

THIS INSTRUMENT WAS PREPARED BY: ✓ MIKE T. ATCHISON, ATTORNEY
P.O. BOX 822
COLUMBIANA, ALABAMA 35051

STATE OF ALABAMA
SHELBY COUNTY

AFFIDAVIT

Before me, the undersigned authority, a Notary Public, and for said County, in said State, personally appeared Sam Hixson who after being by me first duly sworn, deposes and says on oath as follows:

My name is Sam Hixson and I am over the age of 21 years, and am familiar with the following described property:

The NE 1/4 of the NE 1/4, Section 20, Township 21 South, Range 2 West, formerly known as the Cardwell property. Also, the S 1/2 of NW 1/4 of Section 21, Township 21 South, Range 2 West, formerly known as the Durden property.

It has been brought to my attention that there is a right of way 30-feet in width which crosses the above described property. The right of way is described in Deed Book 17, Page 537, in the Probate Office of Shelby County, Alabama. The property which the right of way crosses is currently part of Merry Fox Farms Subdivision.

I issue this affidavit to establish that the right of way in question is not in use and has not been in use for 43 years. There are no railroad ties or rails currently located on said right of way. There are trees growing in the middle of said right of way. This right of way was abandoned approximately 43 years ago when Southern Stone stopped their quarry operation in adjacent Section 21, Township 21 South, Range 2 West, Shelby County, Alabama.

Further the affiant saith not.

Sam Hixson

Sworn to and subscribed to before me
this 16 day of February, 1996.

Mark T. Atchison
Notary Public

Inst # 1996-05146

02/16/1996-05146
02:44 PM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
001 MCD 8.50

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