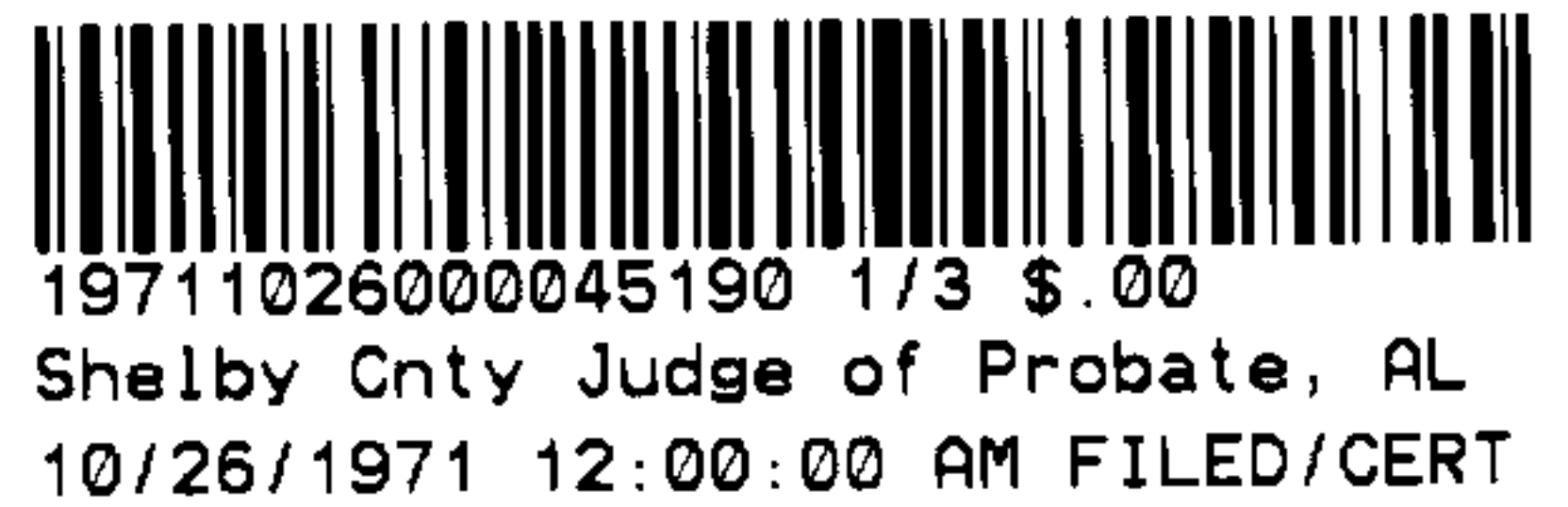


STATE OF ALABAMA)
JEFFERSON COUNTY)



AFFIDAVIT OF ADVERSE POSSESSION

Before me, the undersigned authority, in and for said State and County, personally appeared F. B. Burns, who is known to me and who being by me first duly sworn, deposes and says as follows:

That affiant is over the age of twenty-one (21) years and has lived in the City of Birmingham, Jefferson County, Alabama, for more than fifty (50) years; that he became associated with Pizitz Dry Goods Company, Birmingham, Alabama, as an employee in the year 1921, and has continuously been employed by said company in various capacities, and is presently serving as Vice President; that he is acquainted with the real estate described in the proposed Warranty Deed from Joseph Smolian and Bertha Pizitz Smolian to William K. Murray, as Trustee under Indenture of Trust dated October 25, 1971, copy of which deed is attached hereto as Exhibit "A" and made a part hereof as though fully set out herein; that affiant recalls that Joseph Smolian purchased the said real estate described in Exhibit "A" attached hereto more than forty (40) years ago; that the said Joseph Smolian and wife, Bertha P. Smolian, conveyed said property to Louis Pizitz Dry Goods Company some eight to ten years thereafter; that Louis Pizitz Dry Goods Company several years thereafter reconveyed said real property to Bertha Pizitz Smolian, who has remained the record owner of said property from said date down to the present time; that affiant is intimately associated and acquainted with the said Smolians and has assisted them in handling their personal affairs over the years; that he knows of his own knowledge that the said Smolians and/or Pizitz Dry Goods Company have for more than forty (40) years assessed the said lands for taxation in their names, and that the said Bertha Pizits Smolian has assessed said property in her name for more than thirty (30) years;

that from time to time during all these years certain portions of said property were used for farming purposes, but in all such instances under arrangements made with the said Smolians or Pizitz Dry Goods Company; that the said Smolians and/or Pizitz Dry Goods Company for more than forty (40) years have been in actual, notorious, open, adverse, peaceful and exclusive possession of the said lands; and that during all of said period of time affiant has never known or heard of anyone disputing the ownership of the said Joseph Smolian, Pizitz Dry Goods Company, or Bertha Pizitz Smolian in and to any part of said lands, or anyone making any claim to any part thereof.

IN WITNESS WHEREOF, affiant has hereunto set his hand and seal on this 25th day of October, 1971.

F. B. Burns
F. B. Burns, Affiant

Sworn to and subscribed before me

this 25th day of October, 1971.

W. J. Carroll
Notary Public

19711026000045190 2/3 \$.00
Shelby Cnty Judge of Probate, AL
10/26/1971 12:00:00 AM FILED/CERT



19711026000045190 3/3 \$.00
Shelby Cnty Judge of Probate, AL
10/26/1971 12:00:00 AM FILED/CERT

This instrument was prepared by

(Name) **James L. Permutt, Sirote, Permutt, Friend & Friedman**

(Address) **First Federal Building, Birmingham, Alabama 35203**

Form 1-1-27 Rev. 1-66

WARRANTY DEED—Lawyers Title Insurance Corporation, Birmingham, Alabama

STATE OF ALABAMA

SHELBY

COUNTY

KNOW ALL MEN BY THESE PRESENTS:

That in consideration of **Two Hundred Fifty Thousand and no/100 (\$250,000.00) Dollars**

to the undersigned grantor (whether one or more), in hand paid by the grantee herein, the receipt whereof is acknowledged, I or we, **Joseph Smolian and Bertha Pizitz Smolian (husband and wife)**

(herein referred to as grantor, whether one or more), grant, bargain, sell and convey unto **William K. Murray, as Trustee under Indenture of Trust dated October 25, 1971,**

(herein referred to as grantee, whether one or more), the following described real estate, situated in **Shelby** County, Alabama, to-wit:

The South West Quarter (SW-1/4) of Section Ten (10), Township Nineteen (19) South, Range Two (2) West; and the North West Diagonal One-Half of the North West Quarter (NW-1/4) of the North West Quarter (NW-1/4) of Section Fifteen (15), Township Nineteen (19) South, Range Two (2) West, less and except that part of the property described hereinabove which was conveyed to Shelby County for public road by right of way deed recorded in Book 216, Page 20, in the Office of the Judge of Probate of Shelby County, Alabama; and there is hereby further specifically excepted and excluded from this conveyance all mining and mineral rights in and to any of the lands described hereinabove in this deed.

This conveyance is further subject to:

1. State and County ad valorem taxes for the tax year ending September 30, 1972, which grantee herein assumes and agrees to pay.

2. Easements to Alabama Power Company recorded in Deed Record 103, page 40, Book 152, page 197, Book 187, page 377, Book 102, page 52, and all other utility or other easements which may be filed for record in the Office of the Judge of Probate of Shelby County, Alabama.

3. Rights of way for any existing roads which may not be filed for record in the Office of the Judge of Probate of Shelby County, Alabama.

4. Rights of persons in possession of any part of the premises described hereinabove, encroachments, overlaps, deficiency in quantity of land and any matters not of record which would be disclosed by an accurate survey and inspection of the premises. **successors**

TO HAVE AND TO HOLD to the said grantee, his, ~~her or~~ **his successors** their heirs and assigns forever.

And I (we) do for myself (ourselves) and for my (our) heirs, executors, and administrators covenant with the said GRANTEE, ~~their heirs and assigns~~, that I am (we are) lawfully seized in fee simple of said premises; that they are free from all encumbrances, unless otherwise noted above; that I (we) have a good right to sell and convey the same as aforesaid, that I (we) will and my (our) heirs, executors and administrators shall warrant and defend the same to the said GRANTEE, ~~and his heirs and assigns forever~~, **his successors** against the lawful claims of all persons.

IN WITNESS WHEREOF, **we** have hereunto set **our** hands(s) and seal(s), this **25th** day of **October**, 19 **71**

(Seal)

(Seal)

(Seal)

STATE OF ALABAMA
SHELBY COUNTY
JUDGE OF PROBATE
INSTRUMENT NO. 1071
OCT 26 AM 9:09
UCC FILE NUMBER OR
E.B.K. & F.A.E. AS SHOWN ABOVE
CONFIRMED
JUDGE OF PROBATE

General Acknowledgment

STATE OF ALABAMA
JEFFERSON

COUNTY

James L. Permutt

I, **Joseph Smolian and Bertha Pizitz Smolian (husband and wife)**, Notary Public in and for said County, said State, hereby certify that **are** **are** **they** whose name **are** signed to the foregoing conveyance, and who **are** known to me, acknowledged before me on this day, that, being informed of the contents of the conveyance **they** executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this **25th** day of **October**, 19 **71** A. D., 19

Exhibit "A"

State of Alabama **at Large**

BOOK 270 PAGE 650