}$ of NE $\frac{1}{4}$ from W. C. Butler. This negotiation took place in the latter part of 1939 and on February 13, 1940, the entire S $\frac{1}{2}$ of NE $\frac{1}{4}$ was conveyed by W. C. Butler and wife to affiant and his two brothers, W. E. Horton and J. A. Horton. The deed by which such conveyance was made to affiant and his two stated brothers is recorded in Deed Book 222, page 10, in the Probate Records of Shelby County, Alabama. Immediately after the property was purchased by affiant and his aforesaid two brothers and within a few weeks after February 13, 1940, we put a barbed wire fence around each and every boundary of the entire S $\frac{1}{2}$ of NE $\frac{1}{4}$ and began immediately to graze cattle on said property. Immediately after the above first described property was purchased as a part of the larger tract described above as the S $\frac{1}{2}$ of NE $\frac{1}{4}$ of said Section, affiant and his wife constructed a residence on that portion of the S $\frac{1}{2}$ of NE $\frac{1}{4}$ which is described above by metes and bounds. This house was constructed in 1940 and affiant and his family resided in the residence situated on the first above described property for each and every year

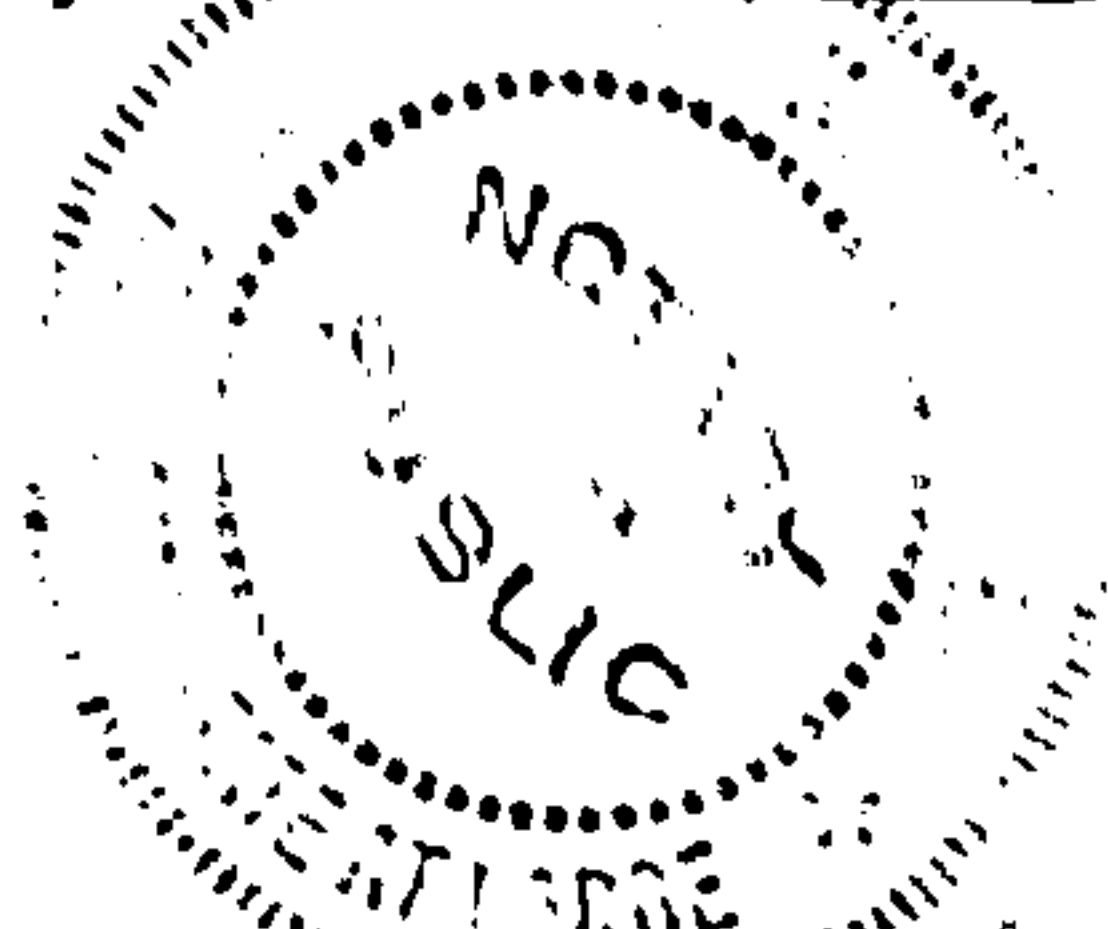
up until 1953. On September 24, 1953, I conveyed the E $\frac{1}{2}$ of the above described property to Paul White by deed recorded in Deed Book 174, page 20, in the Probate Records of Shelby County, Alabama. Some time prior to 1953 and in 1951 I conveyed the W $\frac{1}{2}$ of the above described property to Mildred Albright. At that time in 1951 there were two residences on the above described property one on the E $\frac{1}{2}$ and one on the W $\frac{1}{2}$. Shortly after Mildred Albright received her deed to the property she conveyed the same to Paul White on July 30, 1952. Thus, immediately after the execution of the aforesaid deed to Paul White on September 24, 1953, he owned the entire tract of land described by meets and bounds first above. Paul White and wife Vaudean White resided in the residence situated on the W $\frac{1}{2}$ of the above described property up to the time the property was conveyed to Roger Dale Horton on February 19, 1965, as shown by deed recorded in Deed Book 234, page 694, in the Probate Records of Shelby County, Alabama. Approximately one week after Roger Dale Horton purchased the above described property on February 19, 1965, he moved a house trailer or mobile home onto the above described property and has resided on said property continuously and exclusively for each and every year up to and including the date of this affidavit.

For each and every year continuously since February 13, 1940, the above described property has been in the actual, exclusive, adverse, notorious, hostile and continuous possession of Roger Dale Horton and his aforesaid predecessors in title. In fact, for each and every year since February 13, 1940, the above described property has been under fence, grazed by cattle and at all times during said period for each and every year thereof either Roger Dale Horton or his predecessors in title as named above, have resided in a home or homes located on the above described property. There has never been any dispute whatsoever concerning the occupation, use, or possession of said property and no other person, firm, or corporation other than Roger Dale Horton and his aforesaid predecessors in title have been in possession of said property or any part thereof during the period from February 13, 1940, up to and including the date of this affidavit.

R. F. Horton

Sworn to and subscribed before me
this 2nd day of September, 1968.

Nancy K. Bunch
Notary Public



STATE OF ALA. SHELBY CO.
NOTARY PUBLIC
THIS
INSTRUMENT WAS FILED
1968 SEP 21 PM 9:42
U.C.C. FILE NUMBER OR
REC. BK. & PAGE AS SHOWN ABOVE
Conrad H. Hester
JUDGE OF PROBATE

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