

AFFIDAVIT OF ADVERSE POSSESSION

STATE OF ALABAMA
SHELBY COUNTY

Before me, the undersigned authority, in and for said County and State, personally appeared Louis M. Atkinson who, being known to me and being by me first duly sworn, deposes and says as follows:

That he is over 19 years of age and presently resides Shelby County, Alabama, and that he has been acquainted with the occupation, use and possession of the following described property for the last past 20 years:

See attached Exhibits A and B

The above described property is the same as conveyed to I. L. Nivens, as shown in Deed Book 158, page 360 in the Probate Office of Shelby County, Alabama, and to Louis M. Atkinson and Sherry M. Atkinson, as shown in Deed Book 341, page 62 in the Probate Office of Shelby County, Alabama.

Further deposing, affiant says that the present owners, Louis M. Atkinson and Sherry M. Atkinson, have assessed said property for taxes and paid taxes on the same for each and every year that the said property has been owned by them; that no other person, firm, or corporation has paid taxes on said property other than the present owner and predecessors in title.

Further deposing, affiant says that at the present time they own said land in fee simple, and since the time that affiant first knew the land it has been owned by the present owners and predecessors in title I. L. Nivens and Mary Nell Nivens and has been occupied by them for over the past twenty (20) years actually, exclusively, openly, notoriously, hostilely and continuously, and under claim of right, and affiant has never heard the title of the present owners or predecessors in title questioned in any way. Mr. and Mrs. Nivens used the property as a pasture and maintained the fences around such property. The present owners, from the time they acquired title, have used property as a pasture and have also maintained the fences. For many years they kept cattle on the property. For the last 5 or 6 years they have cut hay from the property each year.

Louis M. Atkinson
Louis M. Atkinson

12/05/2000-41853
02:04 PM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
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STATE OF ALABAMA
COUNTY OF SHELBY

I, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that Louis M. Atkinson, whose name is signed to this instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of said instrument, he/she executed the same voluntarily.

Given under my hand and official seal this 1st day of December, 2000.



William R. Justice
Notary Public

A

A PARCEL OF LAND IN THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 21 SOUTH, RANGE 1 EAST, BEING A PART OF THE SAME LAND DESCRIBED IN A DEED TO LEWIS ATKINSON, RECORDED IN THE DEED BOOK 341, AT PAGE 62 OF THE REAL PROPERTY RECORDS OF SHELBY COUNTY, ALABAMA. SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 22;

THENCE N 00°39'30" W, ALONG THE EAST LINE OF THE SOUTH HALF OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 22, A DISTANCE OF 336.14 FEET TO A POINT;

THENCE N 89°33'29" W, ALONG AN OLD FENCE, A DISTANCE OF 1290.66 FEET TO A 3/4" PIPE, FOUND:

THENCE S 00°11'50" E, A DISTANCE OF 1274.33 FEET, TO A POINT ON THE NORTH RIGHT-OF-WAY OF COUNTY ROAD NO. 61;

THENCE, ALONG A CURVE TO THE RIGHT, IN SAID RIGHT-OF-WAY, HAVING A RADIUS OF 3652.92 FEET AND A CHORD BEARING OF N 62°50'09" E, AN ARC LENGTH OF 327.68 FEET TO A POINT;

THENCE N 65°01'13" E, ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 1106.76 FEET TO A POINT ON THE EAST LINE OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 22;

THENCE N 00°39'30" W, ALONG THE EAST LINE OF SAID SIXTEENTH SECTION, A DISTANCE OF 309.39 FEET TO THE POINT OF BEGINNING. THE HEREIN DESCRIBED PARCEL CONTAINS 28.31 ACRES OF LAND.

B

A PARCEL OF LAND IN THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 21 SOUTH, RANGE 1 EAST, BEING A PART OF THE SAME LAND DESCRIBED IN A DEED TO LEWIS ATKINSON, RECORDED IN THE DEED BOOK 341, AT PAGE 62 OF THE REAL PROPERTY RECORDS OF SHELBY COUNTY, ALABAMA. SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 22;

THENCE S 00°37'00" E, ALONG THE WEST LINE OF SAID SIXTEENTH SECTION, A DISTANCE OF 964.50 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY OF COUNTY HIGHWAY NO. 61;

THENCE ALONG A CURVE, TO THE RIGHT, IN SAID RIGHT-OF-WAY, HAVING A RADIUS OF 3652.92 FEET AND A CHORD BEARING OF N 59°37'37" E, AND ARC LENGTH OF 31.63 FEET TO A POINT;

THENCE N 00°11'50" W, ALONG AN OLD FENCE, A DISTANCE OF 1280.79 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH HALF OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 22;

THENCE N 89°14'32" W, A DISTANCE OF 36.84 FEET, TO THE NORTHWEST CORNER OF THE SOUTH HALF OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 22;

THENCE S 00°37'00" E, A DISTANCE OF 332.84 FEET TO THE POINT OF BEGINNING. THE HEREIN DESCRIBED PARCEL CONTAINS 0.95 ACRES OF LAND.

A PARCEL OF LAND IN THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 21 SOUTH, RANGE 1 EAST, BEING A PART OF THE SAME LAND DESCRIBED IN A DEED TO LEWIS ATKINSON, RECORDED IN THE DEED BOOK 341, AT PAGE 62 OF THE REAL PROPERTY RECORDS OF SHELBY COUNTY, ALABAMA. SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 22;

THENCE N 00°39'30" W, ALONG THE EAST LINE OF THE SOUTH HALF OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 22, A DISTANCE OF 336.14 FEET TO A POINT;

THENCE S 89°33'29" E, ALONG AN OLD FENCE, A DISTANCE OF 8.53 FEET TO A 3/4" REBAR, FOUND;

THENCE S 02°09'23" E, A DISTANCE OF 634.24 FEET, TO A 1 1/4" REBAR FOUND ON THE NORTH RIGHT-OF-WAY OF COUNTY ROAD NO. 61;

THENCE S 65°01'13" W, ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 27.55 FEET TO A POINT ON THE EAST LINE OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 22;

THENCE N 00°39'30" W, ALONG THE EAST LINE OF SAID SIXTEENTH SECTION, A DISTANCE OF 309.39 FEET TO THE POINT OF BEGINNING. THE HEREIN DESCRIBED PARCEL CONTAINS 0.25 ACRES OF LAND.

12/05/2000-41853
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SHELBY COUNTY JUDGE OF PROBATE
23.00

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