

## AFFIDAVIT

We, the undersigned Fred H Frost, Jr and wife Mary Nell Gentry Frost, take oath and depose as follows:

We are familiar with the property located in the E corner of the intersection of Valley and Shelby Streets in Montevallo, given the address of 26 or 28 Valley St W, and more particularly described as:

## Parcel I

That certain lot or parcel of and located at the E corner of the intersection of Valley and Shelby Streets in the City of Montevallo, and more particularly described as follows: Commence at the said corner and run in a Northeasterly direction along the SE boundary of said Valley Street for 52½ feet; thence in a Southeasterly direction on a line 52½ feet from and parallel to Shelby Street, 150 feet to a point; thence in a Southwesterly direction on a line 150 feet from, and parallel to said Valley Street, 52½ feet to the NE boundary of said Shelby Street, thence in a Northwesterly direction along said NE boundary of Shelby Street, 150 feet, to the point of beginning.

## Parcel II

Begin on the S or SE margin of Valley Street at the point of intersection thereof with the line separating lots number 18 and 19, according to the original plan of the Town of Montevallo, Alabama, as recorded in the Probate Office of Shelby County, Alabama, and run thence Southeastwardly along the line separating said two lots 140 feet, thence in a Southwesterly direction parallel with Valley Street a distance of 22 feet, thence in a Northwesterly direction parallel with the line separating said lot 18 and said lot 19 a distance of 140 feet, to the SE margin of Valley Street, thence in a Northeasterly direction, along the S margin of Valley Street 22 feet to the point of beginning, said lot fronts 22 feet on Valley Street and runs back 140 feet of uniform width of 22 feet and is a part of lot 18 of said original plan of Montevallo, Alabama, situated in the County of Shelby.

## Parcel III

A certain tract of land more particularly described as follows: Commence on the SE margin of Valley Street at its point of intersection with the line dividing lots 18 and 19 according to the original plan of said town as recorded in the Probate Office of Shelby County, Alabama, and run thence in a Northeasterly direction along the SE margin of Valley Street 34 feet, thence in a Southeasterly direction parallel with the line separating said lots 18 and 19 a distance of 140 feet, thence in a Southwesterly direction parallel with Valley Street 34 feet to the line separating lots 18 and 19, thence run in a Northwesterly direction along the line separating said lots 18 and 19, 140 feet to the point of beginning. This parcel is part of Lot 19, according to the original plan of Montevallo, Alabama, and fronts 34 feet on Valley Street and runs back with uniform width 140 feet, situated in Shelby County Alabama.

We have owned this property since 1982, and before that it was owned by Fred H Frost, Sr.

*Steve Sears*

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Mr Frost Sr acquired this property in three parcels in 1939, 40 and 44 and in 1940 built a warehouse along the sidewalk of Shelby Street, most of which is within 25 feet of the street. A two floor brick building was also built on the property, in 1953, and both were used for many years as the Montevallo Lumber Company.

Mr Frost's possession of all this land was open, notorious, hostile to the interests of any other, and went unquestioned during his lifetime.

A low concrete wall separates this lot from a lot in the corner of Main and Shelby Streets formerly used as McCulley's Grocery Store and now used by the Spiller Furniture Company. The owners of this lot since the 1950's have been Mr. and Mrs. Ellis and Jennie Ruth Hoffman, their daughter Lois Cohn, and the Spillers. Never have any of them questioned the lot line or laid claim to a 25 foot strip along Shelby Street extending to Valley, or in any way challenged our or Mr. Frost's ownership of our lot as described above. Neither has anyone else.

We believe that a 1953 deed from Mrs Ella L Mitchell to the Hoffmans erroneously included a description of part of our lot--a 25 foot wide strip along Shelby Street. Mr. Frost Sr acquired this part of our lot from Mrs Mitchell in 1939. Mrs. Mitchell apparently also owned an adjoining lot on Main Street that she sold to the Hoffmans in 1953.

We did not question the property descriptions on our tax bills through the years. Our tax did not go down that we noticed, and we assumed that the ad valorem property taxes we have paid each year were for our entire lot, buildings included.

We swear that everything stated above is true. Done this 09 November 1988, at Montevallo.

Fred H. Frost, Jr  
Fred H Frost, Jr

Mary Nell Gentry Frost  
Mary Nell Gentry Frost

I, a notary public in and for the state of Alabama at Large, hereby certify that Fred H Frost, Jr and wife Mary Nell Gentry Frost, whose names are signed to the foregoing affidavit, and who are known to me, acknowledged before me on this day, that, being informed of the contents of the affidavit, they executed the same voluntarily on the day the same bears date.

Given under my hand an official seal this 09 November 1988.

Edna L. Lyle  
Notary public  
My Commission Expires September 16, 1991

STATE OF ALABAMA  
I CERTIFY THIS  
INSTRUMENT WAS FILED

89 JAN 12 PM 3:24

James H. Lyle  
JUDGE OF PROBATE

Rec'd 5.00  
Just 1.00  
6.00