

STATE OF ALABAMA     )  
COUNTY OF SHELBY    )

Inst # 2001-16072  
04/25/2001-16072  
08:37 AM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
002 CJ1 14.00

ADVERSE POSSESSION AFFIDAVIT

COME NOW JOSEPH T. ADAMS and MARY D. LAWSON, as Affiants herein, and after first having been duly sworn, said Affiants do hereby depose and say as follows:

1. Both Affiants herein are over the age of fifty (50) years, and have personal knowledge of the facts stated herein, through personal observation, for a period exceeding seventeen (17) years, and are familiar with the usage of a parcel of property hereinafter described as follows:

A lot of land situated in the SW  $\frac{1}{4}$  of NW  $\frac{1}{4}$  and in NW  $\frac{1}{4}$  of SW  $\frac{1}{4}$  of Section 3, Township 24 North, Range 12 East, being more particularly described as follows: Commence at the SW corner of SW  $\frac{1}{4}$  of NW  $\frac{1}{4}$  of Section 3, Township 24 North, Range 12 East and run South 88 degrees 34 minutes East 349.32 feet to the point of beginning of the lot herein described; from said point of beginning run North 8 degrees 53 minutes East 296.0 feet to the South right of way line of Highway No. 25; run thence South 72 degrees 39 minutes West along said highway right of way 201.0 feet to the East line of the L. A. Battle property; run thence South 10 degrees 24 minutes East along the East line of the L. A. Battle property 260.33 feet; run thence North 87 degrees 45 minutes East 29.70 feet; run thence South 6 degrees East 130.5 feet; run thence North 87 degrees 05 minutes East along a fence 227.5 feet; run thence North along a fence 172 feet; run thence South 74 degrees 20 minutes West 83 feet to the point of beginning.

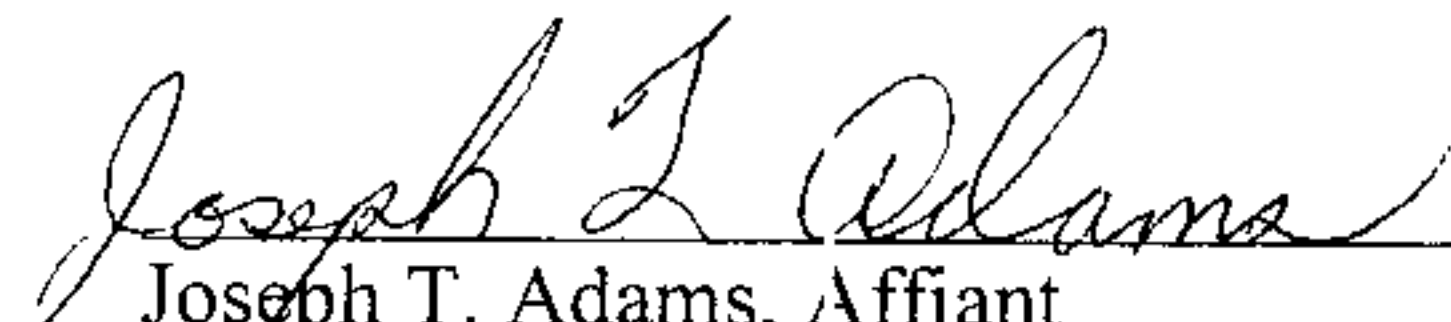
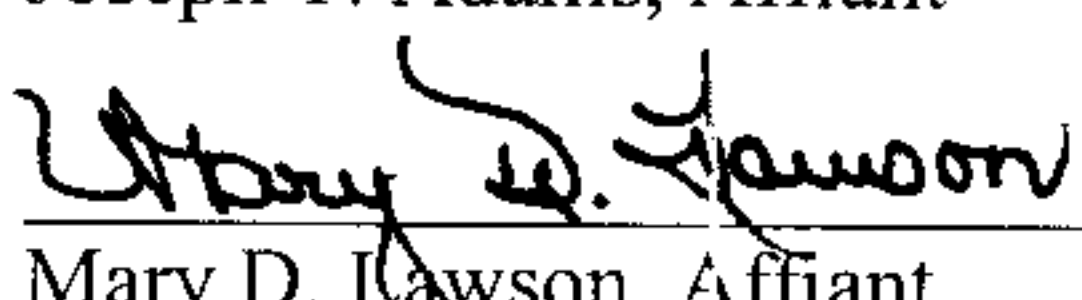
Situated in Shelby County, Alabama.

2. Affiant, Joseph T. Adams, is the President of Montevallo Small Engines, Inc., an Alabama Corporation, to which Joseph T. Adams conveyed the above-described real estate on or about April 10, 2001. Mary D. Lawson, an Affiant herein, is a Vice-President for The Peoples Bank and Trust Company, Montevallo, Alabama, and as a Senior Loan Officer for said Bank, has been familiar with the history and usage of the above-described real estate for the period of time indicated above. Joseph T. Adams has been the owner of the above-described property, both jointly and severally since November 17, 1983, pursuant to Deed recorded at Book 351, Page 533, as recorded in the Office of the Probate Judge, Shelby County, Alabama, until such time as he conveys said real estate to Montevallo Small Engines, Inc., as hereinabove referenced. Since the date of acquisition of ownership interest in and to the above-described real estate by Joseph T. Adams, both he and Montevallo Small Engines, Inc. have used such property openly, notoriously, continuously, and without any adverse claim being made or alleged by any other person or entity.
3. There is a commercial building existing upon such premises, and both Joseph T. Adams, and Montevallo Small Engines, Inc. have continuously used such premises, with a clear demarcation of the boundary lines claimed by Joseph T. Adams for the purpose of sale and maintenance of lawnmowers and lawn equipment since November 17, 1983. Furthermore, during said period, Joseph T. Adams, and

Montevallo Small Engines, Inc. has maintained the commercial building situated thereon, kept up the general lawn maintenance, maintained the parking areas and driveway areas, hauled in gravel for maintenance purposes, made improvements and alterations to the commercial building, and operated all other business activities of Joseph T. Adams and Montevallo Small Engines, Inc. from said premises.

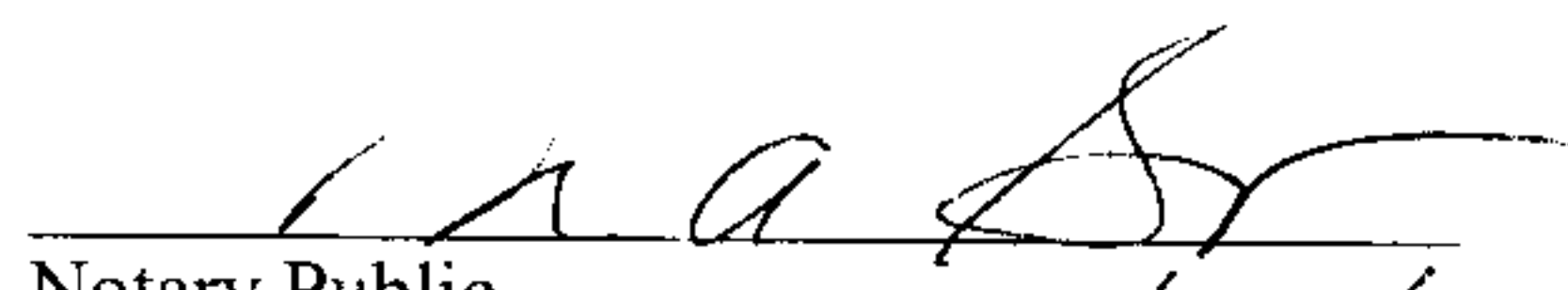
4. The Affiant, Joseph T. Adams, has exercised his normal business activities upon said premises, upon an almost daily basis, since November 17, 1983.
5. Affiant, Mary D. Lawson lives and works in close proximity to the location of such premises, and has viewed same upon a regular and continuous basis since November 17, 1983, and has found Joseph T. Adams, Montevallo Small Engines, Inc., or their designated agents to be in possession and control of said premises, at all times since November 17, 1983. Furthermore, said Affiant is a disinterested party in regard to the ownership or usage of such premises.
6. Neither Affiant herein is aware of any person or entity who has made a claim of an right, title or interest in and to the above-described real estate since November 17, 1983, other than Joseph T. Adams, Montevallo Small Engines, Inc. or Gladys R. Adams (the former spouse of Joseph T. Adams, who owned an interest in subject property jointly with Joseph T. Adams for a period of time).

FURTHERMORE, the Affiants saith naught.

  
Joseph T. Adams, Affiant  
  
Mary D. Lawson, Affiant

STATE OF ALABAMA )  
COUNTY OF SHELBY )

Sworn to and subscribed before me this 23 day of April,  
2001.

  
Notary Public  
My commission expires: 9/13/01

RETURN TO:  
MITCHELL A. SPEARS  
ATTORNEY AT LAW  
P. O. BOX 119  
MONTEVALLO, AL 35115

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