

AFFIDAVIT OF ADVERSE POSSESSION

STATE OF ALABAMA
SHELBY COUNTY

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

That affiant is over 19 years of age and presently resides at 1233 Liberty Rd.
Chase, Ala. 35043, and that affiant has been acquainted with the occupation, use and possession of the following described property since June 19, 1990:

PARCEL 1:

Commence at the Southeast corner of the SW1/4 of the SE1/4 of Section 26, T-19-S, R-1-W, thence run along the East line of said 1/4 1/4 Section a distance of 30.00 feet to the point of beginning, thence continue North along the East line of said 1/4 1/4 Section, to a distance of 189.50 feet, thence turn an angle of 115 deg. 50 min. 25 sec. to the left and run a distance of 119.41 feet, thence turn an angle of 72 deg. 55 min. 49 sec. to the left and run a distance of 83.94 feet, thence turn an angle of 90 deg. 00 min. to the right and run a distance of 12.00 feet, thence turn an angle of 90 deg. 00 min. to the left and run a distance of 12.00 feet, thence turn an angle of 90 deg. 00 min. to the left and run a distance of 12.00 feet, thence turn an angle of 90 deg. 00 min. to the right and run a distance of 45.00 feet, thence turn an angle of 82 deg. 27 min. 17 sec. to the left and run a distance of 86.00 feet, to the point of beginning. Situated in the SW1/4 of SE1/4 of Sec. 26, T-19-S, R-1-W, Shelby County, Alabama.

PARCEL 2:

Surface rights only to the following described parcel of land containing 3.00 acres and located in the SE 1/4 of the SE 1/4 of Section 26, Township 19 South, Range 1 West, said lot described as follows: Commence at the Southwest corner of said 1/4 1/4 Section, thence run North along the West 1/4-1/4 line 6.02 feet to the point of beginning, thence continue last course 361.98 feet, thence turn right 57 deg. 29 min. 15 sec. and run Northeast 174.75 feet to a point on the southwest right-of-way of Williamson Road on a clockwise curve having a delta angle of 30 deg. 34 min. 00 sec. and a radius of 783.14 feet, thence run along the arc of said curve 417.80 feet, thence continue tangent to said curve 95.90 feet, thence turn right 105 deg. 11 min. 28 sec. and run west 403.41 feet to the point of beginning.

The above described property is the same as conveyed by Dale D. New and wife, Esther New to David F. Montgomery and wife, Vivian A. Montgomery, by warranty deed as joint tenants with right of survivorship dated June 19, 1990, as shown in Real Book 296, Page 713 in the Probate Office of Shelby County, Alabama.

W. Justice

Further deposing, affiant says that the Montgomerys assessed said property for taxes and paid taxes on the same for each and every year that the said property was owned by them; that no other person, firm, or corporation has paid taxes on said property other than the Montgomerys from June 19, 1990, to the present.

Further deposing, affiant says that the Montgomerys owned said land in fee simple until the death of David F. Montgomery on December 22, 1992. Following his death, Vivian A. Montgomery owned said land in fee simple until her death on June 25, 2004; and since June 19, 1990, it was owned by the Montgomerys and has been occupied by them actually, exclusively, openly, notoriously, hostilely and continuously, and affiant has never heard the title of the Montgomerys questioned in any way.

Debbie Erwin

STATE OF ALABAMA
COUNTY OF Shelby

I, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that Debbie Erwin, 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 26th day of July, 2005.

Kathryn E. Arnett
Notary Public