

## AFFIDAVIT OF ADVERSE POSSESSION

STATE OF ALABAMA  
SHELBY COUNTY

20100414000389130 1/7  
Bk: LR201003 Pg: 15449  
Jefferson County, Alabama  
I certify this instrument filed on  
04/14/2010 09:33:39 AM AFF  
Judge of Probate- Alan L. King

Before me, the undersigned authority in and for said County and State personally appeared **JAMES CARTER DENTON (AFFIANT)** who is known to me and who being first by me duly sworn, deposes and says as follows:

That he/she is over nineteen (19) years of age, is of sound mind, and has owned real property in the City of Leeds, Jefferson County, Alabama continuously since the year 1982 to the date of this Affidavit.

This Affidavit is taken concerning those real properties owned by James Carter Denton and Emma Jean Denton as described in Deed Book 9611, Page 3487, Deed Book 9611, Page 3492 in the Probate Office of Jefferson County, Alabama, and those real properties described in Deed Book 2008, Page 45597 in the Probate Office of Shelby County, Alabama, more particularly described as:

That the said property is described as:

### **Parcel I:**

Part of the North one-half of Southeast Quarter of Southeast Quarter of Section 22, Township 17 South, Range 1 East, more particularly described as follows: Commence at the Northwest corner of the Southeast Quarter of Southeast Quarter; thence East along the North line of said quarter-quarter section 812.35 feet to the Northeast corner of property conveyed to Frankie C. Parker and Carol E. Parker, by deed recorded in Real Volume 1014, Page 847, said point being the point of beginning; thence continue East 524.98 feet to the Northeast corner of said Quarter-quarter section; thence south along the East line of said quarter-quarter section 659.49 feet to the Southeast corner of the North one-half of the Southeast quarter of Southeast Quarter; thence West along the South line of said North one-half of the Southeast Quarter of Southeast Quarter 620 feet to the Southeast corner of property conveyed to Marvin Latham and Lena Latham by deed recorded in Volume 6308, Page 330, thence 89 degrees 53 minutes right 59.72 feet along East line of said Latham property to the South line of Alabama Power Company easement; thence 44 degrees 6 minutes left along said easement and along said Latham property 122.83 feet; thence 1 degree 11 minutes left along said easement and along said Latham property and along the Northeasterly line of property conveyed to Ellen M. Isbell by deed recorded in Volume 6696, Page 670, 222.34 feet; thence 43 degrees 40 minutes left 73.41 feet along said Isbell property; thence 90 degrees right and Northwesterly along East line of said Isbell property 138 feet, more or less; thence 16 degrees 50 minutes left 30.42

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Shelby Cnty Judge of Probate, AL  
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feet Northwesterly along East line of said Isbell property to the Southwest corner of aforementioned Parker property; thence East along South line of said Parker property 455.27 feet; thence North along East line of said Parker property 210 feet to the point of beginning. Situated in Jefferson County, Alabama.

Less and except that part conveyed to the City of Leeds, Alabama, recorded in real volume 2423, Pages 573 and 574, in the Office of the Judge of Probate of Jefferson County, Alabama.

Deed Reference: Deed Dated 9/13/1996; Book 9611, Page 3492, in the Office of the Judge of Probate of Jefferson County, Alabama.

Parcel ID No: 25-22-4-000-025.00, Jefferson County, Alabama.

**Parcel II:**

South  $\frac{1}{2}$  of SE  $\frac{1}{4}$  of SE  $\frac{1}{4}$  of Section 22, Township 17, Range 1 East. Situated in Jefferson County, Alabama.

Deed Reference: Deed Dated 9/13/1996; Book 9611, Page 3487, in the Office of the Judge of Probate of Jefferson County, Alabama.

Parcel ID No: 25-22-4-000-030.000, Jefferson County, Alabama

**Parcel III.**

The SW  $\frac{1}{4}$  of Section 23, Township 17, Range 1 East. Situated in Shelby County, Alabama.

Deed Reference: Deed Dated 9/13/1996; Book 2008, Page 45597, in the Office of the Judge of Probate of Shelby County, Alabama.

Parcel ID No: 01-7-26-0-000-004.000, Shelby County, Alabama

**Parcel IV.**

The NW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 26, Township 17, Range 1 East. Situated in Shelby County, Alabama.

Deed Reference: Deed Dated 9/13/1996; Book 2008, Page 45597, in the Office of the Judge of Probate of Shelby County, Alabama.

Parcel ID NO: 01-6-23-0-001-043.000, Shelby County, Alabama.

(collectively hereinafter referred to as the "Real Properties).



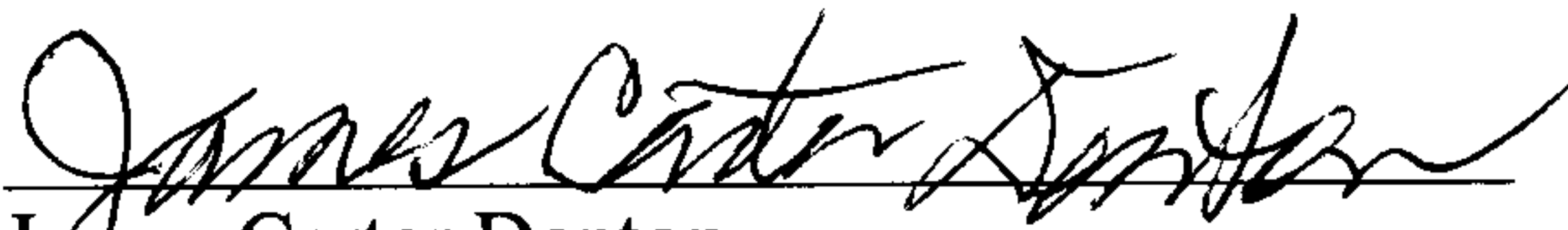
The Affiant further states that James Carter Denton and Emma Jean Denton were in the continuous, actual, open, notorious, adverse, peaceful and exclusive possession of the Real Properties claiming to own the same in year 1982.

James Carter Denton and Emma Jean Denton have used the Real Properties and that they have been in continuous, actual, open, notorious and peaceful possession of the Real Properties from 1982 to the present time. Affiant is aware that James Carter Denton and Emma Jean Denton conveyed the Real Properties to a limited liability company (LLC) whereby James Carter Denton and Emma Jean Denton were initial member of said LLC, (CERH, LLC) in 1996, but that ownership remained with the Denton's and/or their CERH, LLC in continuous, actual, open, notorious and peaceful possession since 1982.

The Affiant further states that he/she has known of the Real Properties for 27 years and during all the time that he/she has known said Real Properties has never known or heard of anyone disputing the ownership of the Real Properties or any making any claim to any part thereof.

The Affiant further states that he/she is aware that a new survey was performed and completed by Chuck Roberts concerning the Real Properties and that a copy of said actual survey, as well as the legal description, is attached to this Affidavit as Addendum A and Addendum B.

In Witness Whereof, I have thereunto set my hand and seal on this the 12th day of April, 2010.


  
James Carter Denton

STATE OF ALABAMA  
COUNTY OF SHELBY

I, the undersigned authority, a Notary Public, hereby certify that James Carter Denton, whose name is signed to the foregoing instrument or conveyance, and who is known to me, and who acted with full authority, acknowledged before me on this day that, being informed of the contents of the conveyance, he executed the same voluntarily and with full authority on the day the same bears date.

Given under my hand this the 12th day of April, 2010.

(SEAL)

  
C. Ryan Sands, Notary Public  
My commission expires: Dec 18 2011



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*Ricia Jane Neura Sides*

By: Ricia Jane Neura Sides, as Member

*Heather Jean Denton aka Heather Eldridge*

By: Heather Jean Denton aka Heather Eldridge,  
as Member

STATE OF ALABAMA  
COUNTY OF SHELBY

I, the undersigned Notary Public, in and for said State and County, do hereby certify that **James Carter Denton**, whose name as the manager of **CERH, LLC** is signed to the above and foregoing instrument, and who are known to me, each acknowledged before me on this day, that, being informed of the contents of said instrument, he, as such manager and with full authority, executed the same voluntarily for and as the act of said limited liability company on the day the same bears date.

Given under my hand and official seal of office on this the 12th day of April, 2010.

  
NOTARY PUBLIC

[AFFIX SEAL HERE]


STATE OF ALABAMA  
COUNTY OF SHELBY

I, the undersigned Notary Public, in and for said State and County, do hereby certify that **Ricia Jane Neura Sides and Heather Jean Denton aka Heather Eldridge**, whose names as the members of **CERH, LLC** is signed to the above and foregoing instrument, and who are known to me, each acknowledged before me on this day, that, being informed of the contents of said instrument, they each, as such Members and with full authority, executed the same voluntarily for and as the act of said limited liability company on the day the same bears date.

Given under my hand and official seal of office on this the 12th day of April, 2010.

  
NOTARY PUBLIC

[AFFIX SEAL HERE]

  
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## **EXHIBIT "A"**

### **PARCEL I:**

The Southwest Quarter of Section 23, Township 17 South, Range 1 East, Shelby County, Alabama, containing 160.32 acres, more or less, and being more particularly described as follows:

Beginning at a 3" capped pipe representing the Southwest corner of said Section 23; thence run N 01°21'24" E along the west line of said Section 23 for 1,312.51' to a 3/4" pipe representing the Northwest corner of the Southwest Quarter of said Section 23; thence run N 01°14'56" E along said west line for 664.92' to a 3/4" crimped pipe; thence run N 01°21'03" E along said west line for 628.66' to a 3" capped pipe representing the Northwest corner of the Southwest Quarter of said Section 23; thence run S 89°52'02" E along the north line of said Southwest Quarter for 2,659.45' to a 1/2" rod set at the Northeast corner of said Southwest Quarter; thence run S 00°28'04" W along the east line of said Southwest Quarter for 2,608.54' to a 5/8" capped rebar representing the Southeast corner of said Southwest Quarter; thence run N 89°48'09" W along the south line of said Southwest Quarter for 1,349.09' to a 5/8" capped rebar representing the Southeast corner of the Southwest Quarter of the Southwest Quarter of said Section 23; thence run N 89°48'21" W along the south line of the Southwest Quarter of the Southwest Quarter of said Section 23 for 1,349.46' to the point of beginning.

Said tract being subject to any easements or rights-of-way of record over or across said tract.

### **PARCEL II:**

The Northwest Quarter of the Northwest Quarter of Section 26, Township 17 South, Range 1 East, Shelby County, Alabama, containing 40.84 acres, more or less, and being more particularly described as follows:

Beginning at a 3" capped pipe representing the Northwest corner of the Northwest Quarter of the Northwest Quarter of said Section 26; thence run S 89°48'21" E along the north line of the Northwest Quarter of the Northwest Quarter of said Section 26 for 1,349.46' to a 5/8" capped rebar representing the Northeast corner of the Northwest Quarter of the Northwest Quarter of said Section 26; thence run S 00°58'57" W along the east line of the Northwest Quarter of the Northwest Quarter of said Section 26 for 1,321.15' to a 5/8" capped rebar representing the Southeast corner of the Northwest Quarter of the Northwest Quarter of said Section 26; thence run N 89°49'33" W along the south line of the Northwest Quarter of the Northwest Quarter of said Section 26 for 1,343.32' to a 1 1/2" iron bar representing the Southwest corner of the Northwest Quarter of the Northwest Quarter of said Section 26; thence run N 00°42'58" E along the west line of the Northwest Quarter of the Northwest Quarter of said Section 26 for 1,321.54' to the point of beginning.

Said tract being subject to any easements or rights-of-way of record over or across said tract.

### **PARCEL III:**

The South Half of the Southeast Quarter of the Southeast Quarter of Section 22, Township 17 South, Range 1 East, Jefferson County, Alabama, containing 20.25 acres, more or less, and being more particularly described as follows:



Beginning at a 3" capped pipe representing the Southeast corner of said South Half; thence run N 88°38'42" W along the south line of said South Half for 1,338.18' to a 1½" iron bar representing the Southwest corner of said South Half; thence run N 01°25'02" E along the west line of said South Half for 660.04' to a ¾" crimped pipe representing the Northwest corner of said South Half; thence run S 88°41'18" E along the monumented north line of said South Half for 722.38' to a ¾" pipe; thence run S 88°14'28" E along said monumented line for 615.12' to a ½" rod set at the Northeast corner of said South Half; thence run S 01°21'24" W along the east line of said South Half for 656.25' to the point of beginning.

Said tract being subject to any easements or rights-of-way of record over or across said tract.

**PARCEL IV:**

Part of the North Half of the Southeast Quarter of the Southeast Quarter of Section 22, Township 17 South, Range 1 East, Jefferson County, Alabama, containing 10.42 acres, more or less, and being more particularly described as follows:

Commence at a 3" capped pipe representing the Northwest corner of said North Half; thence run S 88°16'09" E along the monumented north line of said North Half for 812.46' to a ¾" pipe at the Northeast corner of that parcel described in Real Volume 1014, at Page 847, and the point of beginning of the tract herein described; thence run S 88°21'02" E along said monumented line for 524.75' to a ¾" pipe representing the Northeast corner of said North Half; thence run S 01°21'24" W along the east line of said North Half for 656.25' to a ½" rod set at the Southeast corner of said North Half; thence run N 88°14'28" W along the monumented south line of said North Half for 615.12' to a ¾" pipe at the Southeast corner of that parcel described in Volume 6308, at Page 330; thence with a right deflection angle of 82°04'22", run N 06°35'53" W along the east line of that parcel described in Volume 6308, at Page 330 for 57.13' to a ¾" pipe; thence with a left deflection angle of 27°51'32", run N 34°27'25" W along the northeast line of that parcel described in Volume 6308, at Page 330 for 122.83' to a ½" rod set; thence with a left deflection angle of 3°53'09", run N 38°20'34" W along the northeast line of that parcel described in Volume 6308, at Page 330 and along the northeast line of that parcel described in Volume 6696, at Page 670 for 222.34' to a ½" rod set; thence with a left deflection angle of 43°40', run N 82°00'34" W along the northeast line of that parcel described in Volume 6696, at Page 670 for 73.41' to a ½" rod set; thence with a right deflection angle of 48°42'28", run N 33°18'06" W along the east line of that parcel described in Volume 6696, at Page 670 for 102.15' to a ¾" pipe; thence with a right deflection angle of 9°51'57", run N 23°26'09" W along the east line of that parcel described in Volume 6696, at Page 670 for 30.46' to a ¾" pipe at the southwest corner of that parcel described in Real Volume 1014, at Page 847; thence run S 88°16'32" E for 455.03' to a ¾" pipe; thence run N 01°36'36" E for 210.12' to the point of beginning.

Said tract being subject to any easements or rights-of-way of record over or across said tract.

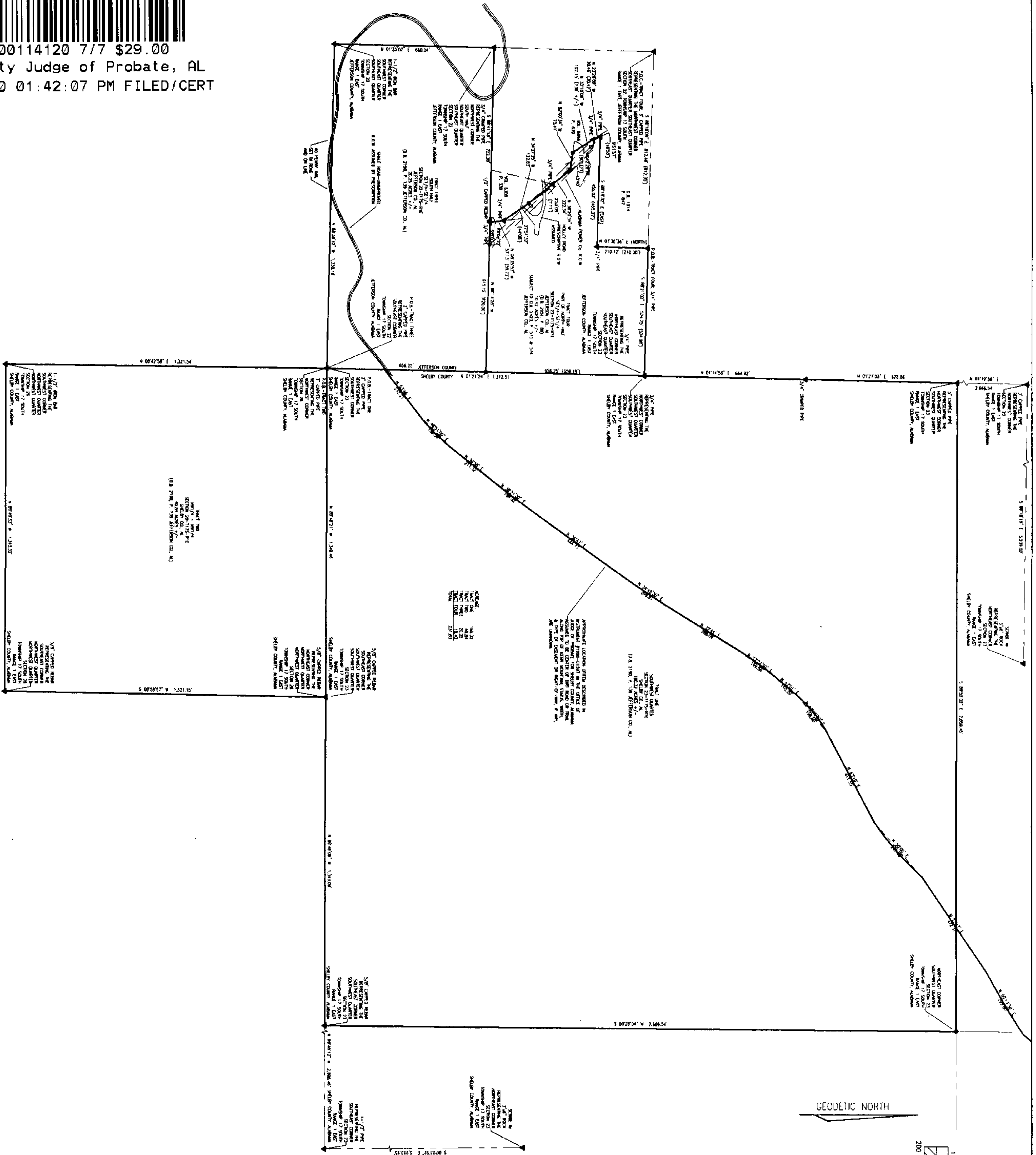


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EXHIBIT B



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Bk: LR201003 Pg:15449  
Jefferson County, Alabama  
04/14/2010 09:33:39 AM AFF  
Fee - \$23.00

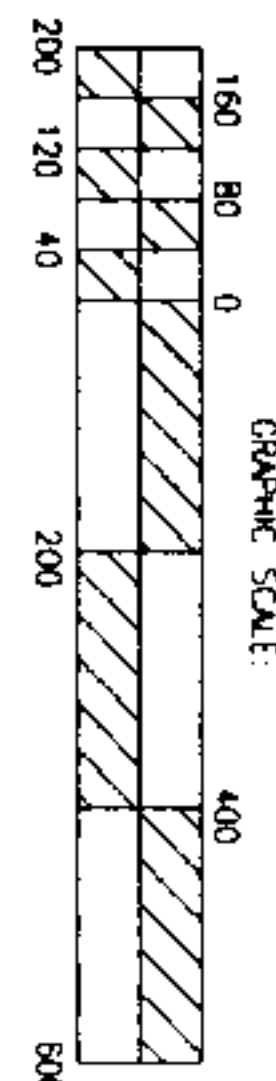
Total of Fees and Taxes-\$23.00  
JCOCKRELL

NOTE: 1. ITEMS IN PARENTHESES ARE FOR PREVIOUS RECORD.  
2. THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF ALABAMA.  
3. NO ATTEMPT WAS MADE OR REQUESTED TO LOCATE ANY MONUMENTS FOR THE PURPOSE OF THIS SURVEY.  
4. THE TRACTS SHOWN HEREON ARE SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY RECORDED IN DB 4025, P 260 AND DB 3097, P 564, JEFFERSON COUNTY, ALABAMA.

CHARLES D. ROBERTS, P.L.S.  
AL REG NO. 17520

STATE OF ALABAMA  
JEFFERSON AND SHELBY COUNTIES  
I, Charles D. Roberts, a Professional Land Surveyor in the State of Alabama, hereby state that the herein is a representation of the results of a survey conducted in accordance with the Standards of Practice for Surveying in the State of Alabama to the best of my knowledge, information, or belief.

Witness my hand this 9th day of April, 2010.



LEGEND  
--- FENCE  
--- EXISTING MONUMENT  
--- 1/2\"/>

SHEET:  
of

BOUNDARY SURVEY  
for  
SAMUEL D. HASKELL

LOCATED IN  
SECTIONS 22, 23 and 26  
in TOWNSHIP 17 SOUTH, RANGE 1 EAST  
JEFFERSON and SHELBY COUNTIES, ALABAMA

REVISIONS	
DATE	BY

SCALE: 1"=200'	DATE: 04/09/10	FIELD SURVEY DATE: 03/18/22, 25, 29/10 04/01, 06, 08/10
DRAWN BY: CM, CDR	APPROVED BY: CDR	FIELD BOOK NO.: 233
C.D. ROBERTS ASSOCIATES, INC. 115 NORTH EAST STREET P.O. BOX 78 TALLADEGA, AL 35161	CA-385-LS PHONE & FAX: (256) 761-0094	JOB NO.: 02231