

STATE OF ALABAMA)

§ 189

SHELBY COUNTY)

AFFIDAVIT OF ADVERSE POSSESSION

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

My name is C. M. Wade and I reside at Helena, Alabama. I am the C. M. Wade who appears as one of the grantors and one of the grantees in that certain deed from C. M. Wade and wife, Stella Wade, to C. M. Wade and wife, Stella Wade, which is recorded in Deed Book 216, page 387, in the Probate Records of Shelby County, Alabama, dated July 10, 1961. I have been familiar with the occupation, use and possession of the hereinafter described property for a period in excess of twenty years, said property being more particularly described as follows:

A part of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ and the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 22, Township 20 South, Range 3 West, more particularly described as follows, commence at the SW corner of the SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section 22 and run East along the South line of said $\frac{1}{4}$ $\frac{1}{4}$ Section 1257.6 feet to the point of beginning (said point being 69.0 feet west of the SW corner of the SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section); thence turn an angle to the left of 71 deg. 41' and run in a Northeasterly direction 420.0 feet; thence an angle to the left of 108 deg. 19' and run west parallel to the south line of said Section 417.36 feet; thence an angle to the right of 108 deg. 19' and run in a northeasterly direction 478.6 feet; thence an angle to the left of 19 deg. 40' and run northerly 310.4 feet; thence an angle to the right of 89 deg. 47' and run easterly 687.7 feet; thence an angle to the right of 85 deg. 05' and run in a southeasterly direction (parallel with and 1.0 feet more or less East of Asphalt paving on old dragstrip) 1189.70 feet to the south line of SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section; thence an angle to the right of 96 deg. 29' and run west along south line of said $\frac{1}{4}$ $\frac{1}{4}$ Section 679.7 feet to the point of beginning.

The above described property is part and parcel of the property which was conveyed in the deed from C. M. Wade and Stella Wade to C. M. Wade and Stella Wade referred to above which was recorded in Deed Book 216, page 387, in the Probate Records of Shelby County, Alabama. I have owned this property since 1937 and have had it in my continuous, exclusive, notorious, adverse, hostile possession since that time. No other person, firm, or corporation has been in possession of said property or any part thereof during said period and the title has never been questioned or disputed. It has been called to my attention

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that there is a timber deed of record from Lucille Wheeler in favor of J. T. McMillan dated May 12, 1969, and recorded in Deed Book 257, page 888, in the Probate Records of Shelby County, which said timber deed purports to convey timber rights to a portion of the property described above. This is simply a mistake in description and neither Lucille Wheeler nor J. T. McMillan has ever been in possession of the above described property nor any part thereof nor has either of said persons nor any other person, firm, or corporation ascertained any right, title, or interest in and to said property.

With respect to that certain lease to Helena Raceway, Inc. from C. M. Wade and Stella Wade and others dated July 1, 1962, and recorded in Deed Book 221, page 288, in the Probate Records of Shelby County, and with respect to that certain lease to Raceway's, Incorporated dated February 28, 1961, and recorded in Deed Book 214, page 394, both of these said leases were made for the use of said property so leased by the operators of the old Helena Dragstrip. Actually, Helena Raceway, Inc. gave up their lease and abandoned the property in about 1963 or 1964. They have not paid any rent on the premises or otherwise possessed or claimed the same since that time. Raceway's, Incorporated operated the dragstrip up until about 1965 or 1966 when they also abandoned the strip, closed down the dragstrip and have not paid any payments on the lease since that time. Since 1966 no person, firm, or corporation, including but not being limited to the last two named corporations, have had possession of said property or any part thereof or ascertained any right under said lease, nor have they paid any rental thereof.

C. M. Wade

C. M. Wade

Sworn to and subscribed before
me on this the 11 day of
September, 1972.

Frances Palmer
Notary Public

My Commission Expires May 17, 1980

Carol McDaniel
JUDGE OF PROBATE

STAFF OF ALA. SUP. CT.
INST. OF PROB. FILED
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