

STATE OF ALABAMA            )  
SHELBY COUNTY                )

Inst # 1997-19353

ADVERSE POSSESSION AFFIDAVIT

COME NOW, KENNY DALE COST and BOBBY JOE PHILLIPS, as Affiants herein, and after first being duly sworn, said Affiants do hereby depose and say as follows:

1. Both Affiants have personal knowledge of the facts stated herein, and the Affiant, KENNY DALE COST is 39 years of age, and the Affiant, BOBBY JOE PHILLIPS is 59 years of age.

2. This Affidavit refers to certain real estate located in Shelby County, Alabama, hereinafter stated as "the real estate", specifically described as follows:

Lots 12, 13 and 14 less the South 50 feet thereof, in Block "Q", according to map entitled Resurvey of Russel R. Hetz, as recorded in Map Book 3, Page 119, in the Probate Office of Shelby County, Alabama.

3. REECE COST, the natural father of KENNY DALE COST, and GLADYS COST, the natural mother of KENNY DALE COST, have been prior owners, within the chain of title to the above described premises.

4. GLADYS COST died on or about June 13, 1990, while in the actual physical possession and control of the above described premises, and REECE COST, who is also known as CLYDE REECE COST, died on or about December 25, 1993, while in actual control of the property hereinabove described.

5. Following the decease of GLADYS COST, on June 13, 1990, REECE COST remarried to KATHRYN COST.

6. On or about August 9, 1993, pursuant to deed recorded at Instrument Number 1993-23919, in the office of the Probate Judge, Shelby County, Alabama, REECE COST and wife, KATHRYN COST conveyed the above described real estate to KENNY DALE COST, thereby reserving a life estate within the Grantors of said Deed.

7. On or about March 18, 1996, KATHRYN COST conveyed any and all interest maintained by her within the above described realty to KENNY DALE COST, pursuant to deed recorded at Instrument Number 1996-08977, in the office of the Probate Judge, Shelby County, Alabama.

8. Since REECE COST and GLADYS COST obtained title to and possession of the above designated premises on or about January 3, 1966, the subject property has been used by the Grantors, or their immediate successors in title, and

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possession of same has been actual, open and notorious, exclusive to all others, hostile and under claim of right and continuous. During such period of possession by REECE COST, GLADYS COST and/or KATHERYN COST, during the above designated period, said persons, and their immediate successors in title, have undertaken the following usage of such property;

a) Said individuals have used the property as a homestead residence, planted flowers, trees and shrubs upon such property, and tended to and cared for same.

b) Said parties have cut and maintained the grass and curtilage around said premises, over the period of time designated hereinabove.

c) No other person or entity has made a claim against any of the property herein described, during the above designated period.

d) Since January 3, 1966, one or more of the above designated title holders, or successors in title have maintained actual, open and notorious, exclusive to all others, inclusive of hostile and continuous possession of the above designated property.

9. KENNY DALE COST is currently in quiet and peaceful possession of the above described premises, to the exclusion of all others, and is unaware of any person or entity who has any present claim to ownership or possession of the above described real estate.

FURTHERMORE, the Affiants saith naught.

Kenny Dale Cost  
KENNY DALE COST

STATE OF ALABAMA )  
COUNTY OF SHELBY )

Sworn to and subscribed before me this the 19<sup>th</sup> day of June, 1997.

Zell Davis  
Notary Public My Commission Expires April 6, 1999  
My commission expires: \_\_\_\_\_

Bobby Joe Phillips  
BOBBY JOE PHILLIPS

STATE OF ALABAMA )  
COUNTY OF SHELBY )

Sworn to and subscribed before me this the 13<sup>th</sup> day of June, 1997.

Zell Davis  
Notary Public My Commission Expires April 6, 1999  
My commission expires: \_\_\_\_\_

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