

STATE OF ALABAMA      )  
SHELBY COUNTY      )

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

My name is Claude Fulmer. I am 67 years of age and my residence mailing address is 5224 Caldwell Mill Road, Birmingham, Alabama 35243.

I have been a member of the New Hope Cumberland Presbyterian Church since 1938 and am presently serving as an elder of said church. I have attended church services on a regular basis and have lived in the area of the church property and been active in many areas of the church activities and ministries since 1938.

Said church was incorporated for legal purposes as the "New Hope Cumberland Presbyterian Church, Inc." on or about February 10, 1965 as shown in Incorporation Book 7 at pages 11 and 12, Office of Judge of Probate of Shelby County, Alabama.

Our church property was surveyed by Mr. Jimmy A. Gay, a Registered Land Survey of Coulter & Gay Engineers on or about October 5, 1978, and I am attaching hereto as Exhibit "A" and by reference hereto am making a part hereof a "Description of Lands of New Hope Cumberland Presbyterian Church, Inc. on October 5, 1978, According to Survey of Jimmy A. Gay, Registered Land Surveyor". Said lands as described were the lands which were owned, claimed, and possessed by said New Hope Cumberland Presbyterian Church, Inc. on October 5, 1978 and on said date, and for many years prior thereto, and at the present time, said lands contained the church sanctuary and the pastor's manse.

My wife has been a life-long member and a regular attendee of the New Hope Cumberland Presbyterian Church all of her life, and I have been familiar with the lands and properties of the church, and have been a member of said church since 1938.

It is my understanding from others who have known the church property longer than me that the original church building was moved approximately 50 or 60 feet in a Northeasterly direction to its present location in the early 1900's, but I know that said church building has been in its present position since 1938; of course, the church building has been improved, remodeled, and expanded since 1938, but it is in the same place now as it was in 1938. Likewise, the church manse has been in the exact same place, although it also has been improved, since 1938.

W. E. H. F.

The South boundary line of the church property was originally the Old Cahaba Valley Road, but the present road has been moved a time or two since 1938 in a Southerly direction, the present road being known as Alabama Highway No. 119. Our church has acquired title to a portion of property since 1978 to give us additional frontage on Highway 119.

The Northwestern boundary of the church property is the Old Caldwell Mill Road, which is now known as "Lee Street Drive", the New Caldwell Mill Road having been relocated in a Westerly direction; the Northeast boundary line is an old fence and hedge row that has been in place for many many years stretching from said Lee Street Drive to or near Alabama Highway No. 119; the most Westerly boundary line is a property line with individual owners, including Walter Maddox.

There was an elementary school which was operated in a building on the church property in 1930, and the public school operation continued until some 15 or so years ago when the building was torn down and removed, the students having been transferred to what is now Valley Elementary School in another location.

I know of my own personal knowledge that Mrs. Frances Johnston, nor anyone claiming through her, has not occupied or possessed the lands and properties of the New Hope Cumberland Presbyterian Church, Inc., as identified and described above, since 1930 until the present date, and that the New Hope Cumberland Presbyterian Church, Inc. has been in the actual, peaceable, exclusive, hostile, continuous, open, notorious, adverse possession of all of said property as described and identified above since 1930 until the present date.

I have been an elder in the New Hope Cumberland Presbyterian Church for the past 10 or 11 years.

Claude Fulmer  
Claude Fulmer

Sworn to and subscribed before me  
this 30 day of September, 1983.

Billie W. Pick  
Notary Public

DESCRIPTION OF LANDS  
OF

NEW HOPE CUMBERLAND PRESBYTERIAN CHURCH, INC.  
ON OCTOBER 5, 1978 ACCORDING TO SURVEY OF JIMMY A. GAY, REGISTERED LAND SURVEYOR.

Commence at the Southeast corner of the Northwest One Quarter of the Southeast One Quarter of Section 22, Township 19 South, Range 2 West; run thence in a Westerly direction along the South line of said Quarter-Quarter Section for a distance of 127.90 feet to the point of beginning; thence turn an angle to the right of 53 degrees, 51 minutes, 25 seconds and run in a Northwesterly direction along an old fence and hedge row for a distance of 577.64 feet to a point in a paved road; thence turn an angle to the left of 91 degrees, 18 minutes, and run in a Southwesterly direction along the center line of a paved road for a distance of 422.84 feet; thence turn an angle to the right of 8 degrees, 38 minutes and continue in a Southwesterly direction along the center line of a paved road for a distance of 70.58 feet; thence turn an angle to the left of 44 degrees, 43 minutes and run in a Southwesterly direction for a distance of 93.07 feet to the point of intersection of the mouth of a spring branch with the center line of Bishop Creek; thence turn an angle to the right of 83 degrees, 06 minutes and run in a Northwesterly direction for a distance of 23.33 feet along the center line of Bishop Creek; thence turn an angle to the left of 55 degrees, 25 minutes and run in the Southwesterly direction along the center line of Bishop Creek for a distance of 27.59 feet; thence turn an angle to the left of 46 degrees, 28 minutes, and run in a Southerly direction along the center line of Bishop Creek for a distance of 25 feet; thence turn an angle to the left of 18 degrees, 09 minutes, 15 seconds and run in a Southeasterly direction along the center line of Bishop Creek for a distance of 74.25 feet; thence turn an angle to the right of 35 degrees, 07 minutes, 15 seconds and run in a Southwesterly direction along the center line of Bishop Creek for a distance of 132.24 feet; thence turn an angle to the right of 13 degrees, 26 minutes and run in a Southwesterly direction along the center line of Bishop Creek for a distance of 68.87 feet to a point on the Northerly line of old Cahaba Valley Road; thence turn an angle to the left of 120 degrees, 29 minutes, and run in an Easterly direction along the Northerly right of way line of the Old Cahaba Valley Road for a distance of 113.96 feet; thence turn an angle to the right of 90 degrees, and run in a Southerly direction along the Easterly right of way line of the Old Cahaba Valley Road for a distance of 10 feet; thence turn an angle to the left of 90 degrees, and run in an Easterly direction along the Northerly right of way line of the Old Cahaba Valley Road for a distance of 99.60 feet; thence turn an angle to the left of 2 degrees, 18 minutes and run in an Easterly direction along the Northerly right of way line of the Old Cahaba Valley Road for a distance of 99.60 feet; thence turn an angle to the left of 89 degrees, 41 minutes and run in a Northerly direction along the Westerly right of way line of the Old Cahaba Valley Road for a distance of 10 feet; thence turn an angle to the right of 90 degrees and run in an Easterly direction along the Northerly right of way line of the Old Cahaba Valley Road for a distance of 499.32 feet; thence turn an angle to the left of 1 degree, 35 minutes, and run in an Easterly direction along the Northerly right of way line of the Old Cahaba Valley Road for a distance of 141.17 feet; thence turn an angle to the left of 120 degrees, 11 minutes, and run in a Northwesterly direction along the projection in a Southeasterly right of way line of an old fence and hedge row for a distance of 177.66 feet to the point of beginning.

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

1983 OCT -6 PM 3:48

*Thomas A. Shadburn, Jr.*  
JUDGE OF PROBATE

Rec 4.50  
Jud 1.00  
S.86