

State Of Texas

County Of Shelby

**AFFIDAVIT**

Before me, the undersigned authority, personally appeared Richard J. Thompson, who being duly sworn, deposes and says as follows:

(1) My name is Richard J. Thompson. On November 12th, 1982 I purchased from Birmingham Trust National Bank the following described real estate located in Shelby County, Alabama as evidenced by deed recorded in Book 343, Page 719 in the Probate Office of Shelby County, Alabama, to wit:

The NE 1/4 of the NE 1/4 of Section 7, Township 21 South, Range 2 West, Shelby County, Alabama.

The S 1/2 of the SE 1/4 of the SE 1/4 of Section 6, Township 21, Range 2 West, the E 1/2 of the NW 1/4 of the NW 1/4 of Section 7, Township 21, Range 2 West, all situated in Shelby County, Alabama.

Less and except that portion of the NE 1/4 of the NE 1/4 of Section 7, Township 21 South, Range 2 West, in Shelby County, Alabama, as contained in a deed to Southern Stone Company, Inc. as evidenced by deed recorded in Volume 313, Page 103 in the Probate Office of Shelby County, Alabama.

(2) Upon acquisition of this real estate I was aware that a previous owner, with full authority, had executed and conveyed a sixty (60) foot right of way for perpetual public use with all rights and privileges for full use including the right to build and construct a road, placement of utilities and ingress and egress of said property.

(3) A copy of the survey and description completed by Frank S. Hollis & Associates (Reg. # 9323) dated December 9, 1976, accurately describes the sixty (60) foot right of way in the portion labeled "Road Description No.1 - 60 Foot Wide Road Right Of Way" This survey is attached hereto and made part hereof as "Exhibit A" of this affidavit. A second survey dated October 9, 1984 by James A. Riggins (Reg. # 9428) providing a legal description of said existing sixty (60) foot right of way is also attached hereto and made part hereof as "Exhibit B" of this affidavit. Attached hereto and made part of hereof as "Exhibit C" of this affidavit is a right of way deed executed by Parker Supply Co., Inc. on August 21, 1978 granting and describing the sixty (60) foot right of way for public use.

(4) The entire road right of way as shown on "Exhibit A" beginning at County Road # 339 and passing through the property I had purchased, as well as Southern Stone Co., Inc. property (now known as Dravo Lime Co.) to State Highway 31, was widely known and openly used by the public and the county for school bus travel prior and subsequent to my purchase of the property.

(5) I sold the aforementioned property on July 9, 1992 to Frank T. Manfre and Reba S. Manfre with the purchaser being aware of the existing road right of way as it is noted on the survey provided at closing as well as being part of the deed showing conveyance was subject to Ingress and Egress to and from caption lands.

Given under my hand and seal this 7 day of March, 1997.

Richard J. Thompson  
Richard J. Thompson

Sworn to and subscribed before me this 7 day of March, 1997.

Patsy A. Tieken  
Notary Public

My Commission Expires 1-24-99  
PATSY A. TIEKEN  
Notary Public, State of Texas  
My Commission Expires 1-24-99



Inst # 1997-12576

04/23/1997-12576  
10:59 AM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
008 MCD 26.00

Inst # 1997-12576

# EXHIBIT A

SCALE  
1" = 200'

THE MEAD CORPORATION

A=298.98'  
1760.75'

115.72'

35  
A=197.41'  
117.56'

579°13'12"W  
392.56'

Δ=13032.57'  
7: 11600'  
E2: 1473.15'  
A: 348.37'

490.05'

50' WIDE ROW  
560°40'15"W  
815.05'

SE 1/4 of NW 1/4



C. H. FULTON  
&  
W. S. PRITCHARD

JOHN M. BENTON

127.06'

267.90'

S81°46'13"W

N87°19'42"W

N85°49'20"W

511.38

468.60

659.07

A=1105.59-05

T=234.30

EE=2436.70

A=467.16

A=1126-22

T=234.30

EE=10,869.72

A=468.58

120.00  
7.00  
44.70  
A=5.00

SW1/4 of NE1/4

421507 50  
F=151.00  
R=805.43  
A=146.60





A=195.75'  
388.67'  
A=195.73'  
E.R. 369.90'  
E. 100'  
Δ=30°15'21"

559.80  
S14°58'44"W  
588.80  
NW1/4 of SW1/4  
Sec. 7-T21S-R2W

THE MEAD CORPORATION

A=193.17'  
E.R. 507.02'  
E. 100'  
Δ=30°15'21"

117.24  
S81°08'13"W  
586.08

A=186.20'  
E.R. 2839.09'  
E. 100'  
Δ=30°15'21"

527°38'35"W  
503.01  
E. 100'  
Δ=30°15'21"

A=298.90'  
E.R. 1700.75'  
E. 100'  
Δ=30°15'21"

117.72  
S27°51'55"W  
555.55

A=141.11'  
E.R. 1100.00'  
E. 100'  
Δ=30°15'21"

117.56  
S74°13'12"W  
592.56

A=348.37'  
E.R. 1473.15'  
E. 100'  
Δ=30°15'21"

5490.05  
S50°51'18"W  
518.51

SW1/4 of NW1/4

THE MEAD CORPORATION

SE1/4 of NW1/4

EXHIBIT "B"  
USSJ

OCTOBER 9-1984

THE FOLLOWING IS A TRUE AND CORRECT DESCRIPTION OF A SURVEY FOR A PROPOSED ROAD LOCATED IN SECTION 7, TOWNSHIP 21 SOUTH, RANGE 2 WEST, AND BELONGING IN PART TO RICHARD THOMPSON AND IN PART TO DRAGO LIME COMPANY, DESCRIBED AS FOLLOWS:

COMMENCE AT THE N.E. CORNER OF SECTION 7, TOWNSHIP 21 SOUTH, RANGE 2 WEST AND GO SOUTH ALONG THE EAST BOUNDARY OF SECTION 7 FOR 961.21 FEET TO THE POINT OF BEGINNING OF SAID PROPOSED ROAD; THENCE A STRIP OF LAND UNIFORM IN WIDTH AND 30.00 FEET EITHER SIDE OF A LINE AS FOLLOWS: GO S 30° 20' W FOR 130.09 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT; SAID CURVE HAVING A CENTRAL ANGLE OF 27° 57' AND A RADIUS OF 328.68 FEET; THENCE ALONG THIS CURVE FOR 159.71 FEET; THENCE S 58° 17' W FOR 75.46 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT; SAID CURVE HAVING A CENTRAL ANGLE OF 34° 52' AND A RADIUS OF 676.58 FEET; THENCE ALONG THIS CURVE FOR 411.35 FEET; THENCE N 86° 51' W FOR 1206.70 FEET TO THE BEGINNING OF A CURVE TO THE LEFT; SAID CURVE HAVING A CENTRAL ANGLE OF 14° 01' AND A RADIUS OF 1432.68 FEET; THENCE ALONG THIS CURVE 350.41 FEET; THENCE S 79° 08' W FOR 249.48 FEET TO THE BEGINNING OF A CURVE TO THE LEFT; SAID CURVE HAVING A CENTRAL ANGLE OF 21° 18 1/2' AND A RADIUS OF 573.68 FEET; THENCE ALONG THIS CURVE 212.08 FEET; THENCE S 57° 55 1/2' W FOR 619.24 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT; SAID CURVE HAVING A CENTRAL ANGLE OF 18° 56' AND A RADIUS OF 573.68 FEET; THENCE ALONG THIS CURVE 189.33 FEET; THENCE S 76° 51 1/2' W FOR 216.98 FEET TO THE BEGINNING OF A CURVE TO THE LEFT; SAID CURVE HAVING

SAT 1 OF 2





A CENTRAL ANGLE OF  $31^{\circ}35'$  AND A RADIUS OF 262.04 FEET; THENCE  
ALONG THIS CURVE FOR 193.56 FEET; THENCE  $S 45^{\circ}16\frac{1}{2}' W$  FOR 123.21  
FEET TO THE BEGINNING OF A CURVE TO THE RIGHT, SAID CURVE  
HAVING A CENTRAL ANGLE OF  $24^{\circ}35\frac{1}{2}'$  AND A RADIUS OF  
573.68 FEET; THENCE ALONG THIS CURVE FOR 245.92 FEET; THENCE  
 $S 69^{\circ}52' W$  FOR 81.03 FEET TO THE BEGINNING OF A CURVE TO THE  
LEFT; SAID CURVE HAVING A CENTRAL ANGLE OF  $15^{\circ}25'$  AND A  
RADIUS OF 573.68 FEET; THENCE ALONG THIS CURVE 154.17 FEET;  
THENCE  $S 54^{\circ}27' W$  FOR 459.53 FEET TO THE BEGINNING OF A  
CURVE TO THE LEFT; SAID CURVE HAVING A CENTRAL ANGLE OF  
 $42^{\circ}36'$  AND A RADIUS OF 250.78 FEET; THENCE ALONG THIS CURVE  
FOR 185.22 FEET; THENCE  $S 11^{\circ}51' W$  FOR 416.36 FEET TO THE  
BEGINNING OF A CURVE TO THE RIGHT, SAID CURVE HAVING A  
CENTRAL ANGLE OF  $54^{\circ}10'$  AND A RADIUS OF 319.62 FEET;  
THENCE ALONG THIS CURVE 300.93 FEET. THENCE  $S 66^{\circ}01' W$  FOR  
235.77 FEET TO THE EASTERLY BOUNDARY OF U.S. HIGHWAY N<sup>o</sup> 31;  
THENCE CONTINUE  $S 66^{\circ}01' W$  FOR 107.15 FEET TO THE CENTER  
LINE OF U.S. HIGHWAY N<sup>o</sup> 31 ACCORDING TO MY SURVEY THIS THE  
9<sup>TH</sup> DAY OF OCTOBER, 1989.

James A. Riggins  
REG. N<sup>o</sup> 9428

# EXHIBIT "C"

RIGHT OF WAY DEED

ENGINEERING - 28

STATE OF ALABAMA,

Shelby ~~County~~ County

KNOW ALL MEN BY THESE PRESENTS: That for and in consideration of the sum of

100.00 No. 100

Dollars (\$ 100.00 )

cash in hand paid by Shelby County, the receipt whereof is hereby acknowledged, we, the undersigned, do hereby

grant, bargain, sell and convey unto the said Shelby County, its successors and assigns, a right-of-way for public

purposes, said right of way being sixty feet in width or thirty feet on each side

of a center line located and described as follows, to-wit:

Commence at the NE Corner of Section 7, Township 21 South, Range 2 West, and run South 1°00' West 137.21 feet; thence turn right 0°51'40" and run Southerly 371.83 feet; thence turn left 1°11' and continue Southerly 429.71 feet to the Point of Beginning for the afore mentioned centerline description; thence from the last described course turn right 29°45'50" and run Southwesterly 149.74 feet to the point of a curve to the right; said curve having a radius of 379.41 feet and an included angle of 13°07'; thence continue Southwesterly along the arc of said curve 86.86 feet to the point of a curve to the right; said curve having a radius of 206.25 feet and an included angle of 23°53'; thence continue Southwesterly along the arc of said curve 85.97 feet to the point of tangent to said curve; thence continue Southwesterly tangent to the last described curve 837.01 feet to the point of a curve to the right; said curve having a radius of 400.89 feet and an included angle of 14°13'07"; thence continue Southwesterly along the arc of said curve 99.49 feet to the point of tangent to said curve and the point of ending of said centerline description.

lying and being in Shelby County, Alabama.

For the consideration aforesaid, the undersigned do grant, bargain, sell and convey unto said County the right and privilege of a perpetual use of said lands for such public purpose, together with all rights and privileges necessary or convenient for the full use and enjoyment thereof, including the right of ingress to and egress from said strip and the right to cut and keep clear all trees, undergrowth and other obstructions on the lands of the undersigned adjacent to said strip when deemed reasonably necessary for the avoidance of danger in and about said public use of said strip.

In consideration of the benefit of the property of the undersigned by reason of the construction of said road, the undersigned hereby release ~~Shelby~~ County, the State of Alabama, and/or the United States of America, and/or any of their agents, from all damages present or prospective to the property of the undersigned arising or resulting from the construction, maintenance and repair of said road; and the undersigned do hereby admit and acknowledge that said road if and when constructed will be a benefit to the property of the undersigned.

The undersigned covenant with said Shelby County that the undersigned are seized in fee-simple of said premises and have a good right to sell and convey the same and that the same are free from all encumbrances and the undersigned will warrant and defend the title to the aforesaid strip of ground and against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the undersigned have hereunto set their hands and seals, all on this 21st

day of August 1928.

WITNESSES:

Barlow Supply Co Inc  
Ray Barlow (SEAL)  
1200 (SEAL)

Book No. \_\_\_\_\_

*Parker Supply Co. Inc*

RIGHT OF WAY DEED

I, the undersigned authority, in and for said State  
County, hereby certify that the within con-

veyance was filed in my office at \_\_\_\_\_

\_\_\_\_\_ M., on the \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_ 19 \_\_\_\_\_, and duly

recorded in Deed Record \_\_\_\_\_ page \_\_\_\_\_

and this \_\_\_\_\_ day of \_\_\_\_\_

Judge of Probate

STATE OF ALABAMA )  
~~SHELBY~~ COUNTY )  
SHELBY

I, the undersigned authority, in and for said County, in said State, hereby certify that \_\_\_\_\_

Whose name \_\_\_\_\_ signed to the foregoing conveyance, and who \_\_\_\_\_ known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, \_\_\_\_\_ executed the same voluntarily on the day the same bears date.

Given under my hand and official seal, this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_

Notary Public

STATE OF ALABAMA )  
~~SHELBY~~ COUNTY )  
SHELBY

I, the undersigned authority, in and for said County, in said State, hereby certify that \_\_\_\_\_

Whose name \_\_\_\_\_ signed to the foregoing conveyance, and who \_\_\_\_\_ known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, \_\_\_\_\_ executed the same voluntarily on the day the same bears date.

Given under my hand and official seal, this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_

Notary Public

STATE OF ALABAMA )  
~~SHELBY~~ COUNTY )  
SHELBY

I, the undersigned authority, in and for said County, in said State, hereby certify that \_\_\_\_\_

*Dale Parker*

Whose name as President of the *Parker Supply Co. Inc*

a corporation is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, he, as such officer, and with full authority, executed the same voluntarily for and as the act of said corporation.

Given under my hand and official seal, this *21st* day of *August*, 19 *78*

*C. B. Hillman*

Notary Public

04/23/1997-12576  
10:59 AM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
DOB HCB 26.00