


STATE OF ALABAMA)
)
SHELBY COUNTY)


20050225000091250 Pg 1/2 14.00
Shelby Cnty Judge of Probate, AL
02/25/2005 12:31:00 FILED/CERTIFIED

AFFIDAVIT OF RUBY D. FESTER

Before me, the undersigned, a Notary Public in and for said County, in said State, personally appeared Ruby D. Fester, to me known, who after first being duly sworn, deposes and says as follows, to-wit: "My name is Ruby D. Fester, and I am a long time resident of the State of Alabama, and the sister of Dorothy Kemp and know of my own knowledge that the following real property situated in Shelby County, Alabama, between the Old Spring Creek Road and the Norfolk Southern Railroad Right-of-Way, and more particularly described as follows, to-wit:

Commence at the N.E. Corner of the NW 1/4 of the SE 1/4 of Section 22, Township 22 South, Range 3 West; thence South 01 degrees 13 minutes 58 seconds West, a distance of 469.55 feet; thence North 89 degrees 47 minutes 30 seconds West, a distance of 390.21 feet to the POINT OF BEGINNING; thence continue westerly along the said line, a distance of 350.47 feet; thence South 26 degrees 24 minutes 01 seconds East a distance of 117.12 feet to the point of a curve of a non tangent curve to the right, having a radius of 1462.00 feet, a central angle of 11 degrees 45 minutes 26 seconds and subtended by a chord which bears North 84 degrees 53 minutes 46 seconds East, a chord distance of 299.48 feet; thence easterly along the curve an arc distance of 300.01 feet; thence North 00 degrees 04 minutes 30 seconds East, a distance of 76.99 feet to the POINT OF BEGINNING.

was owned, as tenants in common, at one point, during their lifetimes by E. L. Kemp and his wife, Dorothy Kemp. I know that E. L. Kemp, died intestate in Shelby County, Alabama, sometime during the year 1977, and that all of his debts were paid in full and no administration of his estate was had. He was only married one time during his lifetime and that one time was to his widow, Dorothy Kemp. I know that from his marriage to Dorothy Kemp there were four children born, namely, a son, Bobby Kemp, a son, Ray Kemp, a son, David W. Kemp and a daughter, Sandra White. All three of his sons survived him and his daughter, Sandra White predeceased him, having died, intestate, in the State of Alabama sometime during the year 1974. Therefore, I know that the only possible heirs at law of E. L. Kemp were his widow, Dorothy Kemp, his son, Bobby Kemp, his son, Ray Kemp and his son, David W. Kemp, and no other persons.

I know that during the time E. L. Kemp and his wife, Dorothy Kemp owned the property described above, that they maintained said property in an open, notorious, continuous and hostile possession against the claims of all persons. They used the land in question, maintained it and paid all real estate taxes and any possible public improvement assessments against the property, and that no other person or persons ever attempted to make a claim against the property, since it was purchased on or about the 15th day of August, 1959, from Delbert Brand and wife, Mavis Brand by a deed found of record in the Probate Office of Shelby County in Book 203, Page 524. I also know that the same property was conveyed to David W. Kemp and wife, Connie L. Kemp by a deed from Dorothy Kemp, a widow, Bobby Kemp and wife, Gail Kemp, Ray Kemp and wife, JoAnn Kemp and David W. Kemp and wife, Connie L. Kemp, by a deed dated in August, 1977, and found of record in the Probate Office of Shelby County, Alabama in Real Volume 307, Page 225, and still later the same property was conveyed, on or about the 12th day of September,

John Baker

2003, by David W. Kemp, a married man, to Connie L. Kemp, by a Quit Claim Deed found of record in the Probate Office of Shelby County, Alabama. I further know that each person who obtained title to the property since it was purchased from Delbert Brand and Mavis Brand in 1959, has maintained the same open, notorious, continuous hostile possession of the property against the claims of all persons that my sister and her husband maintained when they owned the property.

I understand that the purpose of this affidavit is to establish the heirs of E. L. Kemp, deceased and to verify that he and his wife, Dorothy Kemp, and those persons who were their successors in title also maintained adverse possession of the said real property long enough to establish a valid and merchantable title to the property."

IN WITNESS WHEREOF, I have hereunto set my hand and seal this the 19 day of February, 2005.

 (SEAL)
Ruby D. Fester

Sworn to and subscribed before me as witness
my hand and official seal of office this the
19 day of February, 2005.


Notary Public, State of Alabama, at Large

NOTARY PUBLIC STATE OF ALABAMA AT LARGE
MY COMMISSION EXPIRES: Aug 30, 2006
BONDED THRU NOTARY PUBLIC UNDERWRITERS

This instrument was prepared by:
John Burdette Bates, Attorney at Law
#10 Office Park Circle, Suite 122
Birmingham, Alabama 35223

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