

State of Alabama
Shelby County

X
X
X

Affidavit of Adverse Possession

Before me the undersigned authority in and for the said State and County, personally appeared the undersigned Affiants, Lewis F. Kirkland and Helen S. Kirkland, husband and wife, who after being first duly sworn to speak the truth, depose and say as follows:

My full name is Lewis Edmond Kirkland and I am 67 years of age and my full name is Helen Louise Sharbutt Kirkland and I am 65 years of age, we are husband and wife and hereinafter are referred to collectively as "we" unless recited by individual name.

We presently reside in the city of Montevallo, Shelby County, Alabama and we reside on the real property conveyed by deed from Mae Trucks Brownlee et al to Lewis E. Kirkland and wife Helen S. Kirkland on October 22, 1958 and recorded in the office of the Judge of Probate, Shelby County, Alabama in deed book 196 at pages 323-327 inclusive and being the same real property that was conveyed by deed from Lewis E. Kirkland to his wife Helen S. Kirkland, dated January 8, 1980 and recorded in the office of the Judge of Probate, Shelby County, Alabama in deed book 324 at pages 641 and 642. Immediately upon delivery of the aforesaid deed on October 22, 1958 we took actual and exclusive possession of the real property described therein; and concurrent therewith, we took actual and exclusive possession of the following described parcel of real property with dimentions of 20 feet by 1022 feet, more or less, marked exhibit "A", attached hereto and made a part hereof as if fully recited herein.

Subsequent to taking possession of the real property marked exhibit "A" on October 22, 1958, we have maintained continuous, exclusive, adverse, notorious and hostile possession of all the parcel marked exhibit "A" from then up to the present time claiming the same adversely to all the world, except as to the interest, if any, of the city of Montevallo in the event the parcel of real property, marked exhibit "A" had been dedicated to the City of Montevallo prior to October 22, 1958. We are now informed and believe, and based upon such information and belief, and now know, that the City of Montevallo never acquired and does not now have, any legal title to the parcel

Helen S. Kirkland
266 Salem St. No.
Montevallo, Ala.
35115

BOOK C16 PAGE 739

of real property marked exhibit "A", although a natural gas line, which we gave permission to install, is located on the south side of said parcel of real property. Thus for more than 20 years prior to this date, we have been in actual, exclusive, open, notorious, hostile and continuous possession of all of the parcel of real property marked exhibit "A", claiming the same as our own against all the world, and as of October 22, 1953 we regarded ourselves as the absolute owners of the parcel of real property marked exhibit "A". Our claim of ownership and right of possession of said real property is not now or has it ever been since October 22, 1953 questioned or disputed by any legal action of any kind whatsoever.

We now claim the absolute ownership of the parcel of real property marked exhibit "A" in fee simple and know of no dispute of our title thereto and right of immediate possession thereof.

On January 8, 1980 Lewis E. Kirkland by deed conveyed to his wife Helen S. Kirkland all his interest in our real property described herein and where our residence is located in the City of Montevallo, Shelby County, Alabama and all as shown by deed of record in the office of the Judge of Probate, Shelby County, Alabama in deed book 324 at pages 641 and 642.

On January 12, 1985 Lewis E. Kirkland by deed conveyed to his wife, Helen S. Kirkland, all his interest in our real property described herein as exhibit "A" and all as shown by deed of record in the Office of the Judge of Probate, Shelby County, Alabama in deed record book 014 at page 972.

Lewis E. Kirkland

Lewis E. Kirkland

Helen S. Kirkland

Helen S. Kirkland

Sworn and subscribed to before me this 30th day of January, 1985.

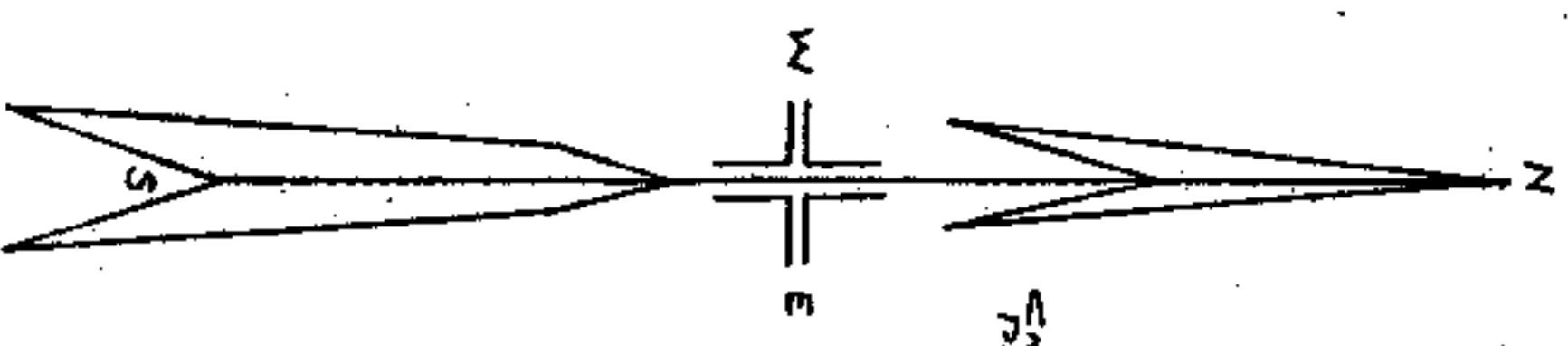
James H. Sharbutt

James H. Sharbutt, Circuit Judge, Retired

EXHIBIT A "A twenty (20) feet wide private access way or alley situated contiguous to the south and southeast side of the Helen S. Kirkland real estate described in the office of the Probate Judge Shelby County, Alabama in deed book 324 at pages 641 and 642 and also contiguous to the north and northwest side of the William J. Kinnerly (now deceased) real estate as described in the office of the Probate Judge Shelby County, Alabama in deed book 79 at page 109. The said twenty (20) feet wide private access way or alley runs from Moody Street in the City of Montevallo, Alabama northeasterly a distance of one thousand twenty two feet (1022), more or less, to Alabama State Highway 119 in the said city."

Witness to affiant's
signatures: *Lewis E. Kirkland*
James H. Sharbutt
Circuit Judge, Retired. *Helen S. Kirkland*

BOOK 016 PAGE 741



UNDEVELOPED PROPERTY

WOOLEY ESTATE

4.284 ACRES

STATE OF ALABAMA
SHELBY COUNTY
I, JOHN GARY RAY, A REGISTERED PROFESSIONAL ENGINEER, AND LAND SURVEYOR, IN SAID STATE DO HEREBY CERTIFY THAT I HAVE ESTABLISHED THE CORNERS OF THE 30' X 210' PARCEL OF LAND AS SHOWN HEREON BY JAMES L. RAY, JR., DEED, PG. 12, 1841.
WITNESSES MY HAND AND SEAL THIS 28TH DAY OF AUGUST, 1984.
John Gary Ray
JOHN GARY RAY
C.E.D.S. 12205

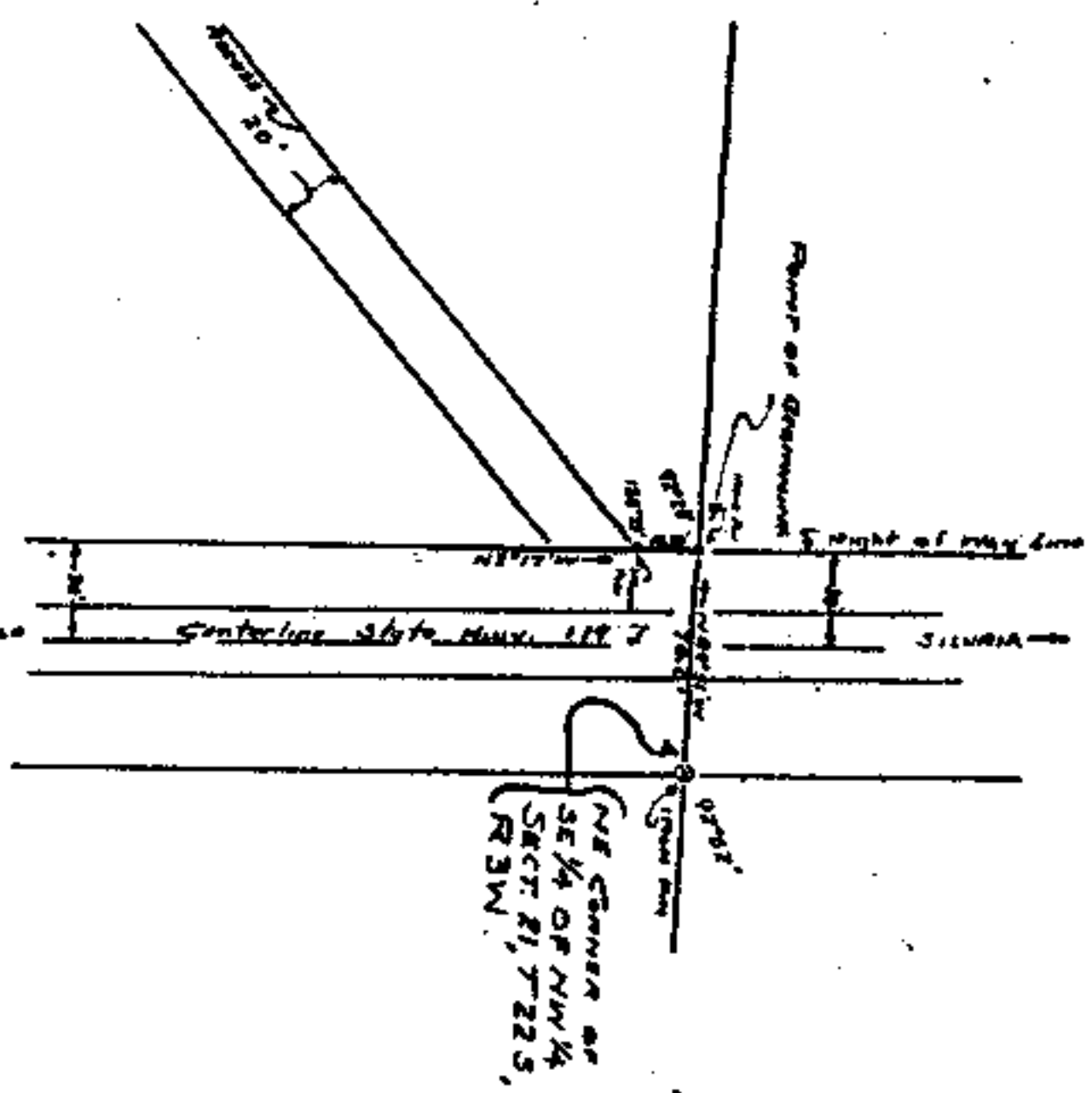
STATE OF ALA. SHELBY CO.
I CERTIFY THIS
INSTRUMENT WAS FILED

1985 FEB -1 AM 10:21

Thomas W. Henderson, Jr.
JUDGE OF PROBATE

Rec. 1000
Ind. 100
1100

BOOK 016 PAGE 742



STATE OF ALABAMA
SHELBY COUNTY
I, James L. Ray Jr., a registered Civil Engineer and Land Surveyor in the State of Alabama, hereby certify that the foregoing is a true and correct plat of certain property in Shelby County, Alabama more particularly described as:
Commencing at the NE Corner of SE 1/4 of NW 1/4, Sect. 21, Township 22 South, Range 3 West; thence, north 89° 51' 00\"/>

James L. Ray Jr.
Reg. C.E. & L.S. 1841