

STATE OF ALABAMA
SHELBY COUNTY

AFFIDAVIT OF FAY C. PORTER

Before me, the undersigned authority, a Notary Public, in and for said County, in said State, personally appeared Fay C. Porter, who, after being by me first duly sworn, deposes and says as follows:

My name is Fay C. Porter, and I am the grantee identified as Faye Carden Porter on the deed dated January 9, 1959, and recorded in Deed Book 198, page 433, in the Probate Office of Shelby County, Alabama. I am also known as Stacia Fay Porter, and Fay Carden Porter. My husband, Richard L. Porter, a/k/a Richard Porter, died on April 30, 1990. Richard and I were conveyed the following described property on January 9, 1959, from C. R. Montgomery and wife, Vesta Montgomery, situated in Shelby County, Alabama:

The NE 1/4 of SE 1/4 of Section 5; and the West 397 feet of the NW 1/4 of SW 1/4 of Section 4; all in Township 24 North, Range 15 East.

Public road rights of way excepted.

Richard L. Porter and/or I have owned all of the above described property since 1959, with the exception of approximately eight (8) acres we conveyed to my son, Richard C. Porter, on or about May 10, 1979. After my son married, he conveyed an interest to his wife, Joy D. Porter, on or about August 29, 1986, and together own the approximate eight (8) acres. The said property now owned by Richard C. Porter, and wife, Joy D. Porter, as referenced in this paragraph, is more particularly described as follows:

A part of land situated in the NE 1/4 of SE 1/4 of Section 5, Township 24 North, Range 15 East, more particularly described as follows:

Commence at the Northeast corner of said 1/4-1/4 Section and run South along the East boundary of said 1/4-1/4 Section a distance of 420 feet; thence run West parallel with the North boundary of said 1/4-1/4 Section a distance of 840 feet; thence run North parallel with the East boundary of said 1/4-1/4 Section a distance of 420 feet to the North boundary of said 1/4-1/4 Section; thence run East along North boundary of said 1/4-1/4 Section a distance of 840 feet to the point of beginning.

Situated in Shelby County, Alabama

When my husband, Richard L. Porter, and I purchased the property first described above from C. R. Montgomery and wife, Vesta Montgomery, in January 1959, our family began living in an old house located thereon. I have lived continuously on said property since 1959, although I moved into another house on said property a short distance away, but have also continued to maintain the old house.

An old fence has marked the Northern boundary line of the property (being the said property I now solely own, and the property owned by my son and daughter-in-law, as described above) since my husband and I first purchased it. The old fence served as the boundary line with the adjoining property, which I understand was purchased by Edward D. Vanderslice and/or wife, Lenora Vanderslice, in approximately the early 1960's. The fence line was always recognized as the boundary line of the properties.

I had a new fence erected a few years ago, and it was placed in the same location as the old fence. A number of the old cross-tie fence posts are still standing, and remnants of the old fence wire are still evident in trees, attached to some of the old cross-tie fence posts, and also lying along the ground, where the new fence now stands. A part of our property was in pasture land, with cows grazing to the fence. My son, Richard C. Porter, planted a number of pine trees to about the fence line shortly after we stopped keeping cows. Part of the property was also gardened for a time near the fence. We have been in the actual, adverse, continuous, hostile, open, notorious, and exclusive possession of the above described property since January 1959, with my son and his wife having been in such possession of their approximate eight (8) acres since they acquired their interests therein. The fence line has always served as our Northern boundary lines.

It has come to my attention that Theresa V. Dollar, the daughter of Edward D. Vanderslice and wife, Lenora Vanderslice, has begun assessing a part of our Northern boundary, in conflict, with me and my son and daughter-in-law. Edward D. Vanderslice and wife, Lenora Vanderslice, never possessed any part of said property, and never made any claim to the property on our side of the fence. Theresa V. Dollar has never possessed any part of said property. Theresa V. Dollar has never exercised any ownership rights with respect to our property other than the recent assessment. I have notified the taxing authorities that the assessment is incorrect. It is my understanding that Theresa V. Dollar and her aunt, Nell V. Bate, sold their property North of our property to Cyrus B. Fulton in approximately 2005. Cyrus B. Fulton has never made a claim of ownership to any part of our property South of the fence line.

This the 15 day or Sept., 2006.

Fay C. Porter
Affiant - Fay C. Porter

Sworn to and subscribed before me this
the 15th day of Sept., 2006.

Lance Brache
Notary Public