

STATE OF ALABAMA

SHELBY COUNTY

AFFIDAVIT OF ADVERSE POSSESSION

I, Ruth Kendrick, the undersigned, being first duly sworn, depose and say:

1. Prior to August 18, 1975, my husband, Bert C. Kendrick, and myself lived on the following described property for approximately fourteen (14) years which is the period that we owned it. On August 18, 1975, we sold the property to Flora B. Colley, Herman R. Colley (who has since changed his name to Pruett H. Colley) and his wife, Eddie Mae Colley, who have lived on this same property that we sold to them since that time up until this day, June 29, 1984, when they sold it to Andrew L. Simpson and wife, Nellie L. Simpson. The Colleys are relatives of mine and I have been in a position, during all the period of time that they lived on the property and, of course, during the time that I occupied it along with my husband, to know and be familiar with the nature, extent, use, and occupancy of the subject land described as follows:

Part of the SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 32, Township 17, South Range 1, East, and being more particularly described as follows:

Begin at a point on the north right of way line of the Central of Georgia Railroad, and the east line of the SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 32, Township 17, South Range 1, East, thence north along the east line of said $\frac{1}{4}$ $\frac{1}{4}$ Section 316.21 feet to the NE corner of the SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section, thence S 68°37' W 157.33 feet to the easterly right of way of Highway #25, thence S 5°35' W along said right of way, 90.1 feet, thence S 2°47' W along said right of way 180.06 feet, thence S 3° 09' E along said right of way 72.68 feet, thence S 10°47' E along said right of way 77.16 feet to the northerly right of way of Central of Georgia Railroad, thence N 34°50' E along said right of way 82.72 feet, thence N 43°46' E along said right of way 61.34 feet, thence N 50°02' E along said right of way 72.93 feet to the point of beginning. Containing 1.30 Acres.

2. During the stated period, besides living in the house that is constructed thereon, we, along with the Colleys, grew a garden on the property, cut the grass and maintained the property in a tenable condition. Our occupancy and that of the Colleys and our claim of title has been open, visible, continuous, notorious, peaceable, and adverse to all persons' claiming any interest in the land. There was no title recognized during the said period of time superior to ours. During all of said period of time, we and the Colleys occupied the premises without any hostile claim or interference from any person whatsoever. We paid the ad valorem taxes on the property each year when they came due.

3. The subject land has been claimed under deeds duly recorded in the office of the Judge of Probate of Shelby County, Alabama. Our deeds and the deeds of a predecessor in title erroneously described the property to be between Section lines 25 and 32 when in fact they should have stated the Section lines to be 32 and 33 which is the correct numbers. The boundary lines of the land are clearly defined on the property and to my knowledge there has never been any dispute or controversy respecting the

Vernon N. Schmitt

boundaries or location of the land.

Further, deponent saith not.

Ruth Kendrick
Ruth Kendrick



Sworn to and subscribed before me

this 28th day of June 1984.

Vernon N. Schmitt
NOTARY PUBLIC

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BOOK

STATE OF ALA. SHELBY CO. 63
I CERTIFY THIS
INSTRUMENT WAS FILED

1984 JUL -3 AM 11:32

Thomas W. Henderson, Jr.
JUDGE OF PROBATE

Rec. 500
Ind. 100
600