

THIS INSTRUMENT WAS PREPARED BY: MIKE T. ATCHISON, ATTORNEY AT LAW  
P.O. BOX 822  
COLUMBIANA, ALABAMA 35051

STATE OF ALABAMA  
SHELBY COUNTY

AFFIDAVIT

Before me, the undersigned authority, a Notary Public in and for said County in said State, personally appeared WAYNE M. "PETE" ELLISON, who after being by me first duly sworn, deposes and says on oath as follows:

My name is WAYNE M. "PETE" ELLISON, and I am over the age of 21 years, and am familiar with the following facts, to-wit:

I am familiar with property now owned by Barry E. Rich, being more particularly described as follows:

Beginning at the SW corner of the SE 1/4 of the SE 1/4 of Section 19, Township 20 South, Range 2 West; thence North 2 degrees 45 minutes West 599 feet to road right of way; thence along road North 30 degrees 23 minutes East 302 feet to road; thence South 74 degrees 45 minutes East 298 feet; thence South 28 degrees 45 minutes West 868 feet to the point of beginning.

LESS AND EXCEPT that portion previously conveyed to Weatherly Enterprises, Inc., as recorded in Real Record 255, page 475, being more particularly described as follows:

Commence at the SW corner of the SE 1/4 of the SE 1/4 of Section 19, Township 20 South, Range 2 West for the point of beginning; thence North along the West line of said 1/4-1/4 Section 498.56 feet; thence right 157 degrees 17 minutes 48 seconds and run 316.50 feet; thence right 53 degrees 18 minutes and run 240.00 feet to the point of beginning.

I know that Van H. Rich conveyed this property to his son, Barry E. Rich, as shown by the deed recorded in Instrument #1996-08721, in the Probate Office of Shelby County, Alabama. At the time of the execution of this deed, Van H. Rich was an unremarried widow, and was the surviving grantee in that certain deed recorded in Deed Book 317, Page 111, in said Probate Office; the other grantee, Evelyn Rich, having died on or about the 7th day of September, 1993. I also know that Van H. Rich has passed away since the execution of said deed, his date of death being on or about the 20<sup>th</sup> day of JANUARY, 1999.

It has also been brought to my attention that previous deeds in the chain of title as recorded in Deed Book 163, Page 145; Deed Book 250, Page 624; Deed Book 317, page 111; and Instrument #1996-08721, in the Probate Office of Shelby County, Alabama, indicate that the property is situated in Section 19, Township 20 South, Range 3 West. I know that the property is in fact located in Range 2 West.

I know that Van and Evelyn Rich lived on this property since their purchase in 1960, and their son, Barry Rich and his family have lived there since his purchase in 1996. I have never heard of any party other than the Richs claiming to own the property or any portion thereof since their purchase in 1960.

Further the affiant saith not.

Wayne M. Pete Ellison  
WAYNE M. "PETE" ELLISON

Sworn to and subscribed to before me  
this 6<sup>th</sup> day of June, 2001.

Barry E. Bragan  
Notary Public

My commission expires: 11-4-2004

Atchison