

STATE OF ALABAMA

SHELBY COUNTY

AFFIDAVIT

Personally appeared before me, a Notary Public, in and for said County and State, Charles Seales, who is known to me, and who being by me first duly sworn, deposes and says as follows:

1. I am 65 years of age, of sound mind, and the brother of Bobby Joe Seales.

2. A copy of an Affidavit purportedly signed by my said brother on December 21, 1993, and purportedly recorded on December 31, 1993 in the Probate Office of Shelby County, Alabama as Instrument 1993-41002, is attached hereto as Exhibit "1".

3. The legal description appearing as Exhibit "A" to my brother's said Affidavit is an incorrect and inaccurate legal description of the property actually owned by my said brother or owned by my mother, Naomi Seales, my father, C. A. Seales, or any other member of my family.

4. The predecessors in title to the property actually owned by my said brother were my mother and father.

5. I personally resided on the Exhibit "A" property with my mother and father for approximately 11 years, beginning April

Inst # 1994-10170

03/29/1994-10170  
10:06 AM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
006 MCD 21.00


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13, 1943 and ending in 1954. In 1954, I moved from the residence located on what is now my said brother's property, directly across Shelby County Highway No. <sup>339</sup>~~329~~ into a residence which I have occupied regularly and continuously subsequent to the date I moved. From April 13, 1943, I have been and continue to be personally familiar with the property as owned by my parents, and my family as well as the locations of the boundary lines of said property, and the manner in which said property has been used, maintained and possessed. There were occasions during this 51 year period when one or more members of the Pfeiffer family gave me and/or my family temporary permission to do certain things and perform certain acts on an approximate 30 foot by 330 foot portion of the Pfeiffer property located in the southwest section of the Pfeiffer land which adjoined the southeastern line of our family property. Some of these temporary and permissive uses included bushhogging kudzu, planting and cultivating a vegetable garden and cutting grass during the summer months. None of these activities upon the Pfeiffer land was without the permission of the Pfeiffers and none of these activities were done in a hostile or adverse way. Neither my parents nor I have ever claimed to have any possessory or ownership interest in or to any of the Pfeiffer land.

6. Approximately nine (9) or ten (10) weeks ago, I observed Mrs. Arlene Pfeiffer with her surveyor and fencing company surveying the Pfeiffer property, particularly the

southwest corner of said property which adjoined my said brother's property. I also observed the fencing company place its posts and fencing along a portion of the western boundary line of the property between the Pfeiffer property and my brother's property. The posts for this fence as placed by Mrs. Arlene Pfeiffer's fencing company were located approximately one (1) foot inside of and upon the Pfeiffer lands and said fence in no way encroaches upon my said brother's property.

7. This affidavit is made for the purpose of placing the world on notice that the claims and assertions of my brother, Bobby Joe Seales, as recited in his aforesaid Affidavit, are incorrect and inaccurate. This affidavit is made for the additional purpose of verifying and confirming the ownership of the Pfeiffer family in and to all of the real estate located east of the fence and posts recently installed by Mrs. Arlene Pfeiffer's fencing company as recited hereinabove.

  
CHARLES SEALES

STATE OF ALABAMA  
COUNTY OF SHELBY

Before me, the undersigned, a Notary Public in and for said County in said State, personally appeared Charles Seales, who is known to me, and who being informed of the contents of this Affidavit, he executed the same voluntarily on the day the same bears date.

Given under my hand and seal, this the 17<sup>th</sup> day of March, 1994.

 (SEAL)  
Notary Public  
My Commission expires: 10/29/96

JAN-24-1994 12:19 FROM

TO

9-8701415 P.02

THE STATE OF ALABAMA  
SHELBY COUNTY

AFFIDAVIT

Personally appeared before me, the undersigned authority, a Notary Public in and for said State and County, Bobby Joe Seales, who is known to me and who being by me first duly sworn, deposes and says on oath:

That your Affiant is the owner of the real property which is described in Exhibit "A", which is attached hereto and expressly incorporated herein by reference. Said property is improved by a single-family residence located thereon. Your Affiant and his parents have resided on the subject property at all times since 1945. Your Affiant's family has been in actual, peaceful, open, notorious, hostile, and uninterrupted possession of said property since 1945. The said real property was conveyed to Wilburn A. Seales, Jewel M. Brasher, David L. Seales, and Bobby Joe Seales. Your Affiant has received a conveyance from all the owners of said real property and your Affiant is now the sole and only owner of said real property.

In addition to the residence located on said real property, there has been a chicken house, garage and storage building. Your Affiant and his predecessors in title have claimed to be the owners of said real property since 1945. Your Affiant and his predecessors in title maintained the chicken house until it burned in 1985 and have continued to maintain the property by cutting grass and maintaining the yard. No one has ever questioned your Affiant or his predecessors in title to said real property. Said

Inst # 1993-41002

P.O. Box 89  
A. DeBuster, A

12/21/1993-41002  
12:52 PM CERTIFIED  
CLERK OF PROBATE



JAN-24-1994 12:20 FROM

TO

9-8701415 P.03

real property fronts onto east side of Shelby County Highway No. 339 (Massey Road) and is located in the Saginaw-Camp Branch area of Shelby County, Alabama.

This Affidavit is made for the purpose of placing the world on notice of your Affiant's claim and interest in and to said real property.

Bobby Joe Seales  
BOBBY JOE SEALES

Sworn to and subscribed before me on this the 21<sup>st</sup> day of December, 1993.

James W. Lyon  
NOTARY PUBLIC  
My Commission Expires: MY COMMISSION EXPIRES DECEMBER 19, 1994

JAN-24-1994 12:20 FROM

TO

9-8721415 P.04

EXHIBIT "A"

COMMENCE AT THE SOUTHWEST CORNER OF THE NW 1/4 OF THE SW 1/4 OF SECTION 8, T-21S, R-2W; THENCE PROCEED IN A NORTHERLY DIRECTION ALONG THE WEST BOUNDARY OF SAID 1/4 1/4 FOR A DISTANCE OF 66.0 FEET TO A POINT; THENCE TURN AN ANGLE OF 91 DEGREES 43' 22" TO THE RIGHT AND RUN ALONG A LINE WHICH IS PARALLEL TO THE SOUTH LINE OF SAID 1/4 1/4 FOR A DISTANCE OF 142.53 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF SHELBY COUNTY ROAD NO. 339 (MASSEY ROAD), SAID POINT BEING THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE ALONG THE LAST COURSE FOR 207.47 FEET TO A POINT; THENCE TURN AN ANGLE OF 91 DEGREES 43' 22" TO THE LEFT AND RUN 330.48 FEET; THENCE TURN AN ANGLE TO THE LEFT OF 90 DEGREES AND RUN IN A WESTERLY DIRECTION FOR 30 FEET, MORE OR LESS, TO A POINT ON THE EAST R.O.W. LINE OF SAID COUNTY ROAD; THENCE TURN AN ANGLE OF 157 DEGREES 36' 15" TO THE LEFT AND PROCEED ALONG SAID R.O.W. ALONG A CURVE TO THE RIGHT, CONCAVE NORTHWESTERLY AND HAVING A CENTRAL ANGLE = 11 DEGREES 02' 37" AND A RADIUS = 984.93 FEET, FOR AN ARC DISTANCE OF 189.84 FEET TO A POINT; THENCE TURN AN ANGLE OF 90 DEGREES TO THE LEFT AND RUN 10.0 FEET; THENCE TURN AN ANGLE OF 90 DEGREES TO THE RIGHT AND RUN 113.20 FEET; THENCE CONTINUE ALONG SAID R.O.W. ALONG A CURVE TO THE LEFT, CONCAVE SOUTHEASTERLY AND HAVING A CENTRAL ANGLE = 4 DEGREES 57' 09" AND A RADIUS = 778.51 FEET, FOR AN ARC DISTANCE OF 67.29 FEET TO THE POINT OF BEGINNING. SAID PARCEL IS LYING IN THE NW 1/4 OF THE SW 1/4, SECTION 8, T-21S, R-2W, AND CONTAINS 2.0 ACRES, MORE OR LESS.

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