

ADVERSE POSSESSION AFFIDAVIT

STATE OF ALABAMA }

COUNTY OF }

Before me, the undersigned authority in and for said County in said State, personally appeared this day April 18, 2007, who, being by me first duly sworn, deposes and says:

I am a bona fide resident of Chilton County, Alabama, and I am over the age of twenty-one years. I have been familiar with that certain real property to said State and County more particularly described as:

A parcel of land located in a portion of the Northwest 1/4 of the Northwest 1/4 of Section 17, Township 21 South, Range 02 West of Shelby County, Alabama, more particularly described as follows:

Commence at the Northeast corner of the Northwest 1/4 of the Northwest 1/4 of Section 17, marked by a found 1 1/2 inch capped pipe; thence North 87°55'54" West a distance of 338.56 feet along the north line of said 1/4, 1/4 section to a set 1 1/2 inch capped pipe, this point will also be known as the Point of Beginning of the hereinafter described parcel; thence South 01°24'33" East a distance of 1226.57 feet to the center of a well house; thence continuing along the same bearing a distance of 99.20 feet to a set 1 1/2 inch capped pipe on the North right-of-way of Shelby County Road #26; thence along the north right-of-way of said road a bearing of South 84°14'08" West a distance of 328.94 feet to found 1 1/4 inch solid iron; thence North 00°22'45" West a distance of 233.19 feet to a set 1 1/2 inch capped pipe; thence North 00°43'33" West a distance of 1136.53 feet to a point on the north line of said 1/4, 1/4 section, marked by a set 1 1/2 inch capped pipe; thence South 87°55'54" East a distance of 310.81 feet along the north line of said 1/4, 1/4 section to the point of beginning. Said parcel containing 9.85 acres, more or less.

All bearings based on Alabama State Plane West Zone Grid North.
Situating, lying, and being in Shelby County, Alabama.

I have been familiar with the above-described property, its owners and its use since 1951. The captioned property was acquired in 1951 by Herman Hamm. I personally knew Herman Hamm who was well known in the community.

The property has always been used to my knowledge as a homestead and occasionally for gardening purposes. Herman Hamm lived on the property. A service station was located on the property during the ownership of Herman Hamm. Herman Hamm passed away on January 6th, 1970 at which time the estate was passed on to Herman Hamm's sons; James R. Hamm, Robert C. Hamm, and Marvin J. Hamm. James R. Hamm passed away in 2006 and had paid the property taxes on the property for 2003 and 2004 after the property was vacated by Herman Hamm's widow, Edna Hamm, who was allowed to live on the property after her husband's death. Edna Hamm passed away in a nursing home on August 13th, 2005. James Hamm named his daughter, Deborah Dean, as executrix of his estate and she also acted as a representative of the family for the descendants of Robert, Marvin, and James Hamm in the sale of Herman Hamm's property.

I have never known of anyone other than the Herman Hamm to claim title to the captioned property since 1951. I know for a fact that the Herman Hamm has assessed and paid the taxes through the years and held the captioned property in actual, open, hostile, exclusive, notorious and continuous possession since 1951, and I have never known of any boundary line disputes to any of the property during their years of ownership.

Charles C. Bergh (L.S.)

Sworn to and subscribed
Before me this 16 day of April, 2007.

Rebecca Powell
Notary Public State at Large

My commission expires 12/15/2009