


THIS INSTRUMENT WAS PREPARED BY:
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Shelby Cnty Judge of Probate, AL
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AFFIDAVIT AS TO DEATH AND HEIRS

STATE OF ALABAMA)
SHELBY COUNTY)

Before me, the undersigned, a Notary Public in and for said County in said State, personally appeared LOUISE MASKE whose name is signed to this Affidavit and who is known to me, and who, being by me first duly sworn, deposes and says as follows:

My name is LOUISE MASKE and I reside at 6400 Highway 51, Wilsonville, Shelby County, Alabama. I was personally acquainted with W. L. KELLEY, SR. who died on or about on or about October 12, 1965. He died testate and his Will was probated in Shelby County, Alabama under Probate Docket 16, Page 130. He left no debts outstanding at the time of his death. During his lifetime he owned the following described real estate situated in Shelby County, Alabama, to-wit:

PARCEL I:

A parcel of land situated in the Northwest 1/4 of the Southeast 1/4 of Section 29, Township 19 South, Range 1 East, Shelby County, Alabama, and being more particularly described as follows:

Commence at the Northeast corner of the Northeast 1/4 of the Northeast 1/4 of Section 29, Township 19 South, Range 1 East and run South 2 deg. 7 min. 36 sec. East along East line of said section a distance of 3027.39 feet to a point on the South right-of-way line of U. S. Highway 280; thence South 82 deg. 50 min. 0 sec. West along said right-of-way, a distance of 1314.74 feet to the POINT OF BEGINNING; thence continue along last described course and right-of-way a distance of 849.99 feet; thence South 82 deg. 47 min. 27 sec. West along said right-of-way, a distance of 97.07 feet to a point on the East right-of-way line of Shelby County Highway 51; thence South 36 deg. 48 min. 17 sec. West along said right-of-way, a distance of 130.63 feet; thence continuing along said right-of-way South 35 deg. 58 min. 10 sec. West, a distance of 118.88 feet; thence South 35 deg. 56 min. 46 sec. West along said right-of-way, a distance of 317.80 feet; thence leaving said right-of-way South 3 deg. 42 min. 32 sec. East, a distance of 283.22 feet to a point on the North right-of-way line of CSX Railroad; thence North 82 deg. 42 min. 25 sec. East along said right-of-way, a distance of 39.20 feet; thence continuing along said right-of-way North 7 deg. 17 min. 35 sec. West, a distance of 50.00 feet; thence North 82 deg. 42 min. 24 sec. East, along said right-of-way, a distance of 1007.84 feet; thence North 82 deg. 59 min. 34 sec. East, along said right-of-way a distance of 258.14 feet; thence leaving said right-of-

way North 2 deg. 58 min. 12 sec. West, a distance of 645.68 feet to the POINT OF BEGINNING. Situated in Shelby County, Alabama. Containing 17.6 acres or 768,545 sq. ft., more or less.

According to survey of Robert C. Farmer, RLS #14270, dated November 2, 2006.

PARCEL II:

A parcel of land situated in the Northeast 1/4 of the Southwest 1/4 of Section 29, Township 19 South, Range 1 East, Shelby County, Alabama, and being more particularly described as follows:

Commence at the Northeast corner of the Northeast 1/4 of the Northeast 1/4 of Section 29, Township 19 South, Range 1 East and run South 27 deg. 36 min. East along East line of said section a distance of 3027.39 feet to a point on the South right-of-way of U. S. Highway 280; thence South 82 deg. 50 min. 0 sec. West along said right-of-way, a distance of 1314.74 feet; thence continue along last described course along said right-of-way a distance of 849.99 feet; thence South 82 deg. 47 min. 27 sec. West along said right-of-way, a distance of 97.07 feet to a point on the East right-of-way line of Shelby County Highway 51; thence South 36 deg. 8 min. 55 sec. West along said right-of-way, a distance of 567.30 feet to the POINT OF BEGINNING, said point also being the point of a curve to the left having a radius of 866.48 feet and a central angle of 21 deg. 51 min. 57 sec.; thence continuing along the East right-of-way line of Shelby County Highway 51 in a Southwesterly direction along the arc of said curve a distance of 330.68 feet to a point on the North right-of-way line of CSX Railroad; thence North 82 deg. 42 min. 30 sec. East along said right-of-way, a distance of 150.00 feet; thence leaving said right-of-way North 3 deg. 42 min. 32 sec. West, a distance of 283.22 feet to the POINT OF BEGINNING. Containing 24,652 sq. ft., more or less.

According to survey of Robert C. Farmer, RLS #14270, dated November 2, 2006.

PARCEL III:

A parcel of land situated in the Northwest 1/4 of the Southeast 1/4 of Section 29, Township 19 South, Range 1 East, Shelby County, Alabama, and being more particularly described as follows:

Commence at the Northeast corner of the Northeast 1/4 of the Northeast 1/4 of Section 29, Township 19 South, Range 1 East and run South 27 deg. 36 min. East along East line of said section a distance of 3027.39 feet to a point on the South right-of-way of U. S. Highway 280; thence South 82 deg. 50 min. 0 sec. West along said right-of-way, a distance of 1314.74 feet; thence continue along last described course along said right-of-way a distance of 849.99 feet; thence South 82 deg. 47 min. 27 sec. West along said right-of-way, a distance of 97.07 feet; thence continue along last described course and said right-of-way a distance of 362.33 feet; North 3 deg. 33 min. 4 sec. West, a distance of 299.55 feet to a point on the North right-of-way line of U. S. Highway 280; said point also being the POINT OF BEGINNING; thence North 3 deg. 30 min. 38 sec. West, a distance of 280.46 feet; thence South 54 deg. 36 min. 48 sec. East, a distance of 414.72 feet to a

point on the North right-of-way line of U. S. Highway 280; thence South 82 deg. 56 min. 8 sec. West along said right-of-way, a distance of 323.39 feet to the POINT OF BEGINNING. Containing 0.57 acres or 24,652 sq. ft., more or less.
According to survey of Robert C. Farmer, RLS #14270, dated November 2, 2006.

I had known W. L. KELLEY, SR. for a period of more than 25 years and knew his family. He left surviving him a wife, BULAH KELLEY, and six (6) children, namely, EUGENE KELLEY, LUCILLE CHRISTIAN, W. L. KELLEY, JR., ROBERT KELLEY, BOOZER KELLEY and ADRIAN KELLEY. The said children were over the age of 19 years and of sound mind. He had a daughter, namely, ALDA KELLEY GARDNER, who predeceased him and another daughter who predeceased him, namely CHRISTINE KELLEY, who died at the age of 7 or 8 years and she never married and never had children. Other than these said children, the said W. L. KELLEY, SR. was survived by no other child or children or descendant of a deceased child or children other than the one herein above named.

The devisees under the Last Will and Testament of W. L. KELLEY, SR. were EUGENE KELLEY, LUCILLE CHRISTIAN, W. L. KELLEY, JR., ROBERT KELLEY, BOOZER KELLEY and ADRIAN KELLEY. ALDA KELLEY GARDNER was not named in the Last Will and Testament of W. L. Kelley, Sr. because she predeceased him. His will provided BULAH KELLEY a life estate in said property and it terminated upon her death which occurred on November 8, 1967.

W. L. KELLEY, SR.'s son, EUGENE KELLEY, died on or about May 7, 1985 intestate and there was no administration of his estate. He never married and never had children.

W. L. KELLEY, SR.'s daughter, LUCILLE CHRISTIAN, died on or about April 10, 2000 and she died intestate and there was no administration of her estate. At the time of her death she was an unmarried woman. She left surviving her five (5) children, namely, ANN SHIRLEY, BRENDA PERRIN, KATHERINE CHRISTIAN a/k/a KATHY CHRISTIAN, TERRY CHRISTIAN, and JEREMY VINCENT CHRISTIAN. The said children are all over the age of 19 years and are of sound mind. Other than these said children, the said LUCILLE CHRISTIAN was survived by no other child or children or descendant of a deceased child or children.

W. L. KELLEY, SR.'s son, W. L. KELLEY, JR., died on or about January 24, 1998, and his will was probated in the Probate Court of Shelby County, Alabama, Case No. 37-203. The said will devised all of his property to his wife, LILLIE M. KELLEY a/k/a LILLIE MAE KELLEY.

W. L. KELLEY, SR.'s son, ROBERT KELLEY, died on or about January 28, 1995, and his will was probated in the Probate Court of Shelby County, Alabama, Case No. 33-213. The said will devised all of his property to his wife, GERALEE MUSE KELLEY a/k/a GERALEE KELLEY.

W. L. KELLEY, SR.'s son, BOOZER KELLEY a/k/a MONROE BOOZER KELLEY, died on January 17, 1981 and he died intestate and there was no administration of his estate. At the time of his death he was an unmarried man. He left surviving him five (5) children, namely, SUE OVERTON a/k/a JIMMIE SUE KELLEY OVERTON, JO HETHCOX a/k/a NORMA JO HETHCOX (a/k/a JO HETHCOCK), JACKIE RAY KELLEY, JILL STONE a/k/a MELIA JILL K. STONE, and BRENDA KAY BENNETT. The said children were all over the age of 19 years and were of sound mind. Other than these said children, the said BOOZER KELLEY a/k/a MONROE BOOZER KELLEY was survived by no other child or children or descendant of a deceased child or children. BRENDA KAY BENNETT, the daughter of BOOZER KELLEY a/k/a MONROE BOOZER KELLEY, is now deceased having died on or about September 27, 2003. At the time of her death she was an unmarried woman. She died intestate and there was no administration of her estate. She left surviving her three (3) children, namely, DANNY EARL GRIMES, TRAVIS GRIMES and SHANNON PARDUE. The said children are all over the age of 19 years and are of sound mind. She also had a child that died at birth in 1960 and a child, namely, LISA GRIMES, who died at the age of 9 months in November 1967. Other than these said children, the said BRENDA KAY BENNETT was survived by no other child or children or descendant of a deceased child or children other than the ones herein above named.

W. L. KELLEY, SR.'s son, ADRIAN KELLEY, died on or about June 28, 1984 and he died intestate and there was no administration of his estate. He left surviving him a widow, namely ZELLENE KELLEY a/k/a ZOLENE KELLEY, and two (2) children, namely RUSSELL KELLEY and SHIRLEY KELLEY. The said ZELLENE KELLEY a/k/a ZOLENE KELLEY is now deceased, having died in the fall of 1999 and she was unmarried at the time of her death and she died intestate and there was no administration of her estate. Other than these said children, the said ADRIAN KELLEY and ZELLENE KELLEY a/k/a ZOLENE KELLEY were survived by no other child or children or descendant of a deceased child or children.

I remember visiting the home of W. L. Kelley, Sr. as an adult. The house was a white frame house approximately three (3) bedrooms which was a well kept farm type house. Also, I remember the barn, which was not painted and set to the north of the house. The barn was also taken by the right-of-way of Highway 280. W.L. Kelley, Sr. was a farmer who tended this land by cultivating and growing crops and in addition, he also had cows on this property for many, many years. The property was fenced around the perimeter of the property and was also cross fenced across approximately one-half of the property which came behind the house. This separated the house from the live stock. I have never heard of anyone, including but not limited to, D. L. Smith or his successors or assigns ever claiming or attempting to claim, or encroaching on any of the W. L. Kelley, Sr. property. Neither have I ever heard of anyone else encroaching or claiming or attempting to encroach on any of the property of W. L. Kelley, Sr. This property has belonged to W. L. Kelley, Sr. and his heirs for many, many, many years. W. L. Kelley, Sr., his successors and assigns, have been in open, notorious, continuous, actual and adverse possession of caption lands since 1932, and I know of no other party or parties claiming any interest in the property. In addition, to all of the above, I remember there being an upholstery shop on W. L. Kelley Sr.'s property. The upholstery shop was operated at one time by W. L.

Kelley, Jr. and Boozer Kelley, however, that property was taken by the road right-of-way of 280 and of course the old upholstery shop has long since gone. As long and I can remember this property has belonged to the W. L. Kelley, Sr. estate or his heirs. The trees that now appear on the property are on land that was located near where their house was, was once a pasture land totally cleared and also trees now appear on the land that was cultivated by W. L. Kelley, Sr.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on this the _____ day of _____, 2006.

Louise Maske
AFFIANT- LOUISE MASKE

STATE OF ALABAMA)
SHELBY COUNTY)

SWORN TO AND SUBSCRIBED BEFORE ME ON THIS THE 15 DAY OF November, 2006.

John G. Lusk
NOTARY PUBLIC
MY COMMISSION EXPIRES: 6-9-2007