

STATE OF ALABAMA)

SHELBY COUNTY)

AFFIDAVIT OF THE EXECUTOR OF THE ESTATE OF
MARGARET VIRGINIA DESHAZO
AND THE HEIRS OF ALTON OWEN AND MARGARET VIRGINIA DESHAZO

Before me, the undersigned notary public, personally appeared the executor of the estate of Margaret Virginia DeShazo, Richard C. "Jerry" Bishop, and the children of Alton Owen and Margaret Virginia DeShazo, Mary K. DeShazo Bishop, Alton L. DeShazo, Carl D. DeShazo, Darrell K. DeShazo and Linda R. DeShazo Doss, who being personally known to me, after being first duly sworn depose and state as follows:

1. We are respectively the executor of the estate of Margaret Virginia DeShazo, deceased, and all the children of Alton Owen and Margaret Virginia DeShazo. We are all above the age of 19 and have personal knowledge of the statements made in this affidavit.

2. On December 22, 1941, our father, Alton Owen DeShazo, purchased a parcel of property from G. W. Collins and his wife, N. K. Collins, under general warranty deed, said property described as follows:

Commence at the northeast corner of the SW 1/4 of the SE 1/4 of Section 22, Township 19, Range 2 west, and run thence south 59°, 30 minutes east 206' to a point of beginning, and from said point of beginning; thence south 29° degrees, 15 minutes east 501.9'; thence south 86°, 25 minutes west for 450.0'; thence north 21° 40 minutes west 416.2'; thence north 17°, 50 minutes east 145.6', thence north 42°, 15 minutes east 92.0'; thence south 53°, 45 minutes east to 239.5'; thence north 79°, 53 minutes east (illegible) ' to the point of beginning, situated in Shelby County, Alabama containing 4.9 acres, more or less.

07/05/2000-22322

04:24 PM CERTIFIED

SHELBY COUNTY JUDGE OF PROBATE
\$10 FEE \$31.00

Inst # 2000-22322

OKD
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MKB

A true and correct copy of the general warranty deed reflecting said purchase of the above stated property (hereinafter referred to as "the DeShazo Property") is attached hereto as Exhibit

A. Said deed is recorded in Volume 115, page 576, in the Probate Court of Shelby County, State of Alabama.

3. My parents built a home on the DeShazo property, and for many years it was occupied as a family home. Our father never sold the DeShazo property with exception of one small segment that was sold to Carl Street in the mid to late 50s. Other than this small segment which is not the parcel, or any part thereof, of property involved in this matter (hereinafter later described as Parcel Two), the DeShazo property remained intact and in our father's hands. The attached survey/plot plan done by Joseph Conn, surveyor, incorporated by reference as Exhibit B, shows the DeShazo property and the small property across Bishop Creek that was sold to Carl Street. This small piece is marked in "Blue" with an "X" and initialed by Carl D. DeShazo

4. Our father from the time of its purchase until the time of his death on March 11, 1993, held legal title, free and clear of all claims and liens, to the DeShazo property and at all times was entitled to possession and maintained peaceful, open, continuous, exclusive and actual or constructive possession.

Since its conveyance to him and until the time of his death, our father, Alton Owen DeShazo, paid annual *ad valorem* taxes on the DeShazo Property as the rightful and legal owner. We are unaware of any claims made to the title of this property. We are unaware of any liens made against the title or ownership of the DeShazo property. Our father at all times enjoyed peaceful ownership of this property, and no one ever disputed his complete ownership.

5. In about 1952, Highway 119 divided the DeShazo property so that it became two parcels. The plot plan incorporated by reference herein as Exhibit B shows the boundaries of the

QKD
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DeShazo property after Highway 119 was built. The property descriptions of these two parcels are as follows:

PARCEL ONE

Commence at the southeast corner of the SE 1/4 of the SE 1/4 of Section 22, Township 19 South, Range 2 west, Shelby County, Alabama and run thence northerly along the east line of said quarter-quarter section 736.74' to a point; Thence turn $90^{\circ} 21' 33''$ to the left and run westerly 951.80' to the point of beginning of the property being described; Thence continue along last described course 450.01' to a point, Thence, turn $72^{\circ} 04' 21''$ to the right and run north-northwesterly 394.41' to a point on the southerly right of way line of Shelby County Highway No. 119 in a curve to the right having a central angle of $7^{\circ} 33' 21''$ and a radius of 2,771.54'; Thence, turn $100^{\circ} 00' 23''$ right to chord and run east-northeasterly along the arc of said curve an arc distance of 365.50' to a point; Thence, turn $71^{\circ} 41' 40''$ to the right from chord and run southeasterly 474.44' to the point of beginning, containing 3.86 acres and marked on each corner with a steel pin, axle or pipe.

PARCEL TWO

Commence at the southeast corner of the SE 1/4 of the SE 1/4 of Section 22, Township 19 South, Range 2 west, Shelby County, Alabama and run thence northerly along the east line of said quarter-quarter section 736.74' to a point; Thence turn $90^{\circ} 21' 33''$ to the left and run westerly 1,401.81' to a point; Thence, turn $72^{\circ} 04' 21''$ to the right and run north-northwesterly 394.41' to a point; Thence,

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turn 30°22'45" to the right and run 87.43' to a point on the northerly right of way line of Shelby County Highway No. 119 and the point of beginning of the property being described; Thence, turn 9°07'15" to the right and run northeasterly 76.08' to a point on the south line of a creek or branch; Thence, turn 24°25'00" right and run northeasterly along said bank or line of said creek or branch 92.00' to a point; Thence, turn 84°00'00" to the right and run southeasterly 157.81' to a point on the same said northerly right of way line of same said Highway No. 119; Thence, turn 131°23'01" left to chord and run westerly along the arc of a highway curve an arc distance of 217.66' to the point of beginning, containing 0.32 pf an acre and marked on the corners with steel pins.

6. Our mother, Margaret Virginia DeShazo, inherited the property upon my father's death on March 11, 1993. She continued the ownership and possession of the property. She never conveyed or sold the property, or any portion thereof. We have no knowledge of any claim of ownership to the DeShazo property during the period from 1993 until the time of her death on May 1, 1996. She also maintained open and obvious, peaceful, actual or constructive, continuous and exclusive possession of the DeShazo property and her right to the property was never questioned. She, or the estate of our father, also paid taxes on the DeShazo property and owned it free and clear of any debts, claims or liens.

7. Upon her death, we, the children of Alton Owen and Margaret Virginia DeShazo, became entitled to full and complete ownership of the property. Our mother's estate was probated in the Probate Court of Shelby County, Ala., case no. 35050. Pursuant to the Last Will and Testament of Margaret Virginia DeShazo, we as all her children inherited in equal shares the DeShazo property.

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8. In December 1998, we and the estate of Margaret Virginia DeShazo sold the DeShazo property, comprised of both parcels, to The Joseph S. Bruno Foundation (Bruno Foundation). The warranty deeds reflecting the sale are recorded at Inst. #1999-00226 and Inst. # 1999-00225.

9. It has been brought to our attention that the trustees of the New Hope Cumberland Presbyterian Church sold a tract of land to the New Hope Cumberland Presbyterian Church, Inc., that included Parcel Two of the DeShazo property. Alton Owen DeShazo never sold, or authorized the sale, of Parcel Two, to anyone, including New Hope Cumberland Presbyterian Church or its trustees, or any entity affiliated with the church. Margaret Virginia DeShazo never sold, or authorized the sale, of Parcel Two, to anyone, including the New Hope Cumberland Presbyterian Church or its trustees. Parcel Two as described above was always owned fee simple by our father, mother, the estate of my mother, or us, the only children of our parents, Alton Owen and Margaret Virginia DeShazo.

10. Alton Owen DeShazo and Margaret Virginia DeShazo, and we their children, Mary K. Bishop, Alton L. DeShazo, Carl D. DeShazo, Darrell K. DeShazo and Linda R. DeShazo Doss, after them, have owned, maintained and exercised dominion and control over the DeShazo property, including Parcel Two, since its acquisition in 1941 and have been in the actual, open, continuous, peaceful, notorious, adverse and exclusive possession of said property from its acquisition by our father until the time of its sale to the Bruno Foundation.

11. Affiants further state that during all the years that they have been familiar with the DeShazo Property, they have never known or heard of anyone disputing the title and ownership of Alton Owen DeShazo and/or his heirs to the subject property, or of anyone making any claim to any part thereof.

12. Affiants further state that there has never been any adverse claim to the subject

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ADD

SRD

APP MKB

property since the time it was acquired by our father until the time of its sale to the Bruno Foundation.

This the 12th day of June, 2000.

Richard C. "Jerry" Bishop
Richard C. "Jerry" Bishop, Executor of the
Estate of Margaret Virginia DeShazo

Sworn to and subscribed before me
this 12th day of June, 2000.

Patricia A. Burcham
NOTARY PUBLIC, Shelby County, Alabama

My Commission Expires: _____
(SEAL)

MY COMMISSION EXPIRES SEPTEMBER 23, 2001

Mary K. DeShazo Bishop
Mary K. DeShazo Bishop

Sworn to and subscribed before me
this 12th day of June, 2000.

Patricia A. Burcham
NOTARY PUBLIC, Shelby County, Alabama

My Commission Expires: / /
(SEAL)

MY COMMISSION EXPIRES SEPTEMBER 23, 2001

Alton L. DeShazo
Alton L. DeShazo

Sworn to and subscribed before me
this 12th day of June, 2000.

Patricia A. Burcham
NOTARY PUBLIC, Shelby County, Alabama

My Commission Expires: / /
(SEAL)

MY COMMISSION EXPIRES SEPTEMBER 23, 2001

OKD
ALD
SRD
401 KB
CRD

Carl D. DeShazo
Carl D. DeShazo

Sworn to and subscribed before me
this 12th day of June, 2000.

Patricia S. Burch
NOTARY PUBLIC, Shelby County, Alabama

My Commission Expires: / /
(SEAL)

MY COMMISSION EXPIRES SEPTEMBER 23, 2001

Darrel K. DeShazo
Darrel K. DeShazo

Sworn to and subscribed before me
this 12th day of June, 2000.

Patricia S. Burch
NOTARY PUBLIC, Shelby County, Alabama

My Commission Expires: / /
(SEAL)

MY COMMISSION EXPIRES SEPTEMBER 23, 2001

Linda R. DeShazo Doss
Linda R. DeShazo Doss

Sworn to and subscribed before me
this 12th day of June, 2000.

Patricia S. Burch
NOTARY PUBLIC, Shelby County, Oklahoma

My Commission Expires: / /
(SEAL)

MY COMMISSION EXPIRES SEPTEMBER 23, 2001

DKD
AKD
SKB
mKB
CPD

(1.10 Federal Stamp Canceled on this Deed)

#1615

SHELBY COUNTY

G.W. Collins and wife

M.E. Collins

TO

Owen DeShazo

THE STATE OF ALABAMA

SHELBY COUNTY.

KNOW ALL MEN BY THESE PRESENTS:

THAT for and in consideration of Seven Hundred Fifty

DOLLARS

to the undersigned grantor S. G.W. Collins and wife, M.E. Collins,

is being paid by Owen DeShazo

the receipt whereof is acknowledged M.E. Collins the said G.W. Collins and wife, M.E. Collins

do grant, bargain, sell and convey unto the said Owen DeShazo

the following described real estate, to-wit:

Commence at the northeast corner of the Southwest quarter of the Southeast quarter of Section 22, Township 19, Range 2 West, and run thence south 59 degrees 30 minutes east 200 feet to a point of beginning, and from said point of beginning, thence south 29 degrees 15 minutes east 501.9 feet, thence south 36 degrees 25 minutes west 170.0 feet, thence north 21 degrees 40 minutes west 116.2 feet, thence north 17 degrees, 50 minutes east 145.6 feet, thence north 42 degrees 15 minutes east 22.0 feet, thence south 53 degrees, 45 minutes east 239.5 feet, thence north 79 degrees 52 minutes east 100.0 feet to the point of beginning, situated in Shelby County, Alabama. Containing 4.9 acres, more or less.

situated in Shelby County, Alabama.

TO HAVE AND TO HOLD To the said Owen DeShazo, his

heirs and assigns forever.

And do by OUISE VASCO for OUR

heirs, executors and administrators, covenant

with the said Owen DeShazo, his

heirs and assigns that we are lawfully seized to fee simple of said premises; that they are free from all encum-

brances; that we have a good right to sell and convey the same as aforesaid; that we

will, and our heirs, executors and administrators, shall warrant and defend the same to the said

Owen DeShazo, his

heirs and assigns forever, against the lawful claims of all persons.

In WITNESS WHEREOF, we have hereunto set our hand and seal this 22

day of December, 1941.

WITNESSES

G.W. Collins

(Seal)

M.E. Collins

(Seal)

(Seal)

(Seal)

THE STATE OF ALABAMA, SHELBY COUNTY.

John F. Lee

Justice of the Peace, in and for said County, in said State, hereby certify that

G.W. Collins and wife, M.E. Collins

whose name is subscribed to the foregoing conveyance, and who are known to me,

acknowledged before me on this day, that being informed of the contents of this conveyance

executed the same voluntarily on the day the same bears date.

Given under my hand, this 22 day of December, A.D. 1941.

John F. Lee

(Seal)

Justice of the Peace, Shelby County, Alabama.

THE STATE OF ALABAMA, SHELBY COUNTY.

STATE OF ALABAMA
SHELBY COUNTY

in and for said County, in said State, hereby certify that

a subscribing witness

to the foregoing conveyance, known to me, executed the same voluntarily on the day the same bears date, that

the Grantor

has been paid on the within

instrument as recited by

witnesses in the presence of the other subscribing witness, on the day the same bears date; that

and of the other witness, and that such other witness subscribed

his name as a

Given under my hand and seal, this

L. G. WALKER

A.D. 1941

A.D. 1941

THE STATE OF ALABAMA, SHELBY COUNTY.

John F. Lee

Justice of the Peace, in and for said County, in said State, do hereby

certify that on the 22 day of December, 1941, came before me the within named

known to me for made known to me to be the wife of the

within named G.W. Collins

who being examined separately and apart from the husband, touching her signature to the within

instrument, acknowledged that she signed the same at her own free will and accord,

without force, constraint or threats on the part of the husband.

In witness whereof, I hereunto set my hand, this 22 day of December, A.D. 1941.

John F. Lee

(Seal)

Justice of the Peace, Shelby County, Ala.

THE STATE OF ALABAMA, SHELBY COUNTY.

OKD
SAB
CRD

ALD

MKR

SURVEY OF ALABAMA
COUNTY OF STHELBY

[Handwritten signatures and initials]

I, JOSEPH E. CONN, JR., A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF ALABAMA DO HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT
PLAN OF MY SURVEY AS SHOWN HEREON AND DESCRIBED AS FOLLOWS:

PARCEL NO. 1

Commence at the southeast corner of the SE1/4 of the SE1/4 of Section 22, Township 19 south, Range 2 west, Shelby County, Alabama and run thence northerly along the east line of said quarter-quarter section 736.74' to a point; thence turn 90°21'33" to the left and run westerly 951.80' to the point of beginning of the property being described; thence continue along last described course 450.01' to a point; thence turn 72°04'21" to the right and run north-northwesterly 394.41' to a point on the southerly right of way line of Shelby County Highway No. 119 in a curve to the right having a central angle of 7°33'21" and a radius of 2,771.51'; thence turn 100°00'23" right to chord and run east-northeasterly along the arc of said curve an arc distance of 365.50' to a point; thence turn 71°41'40" to the right from chord and run southeasterly 474.44' to the point of beginning, containing 3.86 acres and marked an each corner with a steel pin, axle or pipe.

PARCEL NO. 2

Commence at the southeast corner of the SE1/4 of the SE1/4 of Section 22, Township 19 south, Range 2 west, Shelby County, Alabama and run thence northerly along the east line of said quarter-quarter section 736.74' to a point; thence turn 90°21'33" to the left and run westerly 1,401.81' to a point; thence turn 72°04'21" to the right and run north-northwesterly 394.41' to a point; thence turn 30°22'45" to the right and run 87.43' to a point on the northerly right of way line of Shelby County Highway No. 119 and the point of beginning of the property being described; thence turn 9°07'15" to the right and run northeasterly 76.08' to a point on the south line of a creek or branch; thence turn 24°25'00" right and run northeasterly along said bank or line of said creek or branch 92.00' to a point; thence turn 84°00'00" to the right and run southeasterly 157.81' to a point on the same said northerly right of way line of said said Highway No. 119; thence turn 131°23'01" left to chord and run westerly along the arc of a highway curve an arc distance of 217.66' to the point of beginning, containing 0.32 acre and marked on the corners with steel pins.

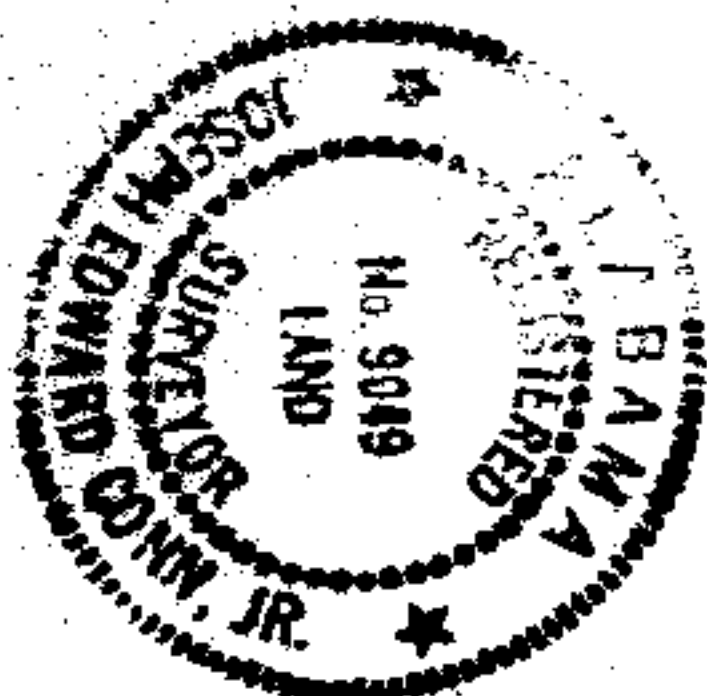
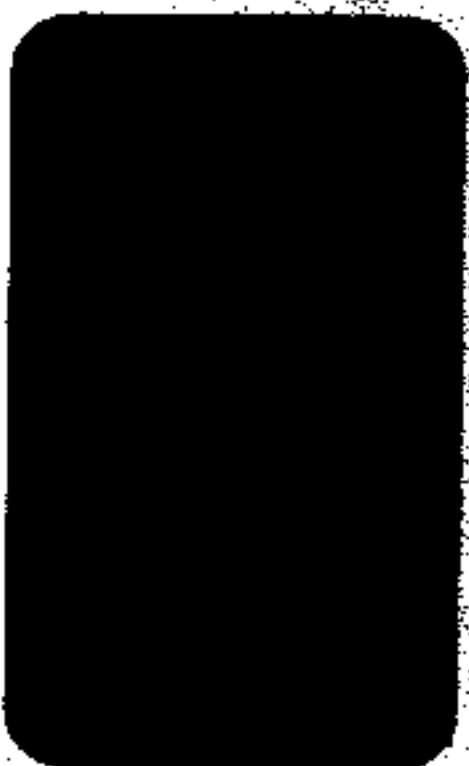
Parcels 1 and 2 are subject to any and all easements, agreements, restrictions and/or limitations of recorded record or applicable law.

According to my survey of February 8, 1993

Joseph E. Conn, Jr.

Alabama P.L.S. # 9049

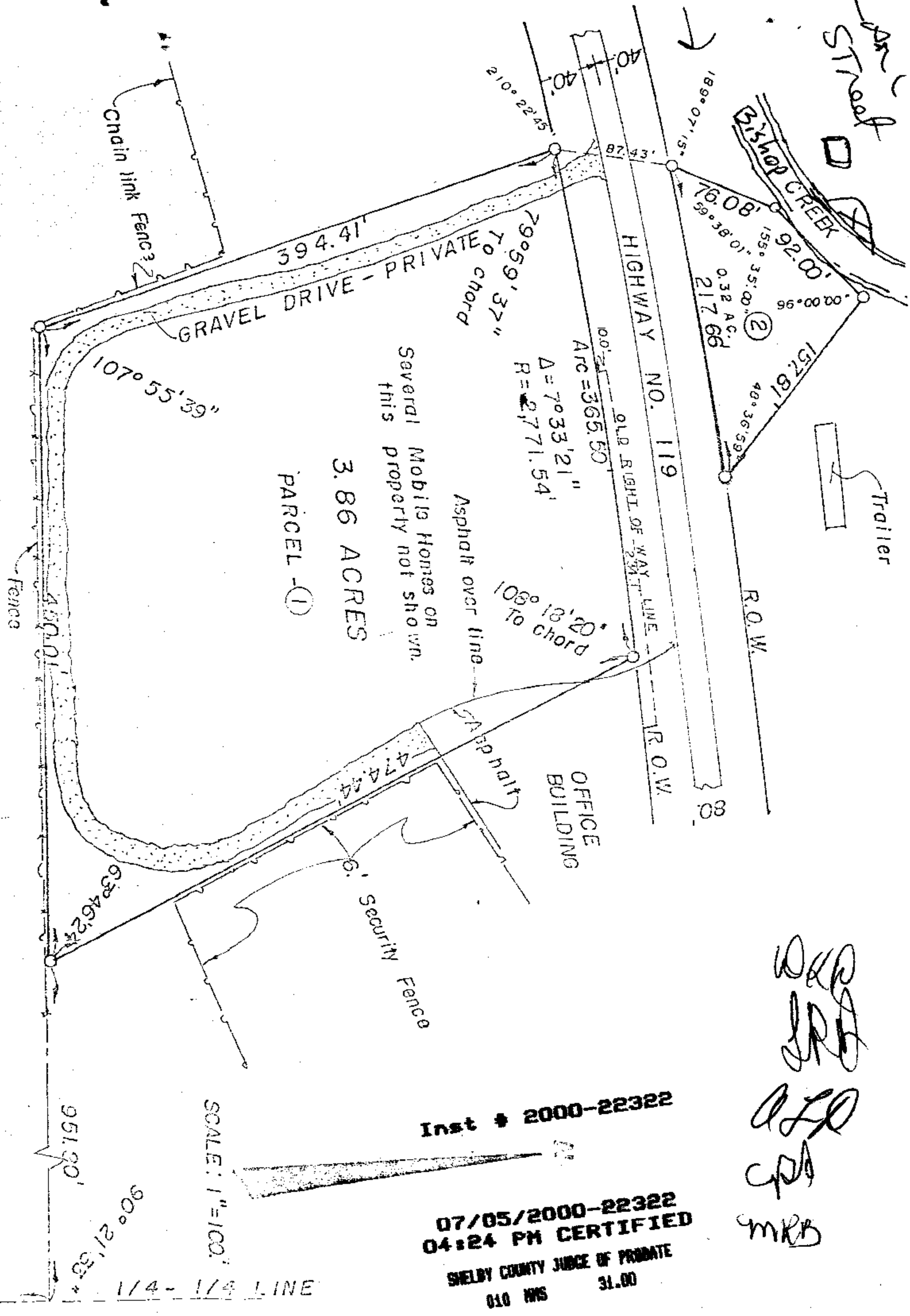
File No. 4833-A-93
Destazio, Dorely
Feb. 1993
SE-SE, S22, T19S, R2W
Highway No. 119



Car Street

Bishop Creek

Trailer



Inst # 2000-22322

07/05/2000-22322
04:24 PM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
010 NWS 31.00

OKP
LRB
ALD
GPA
MRB