

AFFIDAVIT OF ADVERSE POSSESSION

STATE OF ALABAMA
SHELBY COUNTY

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

That he is over 65 years of age and has lived in the City of Helena, Shelby County, Alabama, continuously for over 50 years to the date of this Affidavit. That he became personally acquainted with T.S. Wallace in the 1920's. That T.S. Wallace was also known as Tom Wallace or Tommy Wallace.

The Affiant further states that when he first became aware of the property described as Lot 1 and the North half of Lot 2, in Block 14, according to Joseph Squire's Map of the Town of Helena, as recorded in Map Book 3, page 121, in the Office of the Judge of Probate of Shelby County, Alabama, it was owned by Mr. T.L. Wallace, the father of T.S. Wallace, and that the Affiant's father helped construct a store building on the property which Mr. T.L. Wallace used to conduct a grocery business. T.L. Wallace continued to use the store building for his grocery business, and used the adjacent lot next to the railroad and behind the building for parking and storage in connection with his grocery business, up to the time of his death in 1935.

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After the death of T.L. Wallace in 1935, his son, T.S. Wallace, conducted his own grocery business in the same building and made the same use of the adjacent lot for parking and storage. His grocery business was known by various names, including Wallace Cash Store, Shelby Food Store, and T.S. Wallace Grocery.

T.S. Wallace was in bad health in the early 1960's, and ceased to conduct his grocery business. Either he or his heirs (after his death in 1965) rented this property to various people to conduct businesses: Tom Fore (grocery); Beverly Stone (ceramic shop); and Ray Smith (welding shop for mining equipment). Each of these tenants used the building for his or her business and used the adjacent lot for parking and storage. The property has been vacant since the late 1970's.

During all this period of time, the Wallace family themselves or their tenants have been in actual, notorious, open, adverse, peaceful and exclusive possession of this property claiming to own the same since at least the 1920's. The affiant further states that during all this time he has never known or heard of anyone disputing the ownership of T.L. Wallace, T.S. Wallace, or the heirs of

of T.S. Wallace or of anyone else making any claim to any part thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on this
the 17 day of April, 1987.

Floyd Naish
Floyd Naish - Affiant

STATE OF ALABAMA
SHELBY COUNTY

Sworn to and subscribed before me on this the
17 day of April, 1987.

James Parise
Notary Public
My Commission Expires May 14, 1988

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

1987 JUN 29 AM 10:13

Thomas A. Swanson, Jr.
JUDGE OF PROBATE

RECORDING FEES

Recording Fee	\$ <u>5.00</u>
Index Fee	<u>1.00</u>
TOTAL	\$ <u>6.00</u>

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