


State of Alabama       )  
Jefferson County       )

  
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Shelby Cnty Judge of Probate, AL  
02/01/2008 02:50:40PM FILED/CERT

**AFFIDAVIT**

Before me, the undersigned, a Notary Public in and for said county and state, personally appeared **William Thomas Brown, Jr.**, who after being duly sworn, deposes and states as follows:

1. My name is William Thomas Brown, Jr. I am over the age of nineteen and a resident of Jefferson County, Alabama.
2. I have personal knowledge of the title to the real property legally described as Lot 1, Block 6, according to the Survey of Lincoln Park, as recorded in Map Book 3, Page 145, in the Office of the Judge of Probate of Shelby County, Alabama.
3. In 1959, William Thomas Brown, Sr. and Georgia Mae Brown acquired title to the property from Mid South Development Corporation as tenants in common by virtue of a deed dated 1959 and recorded in Deed Book 202, Page 496, in the Probate Office of Shelby County, Alabama.
4. In 1968, William Thomas Brown, Sr. and Georgia Mae Brown divorced. A Final Decree of Divorce between William Thomas Brown, Sr. and Georgia Mae Brown, dated October 16, 1968, Case No. 153-907, designated that the property be sold and the proceeds divided; however, the property was never sold.
5. On September 24, 1977, Georgia Mae Brown died testate. Her Estate was probated as case number 112413 in the Probate Court of Jefferson County, Alabama, and the subject property described in this lawsuit was devised to her sister, Laverne Brown.
6. Laverne Brown died testate on June 15, 1984, and her Will was duly probated in the Probate Court of Jefferson County, Alabama, on August 28, 1984, as case number 113715. However, the Estate of Georgia Mae Brown could not be settled prior to the death of Laverne Brown as the time for filing of claims had not expired. Under the terms of the Will of Laverne Brown, all of her Estate was to be devised to sister, Georgia Mae Brown, but if Georgia Mae Brown pre-deceased Laverne Brown, the Will of Laverne Brown provided that all of the assets of the Estate, with the exception of certain items of personal property which are not at issue in this matter, would be divided equally among the following charitable institutions: The Methodist Home for the Aging, The Children's Hospital, Alabama Heart Association, and the American Cancer Society.
7. Despite the requirements of the divorce decree, William Thomas Brown, Sr. maintained actual possession of the property after the divorce.
8. William Thomas Brown, Sr. had two children, Melody Walker Huntley and William Thomas Brown, Jr.
9. William Thomas Brown, Sr. died intestate on or about October 24, 1993. At the time of his death, William Thomas Brown, Sr. was married to Geraldine Brown. Geraldine Brown is my mother and is still living. Melody Walker Huntley and William Thomas Brown, Jr. are the sole living heirs of William Thomas Brown, Sr., and they have maintained actual possession of the property since his death.
10. William Thomas Brown and/or his children Melody Walker Huntley and William Thomas Brown, Jr. have been in actual possession of the property described herein for well in excess of 20 years. Said

persons have possessed the property continuously, actually, openly, and notoriously, exclusive of all others, hostile, and under a claim of right and have paid all ad valorem taxes, fire dues, and library dues. Said persons have maintained the property including landscaping and/or vegetation upkeep and have posted the property and guarded it against trespassers, poachers, and encroachers. Said persons have used the property for their own personal use exclusive of others.

Further, the Affiant saith not.

Dated this 30<sup>th</sup> day of January, 2008.



William Thomas Brown, Jr.  
Affiant

State of Alabama       )  
Jefferson County       )

Before me, the undersigned authority, in and for said State and County, personally appeared **William Thomas Brown, Jr.**, being by me first duly sworn, deposes and says that the facts alleged in the foregoing Affidavit are true and correct to the best of her knowledge and belief. Sworn to and voluntarily subscribed before me this the 30<sup>th</sup> day of January, 2008.

[SEAL]

  
NOTARY PUBLIC

My Commission Expires: 08/18/09