

Adverse Possession Affidavit  
Prepared By: TINA WATERS  
600 N 18th Street  
BIRMINGHAM AL 35203

STATE OF ALABAMA }

COUNTY OF SHELBY }

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

I have been a resident of Shelby County, Alabama for at least fifteen years. I am over the age of twenty-one years, am of sound mind and I have known and been familiar with the owners of that certain real property described herein:

(See Exhibit "A" attached hereto and made a part hereof).

I have known the property described herein, its owners and its use since 1990. The captioned property was acquired by **Isaac and Joyce Gardner Byrd** following the death of her father, Carl Gardner, in 2007. I know that he lived on the property described herein and maintained it as his primary residence. I know that Mr. Gardner mowed and maintained the grass on this same property. I also know that following his death in 2007, his daughter, Joyce Gardner Byrd, took possession of the property.

To the best of my knowledge, I have never known anyone to claim title to the captioned property since the Byrd family. To the best of my knowledge, the Byrd family has paid taxes and owned the property through the years, and held the captioned property in actual, open, hostile, exclusive, notorious and continuous possession since Mr. Gardner's death in 2007, and I have never known of any boundary line disputes to any of the property during their years of ownership.

Paul Edwards  
Paul Edwards

Sworn to and subscribed before me this 14<sup>th</sup> day of JANUARY, 2010.

Steve J. Waters  
Notary Public State at Large

My commission expires: 4/21/2013

  
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01/15/2010 09:20:19 AM FILED/CERT

# EXHIBIT "A"

## Boundary Description

Shelby County, Alabama

Section 01

Fractional Township 21 South, Range 01 East

Fractional Section 06

Fractional Township 21 South, Range 02 East

A tract of land located in a portion of the East 1/4 of Section 01, Fractional Township 21 South, Range 01 East and in a portion of the West 1/4 of Fractional Section 06, Fractional Township 21 South, Range 02 East, being more particularly described as follows:

Commence at the Southwest corner of the Southwest 1/4 of the Northwest 1/4 of Fractional Section 06, Fractional Township 21 South, Range 02 East, marked by a found 3/4 inch steel pin, thence North 00°18'45" West a distance of 55.96 feet to a point on Norfolk Southern Railway Company's southeasterly right-of-way line, marked by a set 5/8 inch capped rebar stamped "APCO", said point being the **Point of Beginning** of the tract of land herein described; thence North 65°07'33" East a distance of 358.06 feet along said Norfolk Southern Railway Company's southeasterly right-of-way line to a set 5/8 inch capped rebar stamped "APCO"; thence leaving said right-of-way line and run South 01°48'51" East a distance of 207.52 feet to a found 5/8 inch capped rebar stamped "JGRAY-PLS#12295"; thence South 65°13'38" West a distance of 432.56 feet to a found 5/8 inch rebar; thence North 19°36'00" West a distance of 148.16 feet to a point on the southeasterly right-of-way line of Shelby County Road No. 61 (S. Main Street), marked by a set 5/8 inch capped rebar stamped "APCO", said point being called **Reference Point "A"** for reference hereafter; thence continue the same bearing a distance of 12.49 feet to a set 5/8 inch capped rebar stamped "APCO"; thence North 22°22'02" East a distance of 44.49 feet to a point on said Norfolk Southern Railway Company's southeasterly right-of-way line, marked by a set 5/8 inch capped rebar stamped "APCO"; thence North 65°07'33" East a distance of 83.68 feet along said Norfolk Southern Railway Company's southeasterly right-of-way line to a point on the southeasterly right-of-way line of said Shelby County Road No. 61 (S. Main Street), marked by a 6 inch by 6 inch concrete monument; thence continue the same bearing a distance of 24.66 feet to the point of beginning.

Said tract of land being subject to a portion of right-of-way of Shelby County Road No. 61 (S. Main Street), as shown on map of Federal Road District #8, Project # S/658(2), dated 1953, being sheet 21 of 30, and being more particularly described as follows:

Begin at said **Reference Point "A"** referenced above; thence North 19°36'00" West a distance of 12.49 feet to a set 5/8 inch capped rebar stamped "APCO"; thence North 22°22'02" East a distance of 44.49 feet to a point on Norfolk Southern Railway Company's southeasterly right-of-way line, marked by a set 5/8 inch capped rebar stamped "APCO"; thence North 65°07'33" East a distance of 83.68 feet along said Norfolk Southern Railway Company's southeasterly right-of-way line to a point on the southeasterly right-of-way line of said Shelby County Road No. 61 (S. Main Street), marked by a 6 inch by 6 inch concrete



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01/15/2010 09:20:19 AM FILED/CERT

monument; thence South 45°10'39" West a distance of 125.00 feet along said road right-of-way to the point of beginning.

All bearings based on Alabama State Plane West Zone Grid North.

Said tract containing 2.02 acres, more or less, including area that falls within Shelby County Road No. 61 (S. Main Street) right-of-way.

Situated, lying, and being in Shelby County, Alabama.

  
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