

STATE OF ALABAMA)
)
SHELBY COUNTY)

AFFIDAVIT OF SHERMAN HOLLAND, JR.

Before me, the undersigned, a Notary Public in and for said County, in said State, personally appeared Sherman Holland, Jr., to me known, who after first being duly sworn, deposes and says as follows, to-wit: "My name is Sherman Holland, Jr., and I am a resident of Shelby County, Alabama. On December 31, 1976, I purchased from Martin Marietta Corporation, along with numerous other parcels, the following described real property situated in Shelby County, Alabama, to-wit:

A parcel of land situated in the NE 1/4 of the NE 1/4 of Section 35, Township 20 South, Range 3 West in Shelby County, Alabama and being more particularly described as follows:

Commence at the SW Corner of the NE 1/4 of the NE 1/4 of Section 35, Township 20 South, Range 3 West; thence run easterly along the south line of said 1/4-1/4 section a distance of 920.46 feet to a point on the northwesterly right-of-way line of the CSX Transportation Railroad right-of-way line; thence left 83 degrees 17 minutes 00 seconds along said right-of-way a distance of 154.88 feet to the POINT OF BEGINNING; thence continue along said right-of-way and the last described course a distance of 200.00 feet to a point on the southwesterly right-of-way line of Shelby County Highway No 66 (80' R.O.W.); thence left 83 degrees 12 minutes 00 seconds along said right-of-way a distance of 201.42 feet; thence left 96 degrees 48 minutes 00 seconds and leaving said right-of-way a distance of 223.85 feet; thence left 90 degrees 00 minutes 00 seconds a distance of 200.00 feet to the Point of Beginning.

As part of the payment for the above described property, I, along with my wife, executed a purchase money mortgage to Martin Marietta Corporation, which said mortgage is found of record in Mortgage Book 361, Page 241, in the Probate Office of Shelby County, Alabama, and this mortgage was amended by an instrument found of record in Mortgage Book 426, Page 897, in the Probate Office of Shelby County, Alabama.

The above described mortgaged had scheduled repayment with annual payments, a part of the mortgaged property being released with each installment payment. I believe there were a total of five (5) payments and five (5) partial releases, which are of record. These five partial releases were intended to release all of the property I purchased from Martin Marietta Corporation, and if any part of the real property covered by said mortgage and the amendment thereto are not yet released on the public record, it is by oversight, not that any money remains unpaid to Martin Marietta Corporation. I know that the mortgage has been fully paid for more than ten (10) years, and that in the more than ten (10) years since the last payment was made, Martin Marietta Corporation has made no claim against the above described property or any of the other property I purchased from them and no effort to collect any other, further or additional money from me.

Since the final mortgage payment was made to Martin Marietta Corporation more than ten (10) years ago, I have exercised all of the incidents of ownership to this property, having paid the real estate taxes thereon and have been in continuous, open, notorious, exclusive possession of the said property hostile to the claims of all parties. No one has ever made any claim to this property and my ownership has remained unquestioned for more than ten (10) years

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without recognition, by me, of any debt, encumbrance or superior title.

I am aware the reason for this affidavit is to induce The Title Group Incorporated to issue an owners policy of title insurance, without the herein described mortgage being shown as an exception in such final policy. I again certify and warrant that I have paid the entire indebtedness due under said mortgage more than ten (10) years ago, that in that time Martin Marietta Corporation has made no claim or demand on the land or on me for any additional payment. If the property was, in fact, not released by any of the five (5) partial releases, it is an oversight, and not an indication that any of the indebtedness remains unpaid."

IN WITNESS WHEREOF, I have hereunto set my hand and seal this the 18th day of November, 1994.


Sherman Holland, Jr.

Sworn to and subscribed before me on this the 18th day of November, 1994, as witness my hand and official seal of office.


Notary Public

This instrument was prepared by:

✓ John Burdette Bates, Attorney at Law
#10 Office Park Circle, Suite 122
Birmingham, Alabama 35223

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