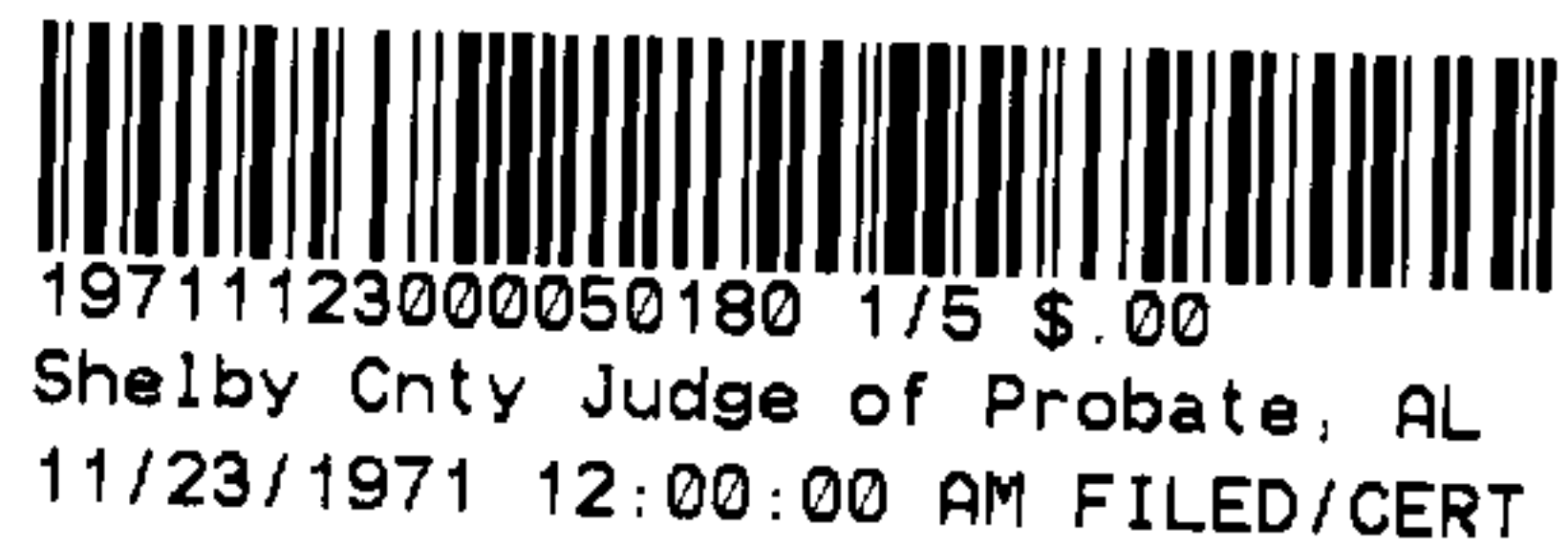


STATE OF ALABAMA)

SHELBY COUNTY)



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

My name is Eugene Shaw and I am 76 years of age. I am the present owner of and have been closely familiar with the ownership, occupation, use and possession of the hereinafter described property for a period in excess of 50 years. Said property is situated in Shelby County, Alabama, and is more particularly described as follows, to-wit:

TRACT NO. 1: The NE¹/₄ of the NW¹/₄ of Section 12, Township 19, Range 1 West.

TRACT NO. 2: The NW¹/₄ of the NE¹/₄ of Section 12, Township 19 South, Range 1 West.

TRACT NO. 3: The NE diagonal one-half of the NW¹/₄ of the SE¹/₄ and the NE¹/₄ of the SE¹/₄ of Section 1, Township 19, Range 1 West.

As stated above, I presently own all three of the parcels described above. I have lived either on the above said property or property in the neighborhood for all my lifetime. On March 16, 1922, by deed recorded in Deed Book 94, page 143, in the Probate Records of Shelby County, Alabama, I purchased Tract No. 1 described above from my father W. Z. Shaw and my mother, Mrs. R. E. Shaw. At the time I purchased Tract No. 1 as described above it was already partly cleared and my father W. Z. Shaw had already fenced the entire boundaries of the same. I cleared additional portions of said property and continued to maintain the fence around the same. At the time I purchased the property in 1922 I was living immediately north of this property on the what is now or has been known as the W. Z. Shaw Estate. For each and every year since I purchased Tract No. 1 in 1922 I have been in the actual, open, notorious, hostile possession of said parcel of land for each and every year from 1922 up to and including the date of this affidavit. I have farmed portions of said Tract No. 1 for each and every year and have maintained over one-half of the same in open cultivated or pasture land. I have cut firewood and wood from the remaining portion thereof, maintained a fence around the same and grazed cattle and other livestock on said property. Actually, in 1969, I made a deed to my daughter JoAnn S. Holcombe and her husband, Dan Holcombe to said Tract No. 1 reserving the timber rights in the property for my lifetime. I am, however, still living in a house just north of said Parcel No. 1 and actually have possession and control of the same up to and including the date of this affidavit. I have never heard my title questioned or disputed in any way and I have been in the actual, open, adverse, notorious, hostile possession of said property for each and every year since 1922 farming the same,

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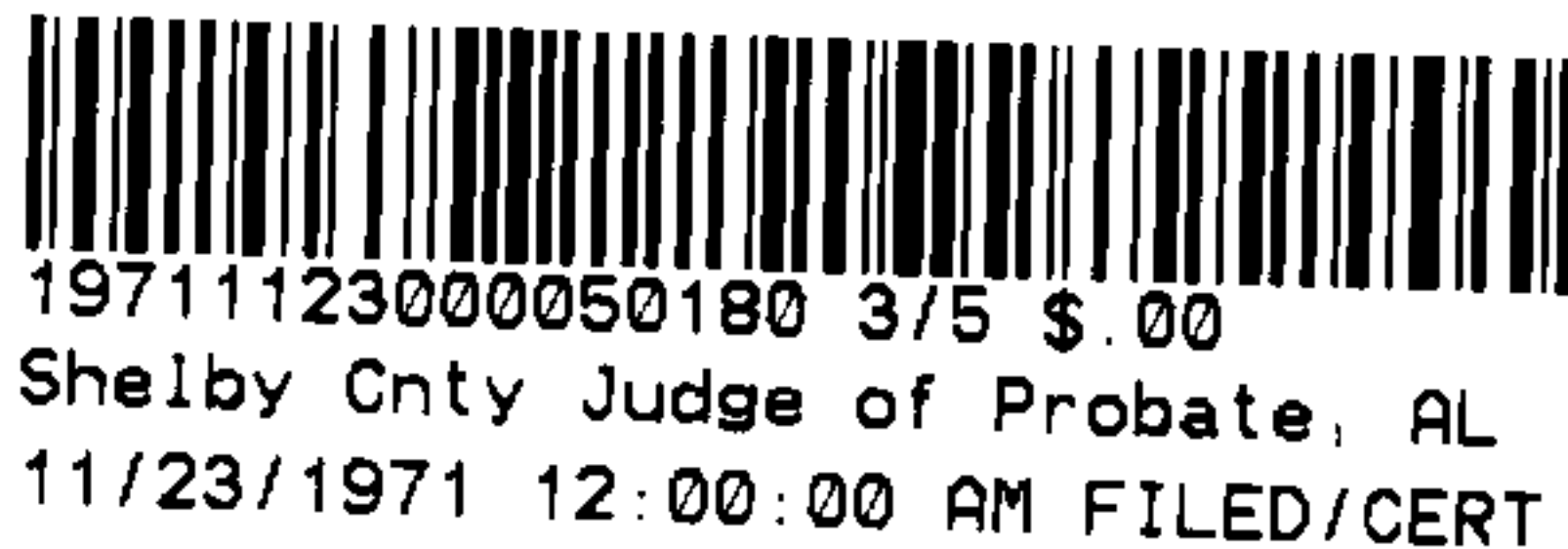


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grazing cattle and livestock on said property, maintaining the fences, and cultivating portions thereof. It has been called to my attention that in 1955 F. H. Cornelius and wife, Lucille L. Cornelius executed a timber deed to the Columbiana Heading Company covering timber on a part or all of said Tract No. 1. Although the deed is not recorded, shortly before the execution of said timber deed to the Columbiana Heading Company by Mr. and Mrs. Cornelius I had sold the timber on said property to Mr. and Mrs. Cornelius or someone acting for them and that is the reason for the execution of the timber deed to the Columbiana Heading Company. Neither F. H. Cornelius nor his wife, Lucille L. Cornelius nor any other person, firm, or corporation, has ever claimed any part or portion of said Tract No. 1 during the time I have known the same and have not been in possession of the same or any part thereof.

With respect to Tract No. 2 described above, when I first knew the ownership of said property, the same was in possession of and being claimed by Paul O. Luck which would have been in the middle or late 1920's. On August 14, 1933, by deed recorded in Deed Book 95, page 550, in the Probate Records of Shelby County, Alabama, said Tract No. 2 above was deeded by Paul O. Luck and wife, Clarice W. Luck to affiant. At that time affiant already owned Tract No. 1 described above, which lies adjacent to said Tract No. 2, and I immediately went into the possession of Tract No. 2 along with Tract No. 1. At the time I purchased Tract No. 2 from Mr. and Mrs. Luck the same was in woods and was not fenced. Immediately after I purchased the same in 1933, however, I began to clear portions of said property and constructed a fence around the boundaries thereof which tied in with my other fencing on Tract No. 1 as described above and other property which I owned in the area. For each and every year from 1933 up to and including the date of this affidavit I have farmed portions of said Tract No. 2 above, have cut timber and firewood from other portions thereof, and have maintained a fence around each and every side and boundary thereof to the full extent of the same. Actually, the fence is still around said Tract No. 2 and the same is in pasture at the present time. I have cattle which are using both Tract No. 1 and Tract No. 2 for pasture at this time and have so maintained said fence and pasture for each and every year continuously and exclusively since I first purchased said Tract No. 2 in 1933. I have never heard my title questioned or disputed in any way as to said Tract No. 2, or any other portion of said property, and I have heard of George Huddleston, Meyer L. Griel, nor Tom O. Smith, nor any other person, firm, or corporation claiming any part or parcel thereof and I know that none of these people nor any other person, firm, or corporation has been in possession of said Tract No. 2 or any part thereof at any time since 1933 when I received my deed to the same. Actually, I have deeded the North 30 acres of said Tract No. 2 to my daughter Lorene S. Kendrick reserving the timber to myself and the South 10 acres of the same to my daughter

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Burnell Musso and her husband, James Musso, reserving the timber to myself. These deeds were executed in 1970 but I have continued to maintain possession and control of said property up to and including the date of this affidavit.

With respect to Tract No. 3 described above I purchased said Tract No. 3 from the State of Alabama on May 4, 1938, by tax deed which is recorded in Deed Book 106, page 196, in the Probate Records of Shelby County, Alabama. When I obtained the tax deed to Tract No. 3 described above that portion of said Tract No. 3 which was described as the E $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Section 1, Township 19, Range 1 West, was actually mis-described and what was intended was the NE diagonal one-half of said $\frac{1}{4}$ $\frac{1}{4}$ Section. I have previously made an affidavit which is recorded in Deed Book 269, page 289, in the Probate Records of Shelby County, Alabama, which explains the division line between the two 20 acre tracts which were located in said NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 1. In short, the division line has always been a diagonal line drawn from the NW corner of said forty to the SE corner of said forty. The other 20 acres in said $\frac{1}{4}$ $\frac{1}{4}$ Section which would be the SW diagonal one-half of said $\frac{1}{4}$ $\frac{1}{4}$ Section was owned by my father W. Z. Shaw for many years as stated in my previous affidavit as aforesaid. I actually own at this time the NE diagonal one-half of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$. It has been called to my attention that the deed by which I claim title to said property describes the same as the "E $\frac{1}{2}$ of the said NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 1". Actually, the dividing line is and always had been since prior to 1900 a diagonal line running from the NW corner of said forty to the SE corner of said forty. During the time this property was under fence as indicated by my previous affidavit, my father constructed a straight line rail fence leading from the NW corner of said forty to the SE corner of said forty. Later, when my father was working for the Railroad and saved up some extra money, he purchased wire and ran wire along the diagonal line of said forty where the fail fence had been. There has never been any question or dispute between the undersigned or any other person concerning this and for the entire 60 years I have known said property it has been recognized that the division line was a diagonal line leading from the NW corner to the SE corner as indicated above.

When I first purchased Tract No. 3 in 1938 as aforesaid, it had been an old farm and portions of the same were in fields and where the same had previously been cultivated or pasture. There was an old wire fence around the property and after I purchased the same in 1938 I improved the fences and re-built the fences and cleaned up the fields somewhat. For each and every year from 1938 up to and including the date of this affidavit I have maintained the fences around the entire boundaries of Tract No. 3 as described above, have cultivated portions of the same and have grazed the entire said Tract No. 3 with goats and other livestock. Back in 1920 J. R. Gardner purchased this property

described as Tract No. 3 for its taxes from the Brasher Estate. J. R. Gardner then shortly thereafter deeded the same to James S. Gardner who in turn deeded it to J. H. Grimes in 1924. J. H. Grimes actually lived on the property and farmed the same for a couple of years when he let the property to back to Mr. J. S. Gardner and wife, Jesse Gardner in about 1926. J. S. Gardner then became indebted to J. R. Weldon and let J. R. Weldon have said Tract No. 3 on this debt. I understand that the record in the Probate Office in Columbiana does not show the deed from J. S. Gardner and his wife, Jesse Gardner to J. R. Weldon but I know that this is the way the transaction took place. J. R. Weldon then let the property sell for taxes in 1931 to the State and I later bought the property from the State of Alabama by tax deed in 1938. With respect to Tract No. 3 I have actually deeded a portion of the same to my daughter Dorothy Buckley and her husband, J. W. Buckley and another portion of Tract No. 3 to James Harris and Louise Harris, said Louise Harris being another daughter of mine. I have, however, continued in the occupation, use and possession of said property up to and including the date of this affidavit.

I have never heard my title to either Tract No. 1, Tract No. 2, or Tract No. 3 questioned or disputed in any way. The last of said Tracts were acquired by me in 1938, being the year in which I acquired Tract No. 3 described above. Since I acquired each of said Tracts as specified above and since 1938 on all three parcels, I have been in the actual, adverse, notorious, continuous, exclusive possession of all three of said tracts described above, maintaining fences around all of the same, cultivating portions thereof, and grazing livestock and cattle thereon for each and every year continuously and exclusively up to and including the date of this affidavit. No other person, firm, or corporation has been in possession of any part or parcel of any one of the above said Tract No. 1, Tract No. 2, or Tract No. 3 other than affiant.

Eugene J. Hew

Sworn to and subscribed before me
this 28 day of Oct., 1971.

Frank Ellis
Notary Public

STATE OF ALABAMA)
SHELBY COUNTY)

Before me, the undersigned authority, a Notary Public in and for said County, in said State, personally appeared ELMER E. FALKNER, who, after being by me first

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duly sworn to speak the truth deposes and says as follows: My name is Elmer E. Falkner and I have read the above and foregoing affidavit of Eugene Shaw. I have cognizance of the facts and matters stated therein and have also been familiar with the occupation, use and possession of said above described property for a period of all my life. I am 57 years of age. I know of my own knowledge that the facts and matters contained above in said affidavit of Eugene Shaw are true and correct.

Elmer E. Falkner
Elmer E. Falkner

Sworn to and subscribed before me
this 28th day of October, 1971.

Evelyn H. Walker
Notary Public

STATE OF ALA. SHELBY CO.
I CERTIFY THIS
INSTRUMENT WAS FILED
1971 NOV 23 PM 2:24
U.C.C. FILE NUMBER 00
REC. BK. & PAGE AS SHOWN ABOVE
Donna J. Smith
JUDGE OF PROBATE