

3488
STATE OF ALABAMA)

SHELBY COUNTY)

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

My name is F. P. Chessser, Jr. I am 48 years of age and presently reside at Chelsea, Alabama, where I have lived all my life. I am and have been familiar with the occupation, use, and possession of the hereinafter described property for a period in excess of thirty years and know the location thereof, said property being situated in Shelby County, Alabama, and more particularly described as follows:

PARCEL "A"

Commence at the N.E. corner of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 27, Township 19 South, Range 1 West; thence run west along the north $\frac{1}{4}$ $\frac{1}{4}$ line a distance of 495.73 feet to the northwesterly right of way of U.S. 280 South for a point of beginning; thence continue along the same course for a distance of 30.72 feet; thence turn 84 degrees 56 minutes right for 342.83 feet; thence turn 134 degrees 40 minutes left for 447.45 feet; thence turn 49 degrees 44 minutes right for 473.94 feet to the N.W. corner of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$; thence turn 87 degrees 52 minutes left for 440.60 feet to the northwesterly right of way of U.S. 280 South, thence run northeasterly along the northwesterly right of way for a distance of 710.00 feet more or less to the P.C. of a curve being station 1005.73 3/10; thence continue along the northwesterly right of way for a distance of 287.49 feet to the point of beginning.

PARCEL "B"

Commence at the N.W. corner of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 27, Township 19 South, Range 1 West; thence run south along the west $\frac{1}{4}$ $\frac{1}{4}$ line a distance of 768.41 feet to the intersection of the west right of way line of Chelsea Road for a point of beginning; thence turn 133 degrees 42 minutes left and run in a northeasterly direction to the intersection of the south right of way line of U.S. 280 South which point is 45.00 feet northeasterly of station 1011.00 on the right of way line of U.S. 280 South; thence turn left and run along the south right of way line for 45.00 feet to station 1011.00; thence continue along the south right of way line of said road for a distance of 215.00 feet more or less to the west $\frac{1}{4}$ $\frac{1}{4}$ line; thence turn left and run south along the west $\frac{1}{4}$ $\frac{1}{4}$ line a distance of 227.57 feet to the point of beginning.

The above described property is partly in the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ and partly in the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 27, Township 19 South, Range 1 West and is presently owned by Herbert H. Thomas and wife, Peggy Joy Thomas. I own the property that adjoins the above described property along the west side and north side of said NE $\frac{1}{4}$ of SE $\frac{1}{4}$ and there is no dispute whatsoever as to the location of said $\frac{1}{4}$ $\frac{1}{4}$ lines. During the last 1 $\frac{1}{2}$ years the said Herbert H. Thomas cut all of the marketable timber off of the above described Parcel "A", without objection from any of the property owners that adjoin the above described property.

In May, 1970, the Thomas property was surveyed in my presence and the above

new description for it was obtained and iron pipes were placed at all of the corners. The property described by and the corners of the above new description are the same as have been generally recognized in the community and by adjoining property owners for in excess of 20 years under the following description of this same property:

Beginning at the N.W. corner of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 27, Township 19, Range 1 West, run south along west boundary line of said forty (crossing Highway 91) to intersection of west boundary of Chelsea-Columbiana Road, thence in a northeasterly direction to a point on the south boundary of Highway 91 which is 45 feet east of Highway station 10.11 and in the center of an old farm road, thence along south boundary of Highway 91 to the intersection of the north boundary line of said forty, thence west along north boundary line to point of beginning. Containing 7 acres, more or less. All mineral and minings rights are excepted herefrom.

Also that part of SE $\frac{1}{4}$ of NE $\frac{1}{4}$, Section 27, Township 19, Range 1 West described as follows: Beginning where the south line of said 40 acres intersect the west boundary of Florida Short Route Highway right of way and run west 120 yards, thence North East 120 yards or to the North West corner of Robert Shirly property, thence south 120 yards to point of beginning. Containing 1 acre, more or less. The above described lands being situated in Shelby County, Alabama.

The foregoing old description is the description contained in the deed to Herbert H. Thomas and wife, Peggy Joy Thomas, from Ottis L. Davis and wife, Martha O. Davis, recorded in Deed Book 232, at page 268, in the Probate Office of Shelby County, Alabama. The part of the old description describing that part of the Thomas property in the said NE $\frac{1}{4}$ of SE $\frac{1}{4}$ has been used consistently since 1945 when this land was separated from a larger tract in said $\frac{1}{4}$ $\frac{1}{4}$ lying North of Yellow Leaf Creek by deed recorded in Deed Book 122, at page 512 in said Probate Records, which said larger tract was owned by the Estate of L. W. Chessser, my grandfather, until August 28, 1939, when it was sold for division through the Circuit Court of Shelby County by deed recorded in Deed Book 106, at page 439 in said Probate Records. The part of the old description describing that part of the Thomas property in said SE $\frac{1}{4}$ of NE $\frac{1}{4}$ has been used consistently since 1946 when this land was separated from a larger tract owned by my father, F. P. Chessser, in the NE $\frac{1}{4}$ of said Section 27, by deed recorded in Deed Book 125, at page 314, in said Probate Records. I have known for some time that this latter part of the old description does not close, but ever since 1946 it has been generally recognized in the community and by adjoining owners to describe the same property as is described in that part of Parcel "A" of the new description that lies in said SE $\frac{1}{4}$ of NE $\frac{1}{4}$ and for more than 20 years iron pins have marked the corners of this tract in said SE $\frac{1}{4}$ of NE $\frac{1}{4}$. These old irons were found when the Thomas property was surveyed in May, 1970, and were left in place to mark the corners of the Thomas

property lying in said SE¹/₄ of NE¹/₄.

There has never been any dispute concerning the boundary lines between the Thomas property, as described in the above new description, and adjoining property owners.

It has been called to my attention that the part of the Thomas property in said SE¹/₄ of NE¹/₄ was included in the deed from my father and mother to me and my wife, Ester Lee Chesser, recorded in Deed Book 249, at page 175 in said Probate Records. This was a mistake as my father has made no claim to this property since it was conveyed by him and my mother to Mr. Thomas' predecessor in title by deed recorded in Deed Book 125, at page 314 in said Probate Records. I do not make any claim to this or any part of the Thomas property and have, with my wife, executed a Quit Claim deed to the Thomases.

I know of my own knowledge that for the last thirty years the above described property has been in the continuous, exclusive, adverse, notorious, and hostile possession of Herbert H. Thomas and wife, Peggy Joy Thomas and their predecessors in title and that no other person, firm, or corporation has been in possession of the above described property or any part thereof during said thirty year period. I have never heard the title of Herbert H. Thomas and wife, Peggy Joy Thomas or their predecessors in title questioned or disputed in any way.

F. P. Chesser, Jr.
F. P. Chesser, Jr.

Sworn to and subscribed before me
this 4 day of June, 1970.

Paul W. [Signature]
Notary Public

1970 JUN 13 PM 5:52
UCC FILE NUMBER 01
REC. EX. & PAGE AS SHOWN ABOVE
Office of the
JOHN R. [Signature]