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Shelby Cnty Judge of Probate, AL
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STATE OF ALABAMA
SHELBY COUNTY

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

My name is Agnes L. Harris. I am 50 years of age and reside at Route 1, Box 10C, Maylene, Shelby County, Alabama. I am the daughter of R. E. Lacey and wife, Kate Lacey, both of whom are now deceased, and I am the sister of Stanley F. Lacey and Andrew J. Lacey.

My said father and mother and two brothers conveyed my husband and me a parcel of land containing 5.7 acres, more or less, on August 19, 1965, as shown by our deed recorded in Deed Book 237 at page 99, Office of Judge of Probate of Shelby County, Alabama, said property being more particularly described as follows:

All that part of the North Half of the NW $\frac{1}{4}$ of Section 16, Township 21 South, Range 3 West of the Huntsville Meridian in Shelby County, Alabama, more particularly described as beginning at the northeast corner of the NW $\frac{1}{4}$ of said Section 16, Township 21 South, Range 3 West; thence along the east boundary of the NW $\frac{1}{4}$ of said Section 16 a distance of 350.1 feet to the center of Shelby County Road No. 26 (SACP 4391-A); thence along the center of said County Road, south 67 deg. 52 min. west 796.2 feet and south 85 deg. 30 min. west 466.6 feet; thence south 4 deg. 30 min. east 40.0 feet to the south right of way of said road to the point of true beginning; said point is further identified as being south 85 deg. 30 min. west 111.6 feet from the P.C. Station 5+67.5 on County Road 26 (SACP 4391-A); thence from the point of true beginning South 4 deg. 30 min. East 567.3 feet; thence North 85 deg. 41 min. west 532.8 feet to the east right of way County Road 17 (SACP 583) 80 foot wide right of way; thence along the east right of way 426.9 feet; thence north 40 deg. 30 min. east 100.0 feet to the south right of way of County Road 26 (80 foot wide right of way); thence along the south right of way North 85 deg. 30 min. east 355.9 feet to the point of true beginning. Said tract contains 5.7 acres, more or less. Said tract is subject to an Alabama Power Company easement along the north boundary.

My said husband and I have resided in our home on said parcel since 1971. Said parcel is bounded on the north by Shelby County Highway No. 26 and is bounded on the west by Shelby County Highway No. 17.

My said father, R. E. Lacey, or Robert E. Lacey, subsequently conveyed the following described property to my brother, Phillip E. Lacey and his wife, Billie R. Lacey, in August, 1969, as shown by deed recorded in Deed Book 261 at page 228 in said Probate Office, said property being more particularly described as follows:

All that part of Section 16, Township 21 South, Range 3 West, Shelby County, Alabama, more particularly described as the South Half of the NE $\frac{1}{4}$, SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ and all that part of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ lying East of County Highway #17 (the paved Maylene to Helena Highway. Containing 134.6 acres, more or less. The above described parcel being located in Section 16, Township 21 South, Range 3 West, Shelby County, Alabama.

We had thought at first within our family that the south line of the property conveyed to my husband and me by said deed recorded in Deed Book 237 at page 99 in said Probate Office was also the north line of said property which was later conveyed by my said father to my brother and his wife, and which is described in said deed recorded in Deed Book 261 at page 228, but we later discovered that there was a small parcel of land which was situated between the two parcels and which was not included in either of said deeds. The title to said small parcel remained in my said father, and he, after learning of the ^{situation} / conveyed the same to my husband and me on January 26, 1972, as shown by deed recorded in Deed Book 272 at page 261 in said Probate Office, the description contained in said deed being as follows:

All that part of Section 16, Township 21 South, Range 3 West of the Huntsville Meridian, Shelby County, Alabama, more particularly described as that part of the North Half of the NE $\frac{1}{4}$ of Section 16, lying due South of that tract of land conveyed to George C. and Agnes L. Harris by R. E. Lacey, et als, on August 19, 1965. Said tract is bounded on the west by County Road 17; on the south by Phillip E. Lacey and on the east by R. E. Lacey, et al.

We have since discovered, after the death of my father, that said deed recorded in Deed Book 272 at page 261 in said Probate Office contains a typographical error in the description: the error is that the deed identifies the parcel conveyed as being in the North Half of the NE $\frac{1}{4}$ of Section 16, Township 21 South, Range 3 West, whereas the parcel actually lies in the North Half of the NW $\frac{1}{4}$ of Section 16, Township 21 South, Range 3 West. The said deed is otherwise accurate and correct in identifying said property as lying due south of said parcel which was conveyed to my husband and me on August 19, 1965, as shown by deed recorded in Deed Book 237 at page 99 in said Probate Office, and in identifying said parcel as being bounded on the west by Shelby County Road 17, and being bounded on the south by my brother, Phillip E. Lacey (this designation having reference to said deed mentioned above which is recorded in Deed Book 261 at page 228 in said Probate Office), and in being bounded on the east by R. E. Lacey, et als (this having refer-



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ence to lands which are situated on the east and which were formerly owned by my said father).

My said husband and I conveyed a portion of the southern part of our original 5.7 acre home parcel as described in Deed Book 237 at page 99 in said Probate Office, together with all of the parcel which my father conveyed to us on January 26, 1972, by said deed recorded in Deed Book 272 at page 261 in said Probate Office, to our daughter and son-in-law, Susan H. Penhale and her husband, Johnny R. Penhale, the parcel we conveyed to them containing 1.457 acres, more or less, and being more particularly described in our deed to them recorded in Deed Book 309 at page 223 in said Probate Office, as follows:

Begin at the SE corner of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 16, Township 21 South, Range 3 West and run Westerly along the South side of the said quarter-quarter for 391.97 feet to a point on the east right of way of Shelby County Road No. 17; thence turn an angle of 92 deg. 26 min. 06 sec. to the right and run northerly along the east right of way of said road for 103.00 feet to a concrete right of way marker on the east right of way of said Road No. 17; thence turn an angle of 5 deg. 13 min. 33 sec. to the right and run northerly along the east right of way of said Road No. 17 for 44.00 feet; then turn an angle of 87 deg. 50 min. 11 sec. to the right and run easterly for 512.76 feet; then turn an angle of 81 deg. 08 min. 18 sec. to the right and run southerly for 97.56 feet to a point on the south side of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 16, Township 21 South, Range 3 West; then turn an angle of 93 deg. 21 min. 52 sec. to the right and run Westerly for 134.40 feet back to the point of beginning.

The above described parcel contains 1.457 acres and is subject to the easements, rights of way and restrictions of record.

The above described 1.457 acres has a 30 foot easement for access and egress described as follows: Begin at the SW corner of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 16, Township 21 South, Range 3 West and run easterly along the south side of said quarter-quarter for 134.40 feet; then turn an angle of 93 deg. 21 min. 52 sec. to the left and run northerly for 97.56 feet to the point of beginning. Then continue northerly along the east side of the herein described 30 foot wide easement for 522.64 feet to a point on the south right of way of Shelby County Road No. 26.

My said daughter and son-in-law, Susan H. Penhale and her husband, Johnny R. Penhale, have had their mobilehome situated on said above described 1.457 acre parcel for about four years and have been living and residing in said mobilehome on said property during said period of approximately four years.

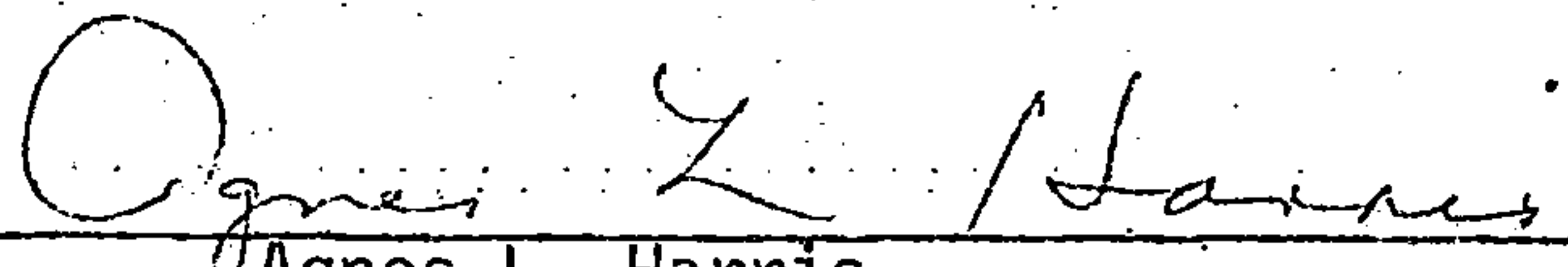
I have been familiar with the title and ownership of all of the parcels as described above in this affidavit for more than thirty years. Said property has been owned by my father and members of our family and successors



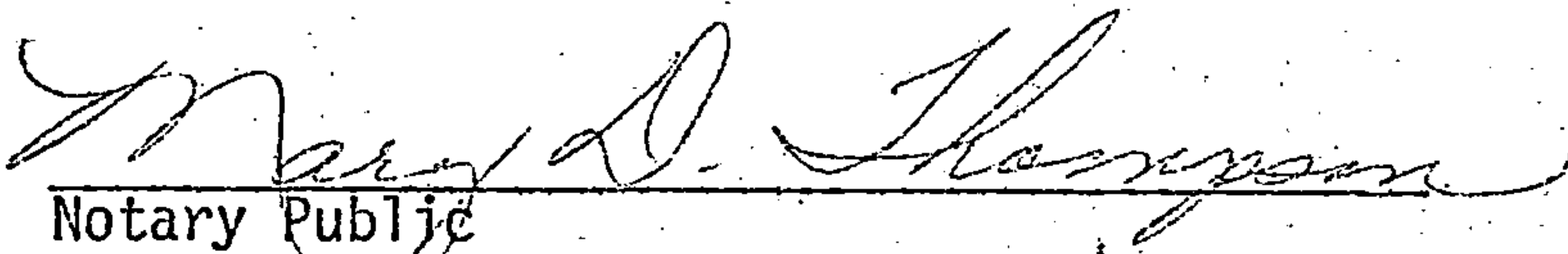
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in title during all of said period of time. I specifically herein state and cerfify that my said daughter and son-in-law, namely, Susan H. Penhale and husband, Johnny R. Penhale, and their predecessors in title, as designated above, have been in the open, continuous, notorious, undisturbed, peaceable, exclusive, hostile, actual adverse possession of said parcel containing 1.457 acres which is more particularly described above for more than the past thirty years. I have never heard anyone question the title or ownership to said property during said past thirty year period.

Neither my said father, Robert E. Lacey, up until the time of his death which occurred on February 7, 1974, nor any of his descendants (he having died intestate) subsequent to his death, have made any claim to said 1.457 acre parcel, they all being aware that all of said parcel had previously been conveyed to my husband and me by my said father, Robert E. Lacey, and my said brothers, as aforesaid.



Agnes L. Harris

Sworn to and subscribed before me
this 20th day of June, 1978.


Notary Public

STATE OF ALABAMA

SHELBY COUNTY


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

My name is Phillip E. Lacey. I am 49 years of age and reside at 193 Ashville Circle, Montevallo, Shelby County, Alabama.

I am the brother of Agnes L. Harris, and I have read carefully the above and foregoing affidavit of said Agnes L. Harris which was sworn to by her on June 20, 1978.