

STATE OF ALABAMA}
SHELBY COUNTY}

20060322000135370 1/2 \$14.00
Shelby Cnty Judge of Probate, AL
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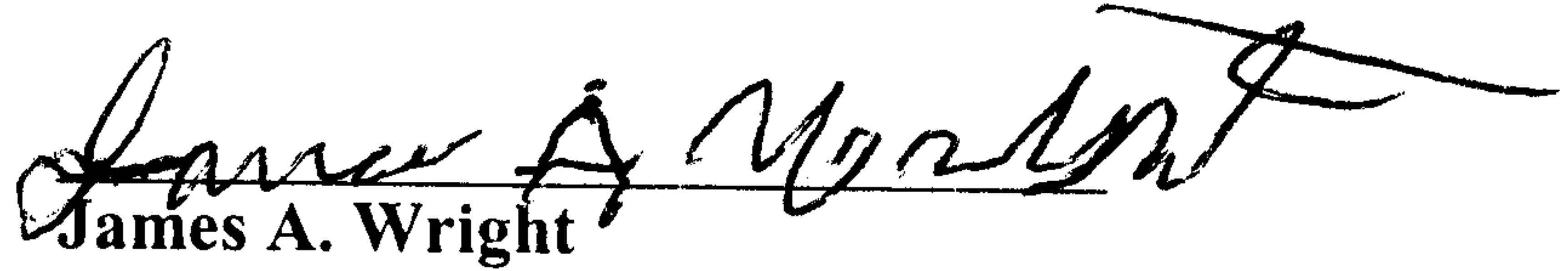
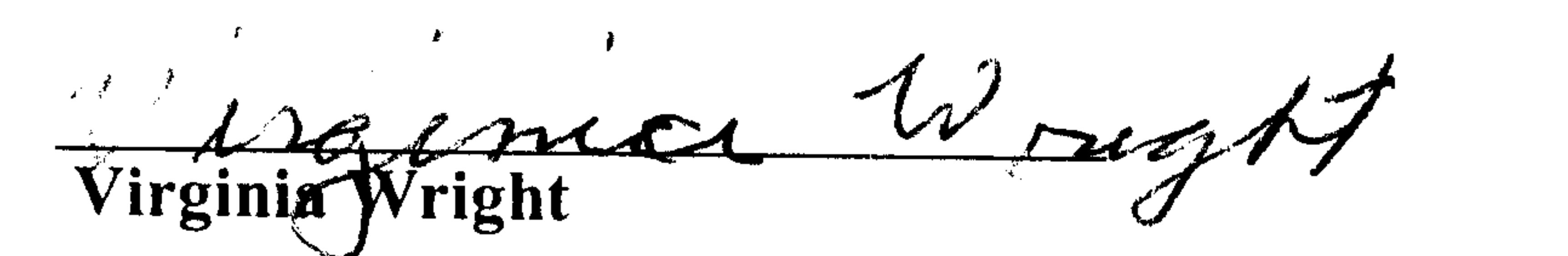
ADVERSE POSSESSION AFFIDAVIT

BEFORE ME, the undersigned, a Notary Public in and for said State and County, personally appeared **James A. Wright and Virginia Wright**, who, first being duly sworn by me, depose and say as follows:

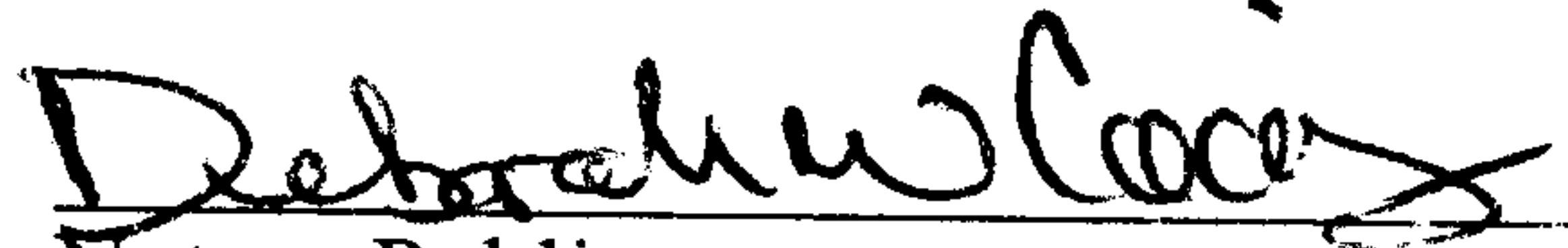
Affiants state that of their own knowledge and belief that **James A. Wright and Virginia Wright**, have made the land described in Exhibit "A" and attached hereto as their primary residence for over forty (40) years beginning on or about May, 1960; that **James A. Wright and Virginia Wright** acquired the property on or about the 28th day of May, 1960 from Charlie C. White and wife, Virginia M. White by deed recorded in Book 209, Page 201; that the home on the property was built by Leeds Homes of Birmingham, Inc. in 1960; that a mortgage was executed to Leeds Homes of Birmingham, Inc. by **James A. Wright and his wife, Virginia Wright** and recorded in Book 206, Page 304 in the Probate Court of Shelby County, Alabama; that **James A. Wright and Virginia Wright** subsequently discovered that the house built by Leeds Homes of Birmingham, Inc. had not been situated entirely on the land as described in said Deed recorded in Book 209, Page 201; that they refused to make payments on the house until this issue was resolved by Leeds Homes of Birmingham, Inc.; that eventually they, by Quit Claim Deed, transferred the property described in deed recorded on Book 209, Page 201 back to Charlie C. White and Virginia M. White on May 23, 1964 and recorded in Book 230, Page 706, in exchange for a Deed dated May 23, 1964, recorded in Book 230, Page 707 which Deed stated that it was given to correct the Legal Description in the original deed dated May 28, 1960, and recorded in the Probate Office of Shelby County in Deed Book 209, Page 201; that said deed and corrected legal description was done so that the home built by Leeds Homes of Birmingham, Inc. would be situated entirely on their property and said corrected deed stated at the end of the legal description "upon which said lot is situated the home of the Grantees"; that once the matter was resolved payments to Leeds Homes of Birmingham, Inc. were reinstated and the mortgage was paid in full; that **James A. Wright and Virginia Wright** were unaware of any foreclosure proceeding or the foreclosure deed (which used the erroneous legal description found in the deed recorded in Book 209, Page 201) dated February 2nd, 1962, and recorded in Book 219, Page 84; that there were never any attempts made to evict them from the land; that the mortgage was assigned to Pioneer Finance Company and re-assigned back to Leeds Homes of Birmingham, Inc. as the Assignment was made during the time the Wrights were waiting on Leeds Homes of Birmingham, Inc. to correct the problem with the Legal description which resulted from their failure to construct the house entirely on their land as originally conveyed; and that they and their predecessors in title have lived in actual, peaceful, undisputed, open and notorious, exclusive of others, hostile and under claim of right, and continuous possession of said land going and coming in one's usual manner; that they have claimed homestead, paid the taxes annually on said land with a Parcel ID Number of 09-3-07-0-002-003.000. Affiants further state that to their knowledge and belief no other parties have claimed any interest in said property.

Affiants have lived in and used the property as their primary residence for over (40) years beginning May, 1960. Affiants state that they have lived on and used the property in open, actual, peaceful, exclusive and continuous possession of said land; that they have continuously maintained the home and land, held it open as their home, used and possessed the land in a manner consistent with its character; that they brought in heavy equipment to clear and level the land, mowed the grass, maintained flower beds, built a front and back porch on the house, enclosed the back porch, added and maintained a storage building on the land. Affiants state that Leeds Homes of Birmingham, Inc. apparently dissolved and quit doing business in the State of Alabama on or about February 24, 1967, according to the records of the State of Alabama Secretary of State; that the Registered Agents still showing on the Alabama Secretary of State documents were attorneys in Montgomery, AL (Fred S. Ball and Richard A Ball) that are now deceased and the firm states that their only role for Leeds Homes of Birmingham, Inc. was to be available to accept service on their behalf since they were a Tennessee corporation and they no longer have any dealings or knowledge of said corporation; that their debt to Leeds Homes of Birmingham, Inc. was paid in full at that time and that no claims or demand for payment have been made of them. Affiants state that according to the State of Tennessee Secretary of State, the State of Incorporation of Leeds Homes, Inc., that the corporation no longer exists and Tennessee's Secretary of State records do not go back to the date it existed or dissolved. Affiants further state that to their knowledge and belief, no other parties have ever claimed any interest in said property. This Affidavit is given for the purpose of establishing title in **James A. Wright and Virginia Wright**.

Further, affiants saith not.


James A. Wright

Virginia Wright

Sworn to and subscribed before me this the 14th day of November, 2005.


Notary Public

My commission expires: 4-24-06

EXHIBIT "A"



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Legal description.

A lot situated in the Northwest 1/4 of Southwest 1/4 of Northeast 1/4, Section 7, Township 19, Range 1 West, more particularly described as follows: Commencing at the Northeast corner of said Northwest 1/4 of Southwest 1/4 of Northeast 1/4 and run thence Southerly along the East line of said Northwest 1/4 of Southwest 1/4 of Northeast 1/4 210 feet, thence turn an angle of 90 degrees to the right and run thence Westerly and parallel with the North boundary of said Northwest 1/4 of Southwest 1/4 of Northeast 1/4 210 feet; thence turn an angle of 90 degrees to the right and run thence Northerly, parallel with the East boundary of said Northwest 1/4 of Southwest 1/4 of Northeast 1/4 210 feet to the North boundary of said Northwest 1/4 of Southwest 1/4 of Northeast 1/4; thence run Easterly along the North boundary of said Northwest 1/4 of Southwest 1/4 of Northeast 1/4 210 feet to point of beginning, Shelby County, Alabama.