

STATE OF ALABAMA )

SHELBY COUNTY )



19770324000026790 1/4 \$.00  
Shelby Cnty Judge of Probate, AL  
03/24/1977 12:00:00 AM FILED/CERT

6822

Before me, the undersigned authority, in and for said County and state personally appeared COY E. HOLDSAMBECK, who, being known to me and being by me first duly sworn, deposes and says as follows:

My name is Coy E. Holdsambeck. I am 59 years of age, and have been familiar with the occupation, use and possession of the hereinafter described property for a period in excess of forty years:

SAID PROPERTY BEING DESCRIBED ON ATTACHED EXHIBIT "A" WHICH IS MADE A PART AND PARCEL HEREOF, AS FULLY AS IF SET OUT HEREIN.

The above described property is owned by affiant, Coy Holdsambeck, and Burl Holdsambeck in part, and has been owned by affiant and his brother and the affiant's father, J. W. Holdsambeck and mother, Daisy Holdsambeck, until their death, for a period in excess of ten years. Actually, the first part of the Property described on said Exhibit "A" was purchased by my father and mother, J. W. and Daisy Holdsambeck in September, 1925. My mother and father moved to the property described on Exhibit "A" in about 1931 or 1932 and since that time for each and every year my mother and father, up until their deaths, and after their death, my family and I have lived on the property described on Exhibit "A" continuously for each and every year.

I purchased the additional portion of the property described on Exhibit "A" in 1958 and 1959 and the entire property has been together since the last portion was purchased in 1959. We are operating this entire property as described on Exhibit "A" as a farm and have been in its entirety ever since we owned the property, all the property being together since 1959. With only minor exceptions the property is all under fence along the outside boundaries of said property and is used to pasture cattle, and has been so used for each and every year since 1959, and there have never been any disputes whatsoever concerning the ownership, use or possession of said property.

I know that Daisy Holdsambeck and Daisy Holsomback are one and the same person; and J. W. Holsomback and J. W. Holdsambeck are one and the same person; Coy Holdsambeck and Coy Holsomback are one and the same person.

Wallace

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I know that Boothton Coal Mining Company has not asserted any right, title or interest to any part of Parcel Two located in the NE $\frac{1}{4}$  of SW $\frac{1}{4}$  of said Section 18, for more than 20 years.

The Tuscaloosa-Montevallo Road as presently located is at the same site crossing said property as it has been for more than 50 years.

The property conveyed by Lillie G. Young to Fred Alexander on Nov. 1, 1958 by deed recorded in Deed Book 197, page 32 is completely outside the boundaries of the property described on Exhibit "A" and does not overlap or conflict with the same at any point. Actually, the land which was conveyed to Mr. Alexander is located in the SE corner of the SW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of said Section 17, and does not even touch the boundaries of the property described on Exhibit "A". The property conveyed by Lucy Limley to Fred E. Lovejoy by two deeds dated Sept. 9 1953 and Dec. 15, 1954 recorded respectively in Deed Book 164, page 94 and in Deed Book 170, page 396 lie entirely within the confines of the exception made to the description on Exhibit "A" in Parcel 4 which is designated in such exception as the "Kirchler" lot and does not overlap or conflict with the property actually described on Exhibit "A" in any way. The Kirchler lot excepted from the property described on Exhibit "A" is bounded on the East by the Railroad and there is a fence around the remaining boundaries of the property, with the Montevallo-Tuscaloosa Road forming the Southern boundaries of the Kirchler lot exception.

Coy E. Holsambeck  
Coy E. Holsambeck)

Sworn to and subscribed before me  
this 15th day of March, 1977.

James Brasher  
Notary Public

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Before me, the undersigned authority in and for said County and said State, personally appeared H D Winslett who, being known to me and being by me first duly sworn, deposes and says as follows:

I have read the above and foregoing affidavit of Coy E. Holdsambeck, nad have cognizance of the things and matters stated therein, and state, on oath, that the things and matters stated in said affidavit attached hereto are true and correct.

H D Winslett

Sworn to and subscribed before me  
this 23 day of March, 1977.

Notary Public

STATE OF ALABAMA

STATE OF ALA SHELBY CO.  
FILED BY THIS  
INST. LABEL WAS FILED

1977 MAR 24 PM 2:21

Thomas A. Snowdon, Jr.  
JUDGE OF PROBATE

Fee 6.00  
Due date 1.00

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PARCEL ONE:

Exhibit "A"

(a) Being an irregular shaped plot of land lying partly (12.46 acres) within the SE $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 18, Township 22, Range 3 West, and partly (13.42 acres) within the NE $\frac{1}{4}$  of the NW $\frac{1}{4}$  of Section 19, Township 22, Range 3 West, and more particularly described as follows: Begin at the NW corner of Lot 6, in Block 2 of Thomas' Addition to the Town of Aldrich, according to map and survey thereof recorded in the office of the Probate Judge of Shelby County, Alabama, thence North 65° 18' East, a distance of 303.48 ft., thence at an angle of 0° 19' to the right a distance of 580.46 ft., thence to the left at an angle of 85° 55' a distance of 696.48 ft., thence at an angle of 51° 16' to the right a distance of 109.50 ft., thence at an angle of 5° 22' to the right a distance of 636.67 ft; thence at an angle of 33° 50' to the right a distance of 173.78 ft. to the center line of Davis Creek, thence East along the center line of said Davis Creek to the East line of the SE $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 18, Township 22, Range 3 West, thence South along said quarter section line, continuing on along the East line of the NE $\frac{1}{4}$  of the NW $\frac{1}{4}$  of Section 19 in said township and range, to the Northwest boundary line of the land conveyed by the Montevallo Coal Mining Company to J. E. Nichols, and continue in a Southwesterly direction along the northwest boundary line of said Nichols land to the point where such northwest boundary line would be intersected by the North line of said Lot 6 if extended: thence along the North boundary line of said Lot 6 as extended, a distance of 288 ft. to the point of beginning;

(b) Being a triangular shaped plot containing approximately 1.21 acres situated in the Southwest corner of the SW $\frac{1}{4}$  of the SE $\frac{1}{4}$  of Section 18, Township 22, Range 3 West, and bounded on two sides by the West and South lines respectively, of said Quarter section, and bounded on the other and northeasterly side by the center line of Davis Creek.

(c) Being a triangular plot containing approximately 0.90 acres and situated in the Northwest corner of the NW $\frac{1}{4}$  of the NE $\frac{1}{4}$  of Section 19, Township 22, Range 3 West, and bounded on two sides by the North and West lines respectively, of said quarter section and bounded on the other and southeasterly side by the Northwest boundary line of the land conveyed by the Montevallo Coal Mining Company to J. E. Nichols.



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PARCEL TWO:

NE $\frac{1}{4}$  of SE $\frac{1}{4}$ ; the NE $\frac{1}{4}$  of SE $\frac{1}{4}$ , and all that part of the NE $\frac{1}{4}$  of SW $\frac{1}{4}$  lying East of the Old Montevallo-Tuscaloosa Road, all in Section 18, Township 22, Range 3 West.

PARCEL THREE:

One acre square lying in the NW corner of the SW $\frac{1}{4}$  of the SE $\frac{1}{4}$ , Section 18, Township 22, Range 3 West.

PARCEL FOUR:

(a)

All that part of S $\frac{1}{2}$  of SE $\frac{1}{4}$  of Section 18, Township 22 South, Range 3 West, lying West of the R/W of the Southern Railway, with the following exceptions:

(1) Except 10 acres in SE corner of above tract being in the NW angle formed by the Montevallo-Tuscaloosa road and West line of said R/W; the West line of said 10 acres excepted running at right angles to an North line parallel with said public road, and known as "Kirchler lot. (2) Except 1 acre, more or less, lying South of Davis Creek in SW corner of said tract. (3) Except 2 acres in the angle formed by the public road and North line of above described tract on East side of said road, same being 1 acre wide East and West and 2 acres long North and South, known as "Harris and Buck Shivers lots". Also excepting rights and easements granted to Alabama Power Company on 3rd Jany. 1917 as shown by deed recorded in Deed Book 61, page 51. Except rights and easements of public in public roads. Also except that portion thereof conveyed to Alabama Power Company by deed recorded in said Probate Office in Deed Book 272, page 920, and also except that part conveyed to Alabama Power Company by deeds recorded in Deed Book 274, page 28 and in Deed Book 194, page 179.

(b) All that part of SE $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 18, Township 22, Range 3 West, lying East of the right of way of the Southern Railroad. Also that part of the SW $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 17, Township 22, Range 3 West, more particularly described as follows: Begin at the SW corner of SW $\frac{1}{4}$  of SW $\frac{1}{4}$  of said Section 17; thence run North 89 deg. 00' East along South side of said forty a distance of 758 feet; thence North 44 deg. 01' East a distance of 36.77 feet; thence North 40 deg. 52' East a distance of 168.40 feet; thence North 43 deg. 16' East a distance of 159.95 feet; thence North 18 deg. 23' West a distance of 1118.45 feet; thence South 89 deg. 04' West a distance of 723.06 feet to NW corner of said [redacted] acres; thence South 3 deg. [redacted] East along West line of said [redacted] a distance of 1331.50 feet to point of beginning.