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AFFIDAVIT OF POSSESSION

STATE OF ALABAMA
COUNTY OF JEFFERSON

THIS DAY PERSONALLY APPEARED BEFORE ME, the undersigned authority within and for the jurisdiction duly commissioned and acting, Robert L. Taylor, known to me to be credible, and who, after having been duly sworn, upon his solemn oath, DID DEPOSE AND SAY:

My name is Robert L. Taylor. I am sixty-four (64) years of age. I reside at 5319 Woodford Drive, Birmingham, Alabama 35242. I retired in the year 1989 as Manager-Southern Lands and Minerals, U. S. Diversified Group of USX Corporation after thirty-six (36) years of service. I was manager directly in charge of all land matters related to the property from the year 1971 to June, 1989. I held prior positions from 1953 to 1971 as a Junior Engineer, Chief Engineer and Land Negotiator. I have participated in land surveys and mapping on USX Corporation property. I am a Registered Engineer-Surveyor Number 2326 of the State of Alabama. I have now formed my own company and am presently under contract to USX Corporation as a consultant. I am familiar with the USX Corporation lands. Subject land is more particularly described as:

TOWNSHIP 21 SOUTH, RANGE 4 WEST

Shelby County, Alabama

All of Section 23.

USX Corporation acquired title to the subject land through various corporate mergers. The Tennessee Coal, Iron and Railroad Company (TCI) acquired fee simple title to the subject land by deed dated December 19, 1892, from the Cahaba Coal Mining Company. Said deed was filed of record with the Judge of Probate, Shelby County, Alabama, February 4, 1893, in Volume 17 of Deeds, Page 200, et. seq. TCI, et al, merged into United States Steel Company in the year 1951. Unites States Steel Company merged into United States Steel Corporation in the year 1953 and into USX Corporation in the year 1986.

The following activities constituting authority by USX Corporation (or its predecessors in title) occurred on the subject property in Section 23, Township 21 South, Range 4 West. The activity information was taken from the files of USX and is listed below under an appropriate heading and date.

<u>No.</u>	<u>Years</u>	<u>Road Leases</u>
(1)	December 16, 1968	Rights to construct, maintain and use a private heavy duty haul road for coal mining purposes were granted for a term of five (5) years to A. E. Burgess Company, Inc. across several miles of USX interests including the N $\frac{1}{2}$ of NE $\frac{1}{4}$; the SW $\frac{1}{4}$ of NE $\frac{1}{4}$; the S $\frac{1}{2}$ of NW $\frac{1}{4}$ and the NW $\frac{1}{4}$ of SW $\frac{1}{4}$.
(2)	(1961-63)	Rights to use of private road by Clarice Luck and Harris Gordon across USX for access purposes to adjoining property.

McKenzie

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- (3) (1954-59) Rights for use of private road by Paul Luck and Harris Gordon across USX for access purposes to adjoining property.
- (4) (1943) Agreement dated November 30, 1943, between Tennessee Coal, Iron and Railroad Company and Paul O. Luck and Lena Brewer, whereby TCI granted Luck and Brewer the right to install, maintain and use a private vehicular road over lands of USX, as described in the agreement of November 30, 1943, including the N $\frac{1}{2}$ of NE $\frac{1}{4}$ of Section 23, Township 21 South, Range 4 West.

Timber Sales Cutting Contracts of USX

<u>No.</u>	<u>Dates</u>	<u>Cutting Entity</u>	<u>Location in Section 23 Township 21 South, Range 4 West</u>
(1)	1989	Seaman Timber Co.	SW $\frac{1}{4}$
(2)	1975	Kimberly-Clark	N $\frac{1}{2}$ of SW $\frac{1}{4}$ & S $\frac{1}{2}$ of NW $\frac{1}{4}$
(3)	1975	Belcher Lumber Co.	SE $\frac{1}{4}$, E $\frac{1}{2}$ of SW $\frac{1}{4}$; S $\frac{1}{2}$ of NE $\frac{1}{4}$ & SE $\frac{1}{4}$ of NW $\frac{1}{4}$.
(4)	1974	Seaman Timber Co.	NE $\frac{1}{4}$ and NW $\frac{1}{4}$
(5)	1973	Kimberly-Clark	West half of NW $\frac{1}{4}$
(6)	1966	J. T. McMillan	NW $\frac{1}{4}$ and the NW $\frac{1}{4}$ of NE $\frac{1}{4}$
(7)	1966	Clarence Ammons	NE $\frac{1}{4}$; the E $\frac{1}{2}$ of NW $\frac{1}{4}$; and the SW $\frac{1}{4}$ of NW $\frac{1}{4}$
(8)	1966	J. G. Marquess	S $\frac{1}{2}$ of NE $\frac{1}{4}$; N $\frac{1}{2}$ of SE $\frac{1}{4}$ & the SE $\frac{1}{4}$ of SE $\frac{1}{4}$.

Re-forestation Activity by USX

<u>No.</u>	<u>Dates</u>	<u>Activity</u>	<u>Location in Section 23 Township 21 South, Range 4 West</u>
(1)	1982	Shearing	SE $\frac{1}{4}$; SW $\frac{1}{4}$; S $\frac{1}{2}$ of NW $\frac{1}{4}$; & the S $\frac{1}{2}$ of NE $\frac{1}{4}$
(2)	1972	Aerial Spraying	SE $\frac{1}{4}$ of NE $\frac{1}{4}$ and the NE $\frac{1}{4}$ of SE $\frac{1}{4}$.

Electric Power Transmission Line

- (1) December 27, 1915 Tennessee Coal, Iron and Railroad Company (called TCI and predecessor in title to USX Corporation) conveyed to Alabama Power Company (APC) by agreement the right to construct, maintain and use upon TCI interests a line of wires and poles for the purpose of transmitting electric power. The APC transmission line, known as the Helena-Blocton 44 kv transmission line, traverses several section of USX interests including (as described in the agreement of 12/27/15) the NW $\frac{1}{4}$ of NE $\frac{1}{4}$; the NE $\frac{1}{4}$ of NW $\frac{1}{4}$; and the S $\frac{1}{2}$ of NW $\frac{1}{4}$ of Section 23, Township 21 South, Range 4 West.
- (2) July 17, 1918 - Agreement dated July 17, 1918 between Tennessee Coal, Iron and Coal Company and Alabama Power Company whereby TCI granted to Alabama Power the right to install, maintain and use electric power transmission lines carrying 44,000 volts northwesterly from the electric power transmission line heretofore installed and known as the "Helena-Blocton" line over lands of USX, as described in the Agreement of July 17, 1918, including the West half of the NW $\frac{1}{4}$ of Section 23, Township 21 South, Range 4 West.

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- (3) June 11, 1945 - Agreement dated June 11, 1945, between Tennessee Coal, Iron and Railroad Company (TCI) and Alabama Power Company whereby TCI granted Alabama Power the right to construct, operate and maintain a line of electric power transmission wires on USX lands located in the NE $\frac{1}{4}$ of NW $\frac{1}{4}$ and the NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 23, Township 21 South, Range 4 West.

Coal Mining and Gas Leases - USX, as Lessor

- (1) June 1, 1971 - United States Steel Corporation, (owner and predecessor in title to USX Corporation), and Black Diamond Coal Mining Company as a contractor, entered into a initial contract of one (1) year whereby the contractor agreed to mine by strip mining methods, transport, wash and load coal into railroad cars for delivery to the owner's Fairfield, Alabama Coke Plant.

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The Coal interest of the owner mined by the contractor included several thousand acres in Bibb and Shelby Counties, Alabama, including ownership of USX Corporation in Section 23, Township 21 South, Range 4 West.

The contract between USX Corporation and Black Diamond Coal Mining Company was extended each year from June 1, 1971 ending December 6, 1977.

- (2) November 1, 1977 - United States Steel Corporation (owner and predecessor in title to USX Corporation) and Burgess Mining and Construction Company, as a contractor entered into a four (4) year agreement which was terminated early on December 31, 1990, whereby the contractor agreed to mine by strip mining methods and to transport, wash and load coal into railroad cars or trucks for delivery to the owner's (USX) coke plant located in Fairfield, Alabama.

The Coal interests of the owner (USX) mined by the contractor included several thousand acres in Bibb and Shelby Counties, Alabama, including ownership of USX Corporation in Section 23, Township 21 South, Range 4 West.

- (3) September 30, 1988 - USX Corporation and McKenzie Methane Corporation entered into an Agreement whereby McKenzie was given six (6) months option rights for production of coalbed methane on approximately 55,000 acres of USX. The option was exercised on all acreage including the USX interest in Section 23.

The boundaries of said land have been well defined and there has been no dispute or controversy with respect to the correct location thereof, but on the contrary, they have been well established. The surveyors/engineers for the Tennessee Coal, Iron and Railroad Company (TCI) undertook in 1907 the task of retracing the footsteps of the deputy surveyor for the USA in Section 23, Township 21 South, Range 4 West of the Huntsville Principal Meridian. The surveyors for the USA had surveyed and marked the land lines and placed corners in this Section 23 subsequent to the acceptance of Alabama Statehood in 1819.

The assistant engineer, J. W. Gwinn, of TCI resurveyed and re-established the government land lines by marking trees with hacks and blazes and placing prominent iron corners at the government section corners. Gwinn surveyed,

marked, placed line and interior corners, as required, and prepared a final section plat of his re-surveys in September, 1907.

The index of all past and present surveys, records and maps are on file in the offices of Southern Lands and Minerals of USX Corporation in Fairfield, Alabama.

No churches, schools or cemeteries have ever existed on the subject property to the best knowledge of the affiant.

Except as otherwise noted herein above, during all of said period of time, the land described has been actually occupied as stated above, and such occupancy and claim of title has been open, visible, notorious, continuous, peaceable, exclusive and hostile to all of the world and those claiming said lands, as aforesaid, have recognized no title superior to theirs during all of said period of time and the aforesaid occupants of said land have cultivated and enjoyed the same and have exercised exclusive acts of ownership of the same and have appropriated any rents, income and revenues during all of said period of time, without any hostile claim or interference from any source whatsoever, so as to put the true owner on notice that the land is held upon an adverse claim of ownership, and that said possession has been continuous for at least the last thirty-six (36) years, and the aforesaid property has been commonly known in the surrounding area as the property of said person in possession of said property at that time.

I have read the above and foregoing affidavit and all facts and matters set out therein are true and correct to the best of my knowledge and belief.

Witness my signature this the 26th day of MARCH, 1990.

STATE OF ALABAMA
I CERTIFY THIS
INSTRUMENT WAS FILED

90 NOV 16 AM 10:00

JUDGE OF PROBATE

10.00
3.00
1.00

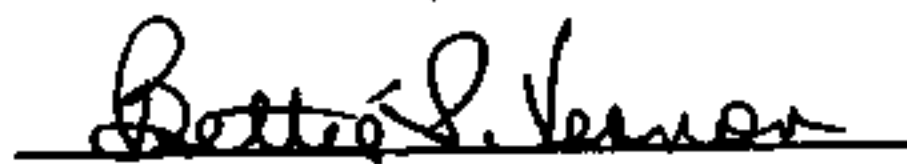
14.00



Robert L. Taylor

STATE OF ALABAMA)
COUNTY OF JEFFERSON)

Personally appeared before the undersigned, a Notary Public, in and for said County in said State, Robert L. Taylor, who being by me first duly sworn, says that the above and foregoing Affidavit and the facts stated therein are true and correct according to the best of his knowledge, information and belief. Given under my hand and official seal, this 26th day of MARCH, 1990.



Notary Public

My Commission Expires: 3-16-92