

AFFIDAVIT OF ADVERSE POSSESSION

STATE OF ALABAMA  
BIBB COUNTY

Before me, the undersigned authority, a Notary Public, in and for said County, in said State, personally appeared Robert L. Farrington, who, after being by me first duly sworn to speak the truth, deposes and says as follows:

My name is Robert L. Farrington. I reside at P. O. Box 23, Briarfield, Alabama. I am fifty-eight (58) years of age. I have been intimately familiar with the occupation, use, ownership, and possession of the property described on Exhibit "A" attached hereto ever since I was eighteen (18) years of age, which is over forty (40) years ago.

I remember when Ralph T. Comer and Hubert C. Comer bought the property described on Exhibit "A" during the years 1960 and 1961. A portion of the property was purchased by Ralph T. Comer and Hubert C. Comer on July 16, 1960, from Annie Quillman by deed recorded in Deed Book 71, Page 301 in the Probate Records of Bibb County, Alabama.

Another portion of the property was purchased by Ralph T. Comer and Hubert C. Comer on August 20, 1960, by deed from Alberta Anderson, widow and sole next of kin of Mary Etta Prentice, which deed is recorded in Deed Book 71, Page 400 in the Probate Records of Bibb County, Alabama.

Another portion of the property was purchased by Ralph T. Comer and Hubert C. Comer on June 17, 1961, by deed from Erin Phillips Taylor, which deed is recorded in Deed Book 73, Page 569 in the Probate Records of Bibb County, Alabama.

Another portion of the property was purchased by Ralph T. Comer and Hubert C. Comer on February 17, 1971, by deed from Walter Owens and Margaret Owens, which deed is recorded in Deed Book 72, Page 524 in the Probate Records of Bibb County, Alabama.

Another portion of the property was purchased by Ralph T. Comer and Hubert C. Comer on September 18, 1962, by deed from Cirilia Dobbins Willis and husband, Jerome Willis, which deed is recorded in Deed Book 76, Page 491 in the Probate Records of Bibb County, Alabama.

By the end of the year 1962, Ralph T. Comer and Hubert C. Comer had purchased all of the property which is described on Exhibit "A" attached hereto and which was included in the survey of the Hubert C. Comer Estate property by Wheeler Surveying and Mapping, from which the description on Exhibit "A" was attached. When Ralph T. Comer and Hubert C. Comer purchased the property and had gotten all of the parcels together in the last part of 1962, they began immediately to clear the property and put the property under fence. Between 1962 and 1964, Ralph T. Comer and Hubert C. Comer cleared the property described on Exhibit "A", put it under fence, began occupying the land through various tenants who lived in dwellings that were on the property, and placed livestock and cattle on the property. In 1964, Ralph T. Comer and his wife, Ruth A.

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Comer, deeded the interest of Ralph T. Comer in the property to Hubert C. Comer and his wife, Mae T. Comer, by deed dated April 11, 1964, recorded in Deed Book 84, Page 468 in the Probate Records of Bibb County, Alabama. That last deed was followed up with a deed of correction on June 24, 1968, by deed recorded in Deed Book 89, Page 599 in the Probate Records of Bibb County, Alabama.

From April 11, 1964 until the death of Hubert C. Comer on April 25, 1997, all of the property described on Exhibit "A", including every parcel and part of the same, was in the exclusive possession of Hubert C. Comer. Mr. Comer never actually lived on the property but he had several houses on the property which were occupied by his tenants, he had built fences around all of the exterior boundaries of the property in the early 1960's, cut timber on the property, grazed cattle and livestock on the property, farmed cotton on the property, and otherwise possessed the same from 1962 until the time of his death on April 25, 1997. During all of those years from 1962 until the time of the death of Mr. Hubert C. Comer, no other person, firm, or corporation was ever in possession of any part of the land described on Exhibit "A" with the exception of Hubert C. Comer and Hubert C. Comer's brother, Ralph T. Comer, prior to 1964 and the tenants of Hubert C. Comer. I have never heard any disputes concerning the ownership, right, title, or interest of Hubert C. Comer in and to said property, and it is widely recognized throughout the community in which the property is situated that the same was owned by Hubert C. Comer during all of those years and up until the time of his death.

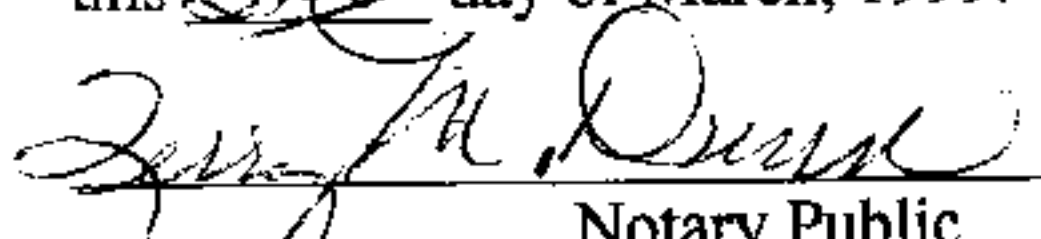
After the death of Hubert C. Comer, the cattle remained on the property until they were sold by the Executor of the Hubert C. Comer Estate. Although no one lives in the houses on the property, the property has been regularly maintained and still houses various items of personal property which belonged to Hubert C. Comer and which are now the property of the Estate and Mr. Comer's son, Hubert C. Comer, Jr. From the date of the death of Hubert C. Comer up to and including the date of this affidavit, no other person, firm, or corporation has been in possession of the property or any part thereof or asserted any right, title, or interest in and to any of the property described on Exhibit "A" with the exception of Hubert C. Comer, Jr. and the Estate of Hubert C. Comer represented by his Executor and the widow and beneficiaries of Hubert C. Comer.

The entire property described on Exhibit "A" is under fence and was maintained and possessed by Hubert C. Comer without dispute from anyone from 1964 up until the time of his death on April 25, 1997.

During all of the years I have known this property, I know that no other person, firm, or corporation has been in possession of the same after it was purchased by Hubert C. Comer, and no other person, firm, or corporation has ever claimed or asserted any claim, right, title, or interest in and to said property during said period other than Hubert C. Comer up to his death, and, following his death, as aforesaid, his Executor, son, and the beneficiaries in the Hubert C. Comer Estate.

  
Robert L. Farrington, Affiant

Sworn to and subscribed before me  
this 3rd day of March, 1999.

  
Notary Public  
MY COMMISSION EXPIRES DEC. 3, 2001

STATE OF ALABAMA  
BIBB COUNTY

Before me, the undersigned authority, a Notary Public, in and for said County in said State, personally appeared Bill Brown, who after being by me first duly sworn to speak the truth, deposes and says as follows:

My name is Bill Brown. I currently reside in Briarfield, Alabama. I have known the occupation, use, ownership, and possession of the property described on Exhibit "A" attached hereto for over thirty (30) years. I have read and gone over the aforesaid affidavit of Robert L. Farrington and know that the facts and matters stated therein are true and correct. The property described on Exhibit "A" was owned by Hubert C. Comer at the time of his death on April 25, 1997. No other person, firm, or corporation had been in possession of said property described on Exhibit "A", or any part thereof, from approximately 1964 up until the date of Mr. Comer's death, as aforesaid. I have never heard the title of Hubert C. Comer questioned or disputed in any way, and it is widely recognized throughout the community in which the property is situated that this property was the property of Hubert C. Comer up to the time of his death and, following his death, the property of his son, Hubert C. Comer, Jr.

  
Bill Brown, Affiant

Sworn to and subscribed before me  
this 4 day of March, 1999.

  
Notary Public




STATE OF ALABAMA  
BIBB COUNTY

Before me, the undersigned authority, a Notary Public, in and for said County in said State, personally appeared Rex Epperson, who after being by me first duly sworn to speak the truth, deposes and says as follows:

My name is Rex Epperson. I reside at Briarfield, Alabama. I am the brother of Ted Epperson. I have known the occupation, use, ownership, and possession of the property described on Exhibit "A" attached hereto for a period in excess of thirty (30) years. I have read the foregoing affidavit of Robert L. Farrington and the affidavit of Bill Brown and have cognizance of the facts and matters stated therein. Said affidavits are true and correct. In fact, my brother, Ted Epperson, and I own land which adjoins the Hubert C. Comer property on the West. To be specific, my brother, Ted Epperson, and I own all of the West half of the Northwest Quarter of the Northeast Quarter of Section 31, Township 24 North, Range 12 East, except that portion in the Southeast corner thereof which was owned by Hubert C. Comer prior to his death. The portion of property which was owned by Hubert C. Comer in the Southeastern corner of the West half of the Northwest Quarter of the Northeast Quarter of said Section 31 is as it is described on said Exhibit "A" and as was surveyed by Wheeler Surveying and Mapping. My brother and I and our family have always recognized that Hubert C. Comer was in possession of and claimed ownership to that portion of the property described on Exhibit "A" which is located in the said West half of the Northwest Quarter of the Northeast Quarter of Section 31. There have never been any disputes whatsoever concerning the ownership of Hubert C. Comer in and to said property or his right of possession thereto.

  
Rex Epperson, Affiant

Sworn to and subscribed before me  
this 4th day of March, 1999.

  
Notary Public

NOT COMMISSIONED BY REC DEPT

Exhibit "A"

LEGAL DESCRIPTION - PARCEL A

A PARCEL OF LAND IN SECTIONS 31 AND 32, TOWNSHIP 24 NORTH, RANGE 12 EAST, BEING A PART OF THE SAME LAND DESCRIBED IN A DEED TO HUBERT C. COMER, RECORDED IN RPB BOOK 40 AT PAGE 53, OF THE REAL PROPERTY RECORDS OF BIBB COUNTY, ALABAMA. SAID PARCEL OF LAND BEING THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 32, THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 31, THE SOUTH HALF OF THE EAST HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 31 AND A TWO ACRE PARCEL IN THE SOUTHEAST CORNER OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 31, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT A CROSS TIE POST, FOUND AT THE NORTHEAST CORNER OF SAID SECTION 31;

THENCE S 01°15'37" E, ALONG THE EAST LINE OF SAID SECTION, A DISTANCE OF 662.03 FEET TO A 1/2" REBAR SET, WITH A CAP STAMPED "S. WHEELER RPLS 16165";

THENCE N 89°46'28" W, ALONG THE NORTH LINE OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 31, A DISTANCE OF 1348.19 FEET TO A 1/2" REBAR SET, WITH A CAP STAMPED "S. WHEELER RPLS 16165";

THENCE N 89°46'28" W, ALONG THE NORTH LINE OF THE SOUTH HALF OF THE EAST HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 31, A DISTANCE OF 674.09 FEET, TO A 1/2" REBAR SET, WITH A CAP STAMPED "S. WHEELER RPLS 16165";

THENCE S 1°15'36" E, ALONG THE WEST LINE OF THE EAST HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 31, A DISTANCE OF 246.14 FEET TO A 1/2" REBAR SET, WITH A CAP STAMPED "S. WHEELER RPLS 16165";

THENCE N 89°53'27" W, A DISTANCE OF 210.00 FEET TO A 1/2" REBAR SET, WITH A CAP STAMPED "S. WHEELER RPLS 16165";

THENCE S 1°15'36" E, A DISTANCE OF 420.00 FEET TO A 1/2" REBAR SET, WITH A CAP STAMPED "S. WHEELER RPLS 16165", ON THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 31;

THENCE S 89°53'27" E, A DISTANCE OF 210.00 FEET TO A 1/2" REBAR SET, WITH A CAP STAMPED "S. WHEELER RPLS 16165", AT THE SOUTHWEST CORNER OF THE EAST HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 31;

THENCE S 89°53'27" E, A DISTANCE OF 647.06 FEET TO A 1/2" REBAR SET, WITH A CAP STAMPED "S. WHEELER RPLS 16165", AT THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTH-EAST QUARTER OF SECTION 31;

THENCE S 89°53'27" E, ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 31, A DISTANCE OF 1348.12 FEET TO A 1/2" REBAR SET, WITH A CAP STAMPED "S. WHEELER RPLS 16165", AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 31;

THENCE N 88°50'01" E, A DISTANCE OF 1296.63 FEET TO A 2" FLAT IRON BAR, FOUND AT A FENCE CORNER, AND ACCEPTED AS THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 32;

THENCE N 00°16'06" W, A DISTANCE OF 1314.79 FEET TO A DRIVE SHAFT, FOUND AT A FENCE CORNER, AND ACCEPTED AS THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 32;

THENCE S 89°14'36" W, A DISTANCE OF 1319.44 FEET TO THE POINT OF BEGINNING. THE HEREIN DESCRIBED PARCEL CONTAINS 72.5 ACRES OF LAND.

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