

State of Alabama

County of Shelby

AFFIDAVIT OF ADVERSE POSSESSION

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

That he is over 21 years of age and is a resident of Shelby County, Alabama. That he became personally acquainted with Samuel H. Ramsey in June 1971. At that time I was working on a house for Mr. L. T. Bounds, and Mr. Ramsey and his wife Brenda purchased that house and some land from Mr. Bounds. Mr. Ramsey and his first wife and then his second wife Lavonne lived on this property continuously from June 1971 when he got his first deed until this past year. He used it as his permanent residence.

To the best of my knowledge, Mr. Ramsey bought several more pieces of land around his house from Mr. Bounds and from Lynn Argo, the administratrix of Mr. Bounds' estate. I believe he also got a deed from some people named Hallman. In any event, Mr. Ramsey claimed to own all of the land around his house, amounting to somewhere between 14 and 16 acres. I have seen a survey dated July 21, 1987, by Thomas E. Simmons, a copy of which is attached to this affidavit. The survey depicts what I know as Mr. Ramseys land that I have been referring to.

I observed this land about every week from June 1971 until July 5, 1976 when Mr. L. T. Bounds died. After that I observed it about once a month. I never saw anyone else on the land after June 1971 who claimed to own any interest

in it except Mr. Samuel H. Ramsey and his wife. I have never heard of anyone claiming to own any of this land after Mr. Ramsey got his deeds.

To the best of my memory, Mr. Ramsey put up fences around this property which are still there. He maintained these fences. He kept the property cleared, especially around the house, and cut the grass and brush. He bushhogged the rougher parts. He kept a few cattle on it and some horses. He and his wife have been in actual, open, peaceful, and exclusive possession of this property claiming to own it from the time they received their deeds to each part of it.

IN WITNESS WHEREOF I have hereunto set my hand and seal on this the 26 day of January, 1988.

Charles Payne  
Charles Payne

Sworn to and subscribed before  
me on this 26<sup>th</sup> day of January,  
1988.

Eva D. Mooney  
Notary Public



BOOK 169 PAGE 865

NW COR. of SW 1/4 - NW 1/4  
SEC. 36, T-20-S, R-2-W

STATE OF ALABAMA  
SHELBY COUNTY

I, Thomas E. Simmons, a registered Land Surveyor of Alabama, do hereby certify the foregoing to be a true and correct Map or Plat of the following described property:

Commence at the NW corner of the SW 1/4 of the NW 1/4 of Section 36, Township 20 South, Range 2 West, thence run South along the West line of said 1/4 for 423.91 feet, thence 86°00' left run 105.93 feet to the Point of Beginning, thence continue last described course for 620.09 feet to the centerline of a public road with a R/W of prescriptive width, thence 66°48' right run southerly along said road for 123.20 feet, thence 7°28' right run along said road for 108.97 feet, thence 3°25' right run along said road for 182.71 feet, thence 7°00' right run along said road 134.20 feet, thence 7°49' right run along said road 194.08 feet, thence 6°20' left run along said road 185.07 feet, thence 88°24'26" right run West 644.65 feet, thence 88°51'15" right run 976.18 feet to the Point of Beginning. Containing 14.39 Acres More or Less.

I, further certify that the building shown is within the boundary of said lot; that there are no encroachments from adjoining property except as may be shown; that there are no rights of way, easements or joint driveways across said property visible on the surface except as may be shown; that there are no electric or telephone wires (excluding those which serve the premises only) or structures, supports, poles, anchors, and guy wires on or over said property except as may be shown, and that I have consulted the F.I.A. Flood Hazard Maps and found that this property is not located in a designated special flood hazard area. According to my survey this 21st day of July, 1987.

*Thomas E. Simmons*  
Thomas E. Simmons LS12945  
224 Brentwood Drive  
Remlap, Alabama 35133  
Phone 681-4037

BOOK 169 PAGE 866

SCALE: 1"=100'

14.39 ACRES

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

88 FEB -3 AM 10:56

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

Recording Fee \$ 7.50  
Index Fee 1.00  
TOTAL \$ 8.50