

STATE OF ALABAMA  
SHELBY COUNTY

20040706000372410 Pg 1/2 14.00  
Shelby Cnty Judge of Probate, AL  
07/06/2004 15:21:00 FILED/CERTIFIED

AFFIDAVIT  
OF  
WALTER MOTLEY CUNNINGHAM

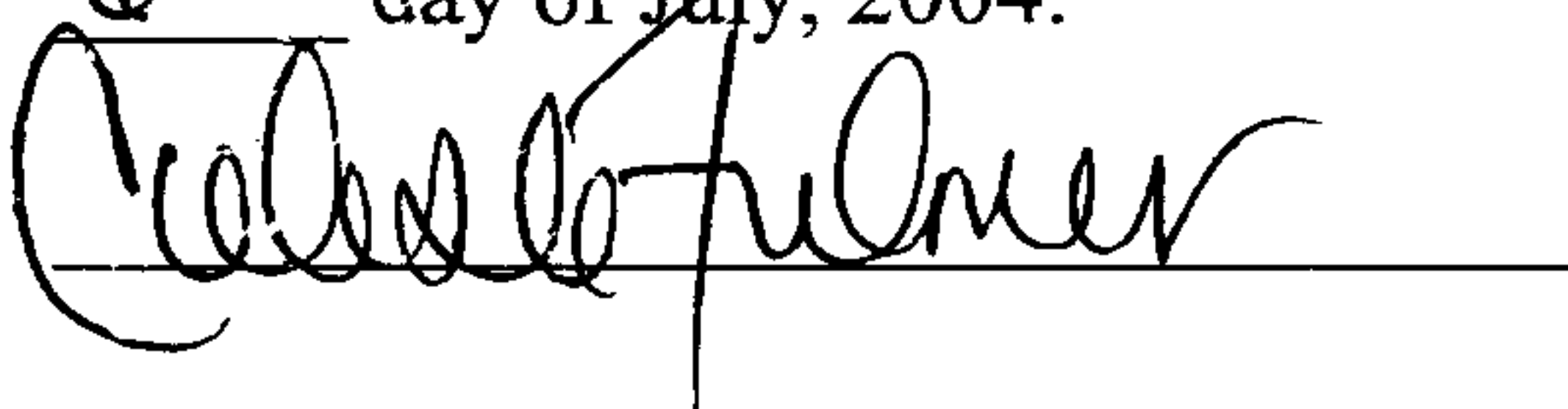
Before me, the undersigned authority, a Notary Public in and for said County, in said State, personally appeared, Walter Motley Cunningham, who after being by me first duly sworn, deposes and says on oath as follows:

My name is Walter Motley Cunningham, I reside at P O Box 1133, Alabaster, Alabama 35007. I am one of the grantees in that certain deed from Annie Mae Cunningham, a single woman and Loddie Mae Cunningham, a single woman, which was dated March 3, 2003 and is recorded in Instrument 20030514000299900. Since I acquired title to said property by the aforesaid deed, the property has been surveyed by Thomas E. Simmons, a Licensed Surveyor. A copy of his survey is dated November 17, 1991, and is attached to this affidavit as Exhibit "A" and made part and parcel hereof and is fully set out herein. The property described on Exhibit "A" consisting of 0.37 acres is one and the same and the exact property which I purchased as aforesaid from Annie Mae Cunningham and Loddie Mae Cunningham by the aforesaid deed. Annie Mae Cunningham and Loddie Mae Cunningham prior to conveying the property to me were in possession of said property as shown on Exhibit "A" from the time they purchased the same on October 25, 1982 by deed from Walter Motley and Mary Motley recorded in Deed Book 355, Page 449, in the probate records of Shelby County, Alabama. Walter Motley and his wife, Mary Motley had previously purchased the property from Caple Driver and wife, Nellie Gray Driver by deed dated July 27, 1979, and recorded in Deed Book 322, Page 529, in the probate records of Shelby County, Alabama. There has been a house on the property ever since before 1979. Walter Motley and Mary Motley never lived in the house, but rented it out to various persons up until they sold the property and Annie Mae Cunningham and Loddie Mae Cunningham tore the house down after they purchased the property. There is a mobile home on the property now which Affiant is renting out to tenants. During all the years I have known said property, I and my predecessors in title have been in possession of said property and claimed ownership of the same as described on the survey of Thomas E. Simmons, as shown on Exhibit "A" attached hereto. The survey is the correct description of the property, which was described in the aforesaid deeds.

Further the affiant saith not.

  
Walter Motley Cunningham

Sworn to and subscribed this  
6<sup>th</sup> day of July, 2004.



# EXHIBIT "A"

NW COR. OF SE1/4-NW1/4  
SEC. 1, T-21S, R-3W

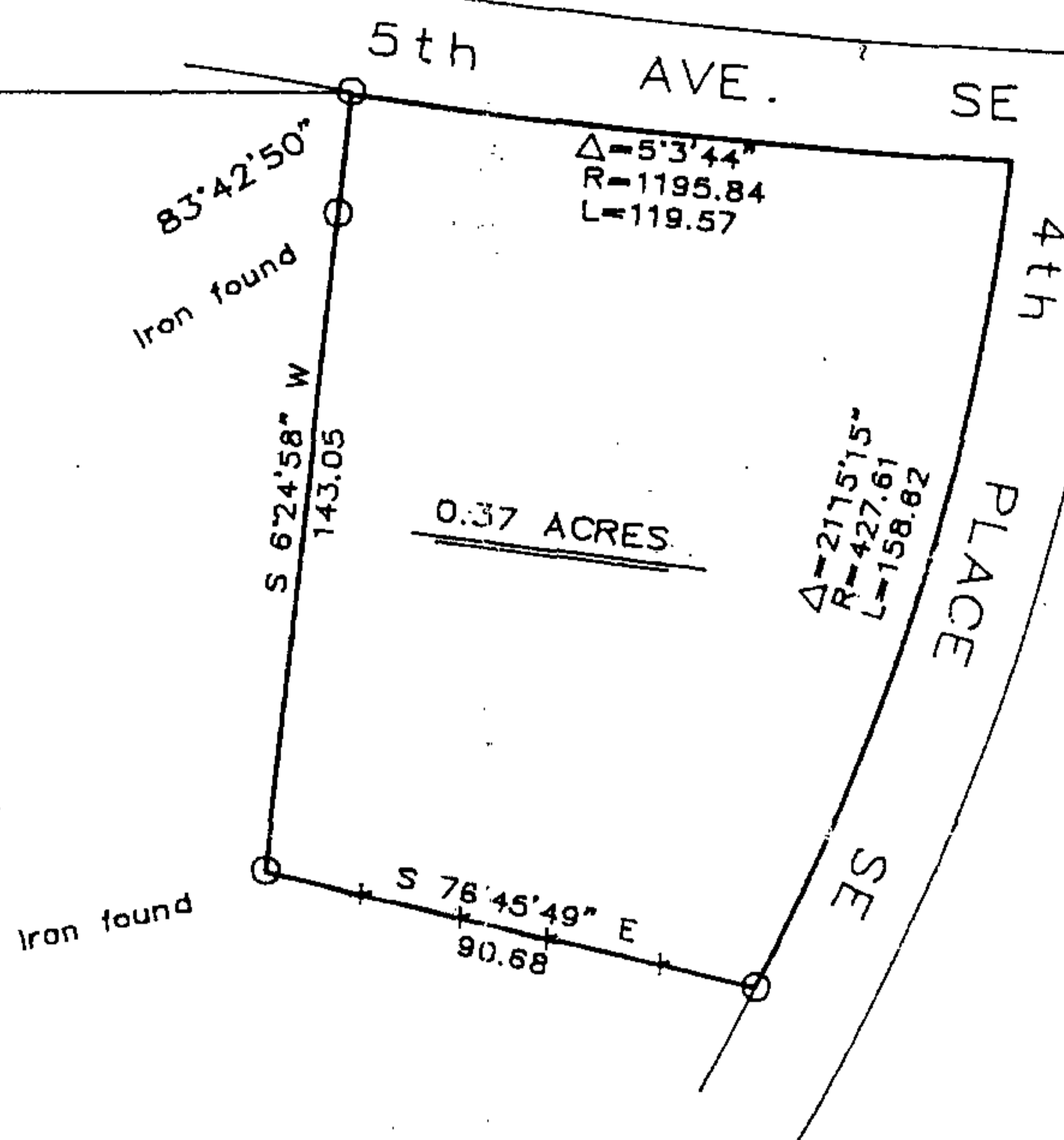
20040706000372410 Pg 2/2 14.00  
Shelby Cnty Judge of Probate, AL  
07/06/2004 15:21:00 FILED/CERTIFIED



SCALE: 1" = 50'

S 0°07'48" W  
179.60

N 89°52'12" W  
265.53



STATE OF ALABAMA  
SHELBY COUNTY

I, Thomas E. Simmons, a registered Land Surveyor of Alabama, do hereby certify the foregoing to be a true and correct Map or Plat of the following described property:

Commence at the NW corner of the SE1/4 of the NW1/4 of Section 1, Township 21 South, Range 3 West; thence run S 0°07'48" W along the West line of said 1/4-1/4 for 179.60 feet; thence S 89°52'12" E run 265.53 feet to the South line 5th Ave. SE and the Point of Beginning; thence continue along said R/W and a curve to the left (having a radius of 1195.84 feet) for 119.57 feet more or less to the Westerly line of 4th Place SE; thence run Southerly along the West line thereof and a curve to the right (having a radius of 427.61 feet) for 158.62 feet; thence N 76°45'49" W run along an old fence for 90.68 feet to an Iron pin; thence N 6°24'58" E run 143.05 feet to the Point of Beginning. Containing 0.37 Acres more or less except any easements or rights of way that may exist.

According to my survey this 17th day of November, 1991.



*Thomas E. Simmons*  
Thomas E. Simmons LS12945  
Surveying Services  
P.O. Box 895  
Pinsor, Alabama 35126