

This instrument prepared by
Wade H. Morton, Jr., Attorney at Law
P O Box 1227, Columbiana, Alabama 35051

STATE OF ALABAMA)
SHELBY COUNTY) AFFIDAVIT

19780828000114910 1/3 \$.00
Shelby Cnty Judge of Probate, AL
08/28/1978 12:00:00 AM FILED/CERT

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

My name is Cecil L. Hodgens. I am 68 years of age and a resident of Shelby County, Alabama. I am and have been since 1948 very familiar with the use, occupation, possession and ownership of the following described 90 acre tract of land located in Shelby County, Alabama, to-wit:

E½ of the SE¼ and the E½ of the E½ of the SW¼ of the SE¼ of Section 8, Township 22 South, Range 1 West, Shelby County, Alabama

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BOOK

It is my understanding that this 90 acre tract, as one parcel, was sold in 1934 for delinquent 1933 taxes and was purchased at the Tax Sale by J. R. Gould. When I first became familiar with this 90 acre tract in 1948 it was owned as one parcel by Jacqueline Brannen and/or her son, Don Lee Brannen. I previously made two affidavits concerning different parts of this 90 acre tract, both of which affidavits are recorded in the Office of the Judge of Probate of Shelby County, Alabama.

My first affidavit is dated April 5, 1974 and recorded in Miscellaneous Book 7, at Pages 734 - 737, in said Probate Records, and specifically describes the E½ of the E½ of the SW¼ of the SE¼ of said Section 8, but also concerns this entire 90 acre tract. My second affidavit is dated September 2, 1977 and recorded in Miscellaneous Book 21, at Pages 611 - 613, and specifically describes the W½ of the E½ and the E½ of the W½ of the SE¼ of the SE¼ of said Section 8, but also concerns this entire 90 acre tract. I hereby reaffirm all statements contained in these previous affidavits.

I know of my own personal knowledge that from 1948 continuously up to the present time all four corners and the outer boundary lines of the NE¼ of the SE¼ of said Section 8 and the SE¼ of the SE¼ of said Section 8 and the E½ of the E½ of the SW¼ of the SE¼ of said Section 8 have been prominently and notoriously marked. The basis for my personal knowledge concerning the locations of these ^{corners} and the marking of these

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outer boundary lines of the three separate parts of this 90 acre tract is due, in a large part, to my personal knowledge of 3 separate cuttings of timber from this 90 acre tract since I became familiar with it in 1948. First, in 1948 Jacqueline Brannen and Don Lee Brannen sold the timber in this entire 90 acre tract to Columbiana Heading Company and under this timber deed the timber was cut and removed from the entire 90 acre tract. Second, in 1954 Jacqueline Brannen sold the North 40 acres of this 90 acre tract, namely, the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$, to A. B. Brown, who does business as Shelby County Lumber Company, and in 1968 and 1969 I was involved with the sale of the timber on this 40 acre tract by Mr. Brown to my employer, Lewis B. Walker Pulpwood Company, and I marked all of the trees on this 40 acre tract that were not to be cut, following which all of the unmarked trees were cut and removed from this land. Third, in 1956 Jacqueline Brannen sold the middle 20 acres of this 90 acre tract, namely, the W $\frac{1}{2}$ of the E $\frac{1}{2}$ and the E $\frac{1}{2}$ of the W $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$, to Bertie Mae Swann and Elsie L. Swann, both of whom I had known for about 30 years prior to that time, and in 1969 I negotiated with the Swann sisters for the sale of their timber and they did sell the same to my employer, Lewis B. Walker Pulpwood Company, on this 20 acre tract following which I marked all timber/and it was thereafter cut and removed from this land. Further, I know of my own personal knowledge that there were no complaints, adverse claims or disputes about the title to the land involved in any of these timber sales either before, during or after the timber was cut and removed from the land.

I know of my own personal knowledge that from 1948 until the present time, Mrs. Jacqueline Brannen and her grantees and successors in title have been in continuous, exclusive, adverse, notorious, and hostile possession of all of the above described 90 acre tract and that from 1948 up until the present time no other person, firm or corporation has been in possession of any part of the above described 90 acre tract and that the title to said 90 acre tract has never been questioned or disputed in any way. I further know that since 1948 the ad valorem property taxes on the above described 90 acre tract have been assessed by either



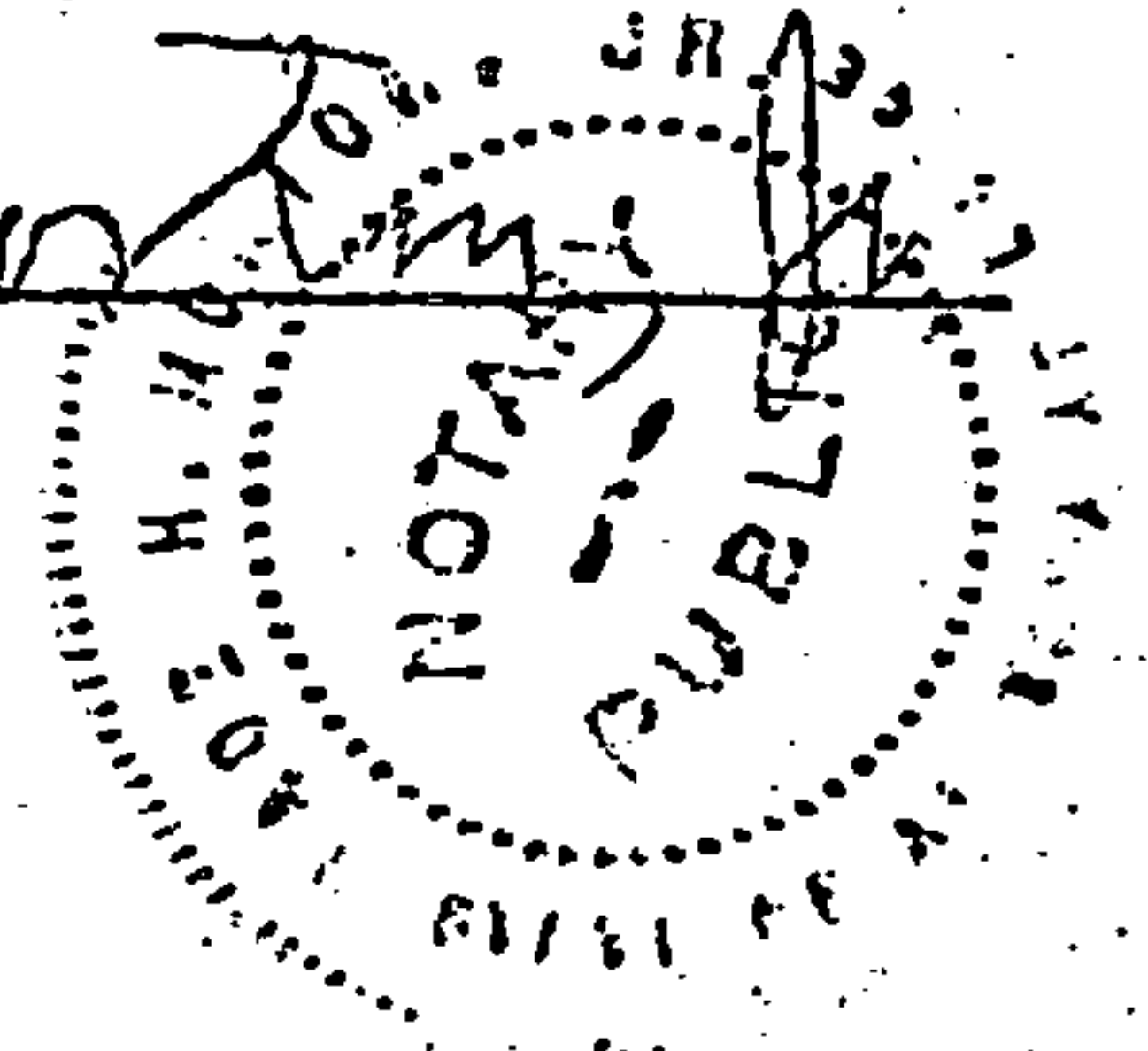
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Mrs. Jacqueline Brannen or her grantees and successors in title and paid by them and no other person, firm or corporation has assessed or paid taxes on any part of the above described 90 acre tract.

Cecil L. Hodgins
Cecil L. Hodgins

Sworn to and subscribed to before me on this 28th day of August, 1978.

Wade H. Morton, Jr.
Wade H. Morton, Jr.
Notary Public




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STATE OF ALA. SHELBY CO.
I CERTIFY THIS
INSTRUMENT WAS FILED

AUG 29 PM 1:48

John A. ...
JUDGE OF PROBATE

Rec. 450
Ind. 100
550


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