

SLT-510147

STATE OF ALABAMA

COUNTY OF SHELBY



20101101000364230 1/3 \$18.00
Shelby Cnty Judge of Probate, AL
11/01/2010 11:26:06 AM FILED/CERT

PRESCRIPTIVE ADVERSE POSSESSION AFFIDAVIT OF WALTER DOWDELL

Before me, the undersigned notary public, in and for said state and county, personally appeared Walter Dowdell, who is known to me and who, being by me first duly sworn, on oath, deposes and says as follows:

My name is Walter Dowdell. I am over 19 years of age and I am a resident citizen of Calera, Shelby County, Alabama.

On March 30, 1977, Mid-State Homes, Inc., conveyed the following described real property located in Shelby County, Alabama to Walter Dowdell and Callie Dowdell, as tenants in common with rights of survivorship, by warranty deed recorded in Book 304, Page 817 of the records in the Office of the Judge of Probate of Shelby County, Alabama:

Starting at the Southeast corner of the Southeast Quarter of the Southeast Quarter of Section 4, Township 22, Range 2 West, Shelby County, Alabama, and from said corner travel North and along the section line 210 feet to a point of beginning; thence go West 210 feet to point; thence North 210 feet to a point; thence East 210 feet to a point on the section line; thence travel South and along the section line 210 feet to the point of beginning. All lying and being in Shelby County, Alabama.

The address of said real property is 77 Gaithers Dr. Calera, AL 35040

The legal description in the aforesaid deed erroneously described the starting point of the real property described therein as "Starting at the Southeast corner of the *Southeast* Quarter of the Southeast Quarter of Section 4, Township 22, Range 2 West, Shelby County, Alabama..." The correct starting point of the legal description of said property is "Starting at the Southeast corner of the *Southwest* Quarter of the Southeast Quarter of Section 4, Township 22, Range 2 West, Shelby County, Alabama..." Accordingly, the aforesaid deed describes a parcel of real property other than the real property which my wife and I acquired by the aforesaid deed dated March 30, 1977 and upon which my Wife and I have continuously lived on for more than 33 years.

Mid-State Homes, Inc. is no longer in business; therefore, it is impossible for my wife and I to obtain a correction deed from that company to cure the title defect which we now have as a result of that erroneous description. Therefore, the purpose of this affidavit is to establish that my wife and I have obtained title to the following described real property by prescriptive adverse possession:

Starting at the Southeast corner of the Southwest Quarter of the Southeast Quarter of Section 4, Township 22, Range 2 West, Shelby County, Alabama, and from said corner travel North and along the section line 210 feet to a point of beginning; thence go West 210 feet to point; thence North 210 feet to a point; thence East 210 feet to a point on the section line; thence travel South and along the section line 210 feet to the point of beginning. All lying and being in Shelby County, Alabama.

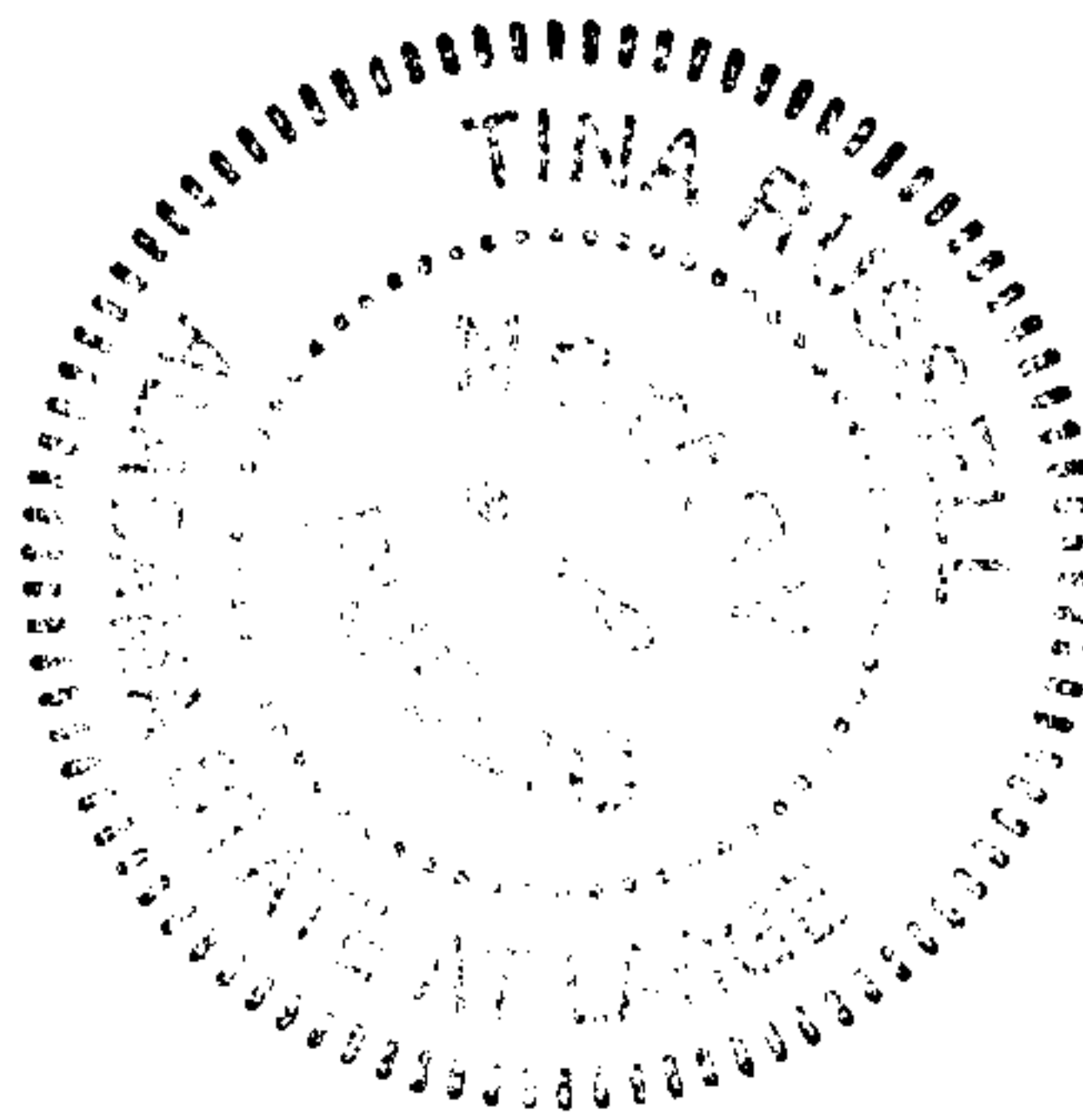
My wife and I have been in continuous possession of the above described real property since at least March 30, 1977, having lived on said property as our residence since that time. During that period of time, we have continuously maintained the property and have paid all *ad valorem* taxes due on said property. Accordingly, my wife and I have been in open, notorious, exclusive, continuous, actual, peaceful and adverse possession of said property by living on said real property and maintaining the same for the 33 year period between March 30, 1977 and the date of this affidavit.

This affidavit has been given in order to establish that my wife and I have acquired title to the herein described real property by prescriptive adverse possession, despite the erroneous legal description contained in the aforesaid March 30, 1977 deed. This affidavit has also been given in connection with the proposed mortgage made by my wife and me of the herein described real property to Metlife Home Loans, a division of Metlife Bank.

Walter Dowdell (SEAL)
Walter Dowdell

Subscribed and sworn to before me on this
the 19th day of October 2010.

Lisa Russell
Notary Public,
STATE OF ALABAMA
COUNTY OF SHELBY
EXPIRES 2-15-2013



CONFIRMING AFFIDAVIT OF CALLIE DOWDELL

Before me, the undersigned notary public, in and for said state and county, personally appeared Callie Dowdell, who is known to me and who, being by me first duly sworn, on oath, deposes and says as follows:

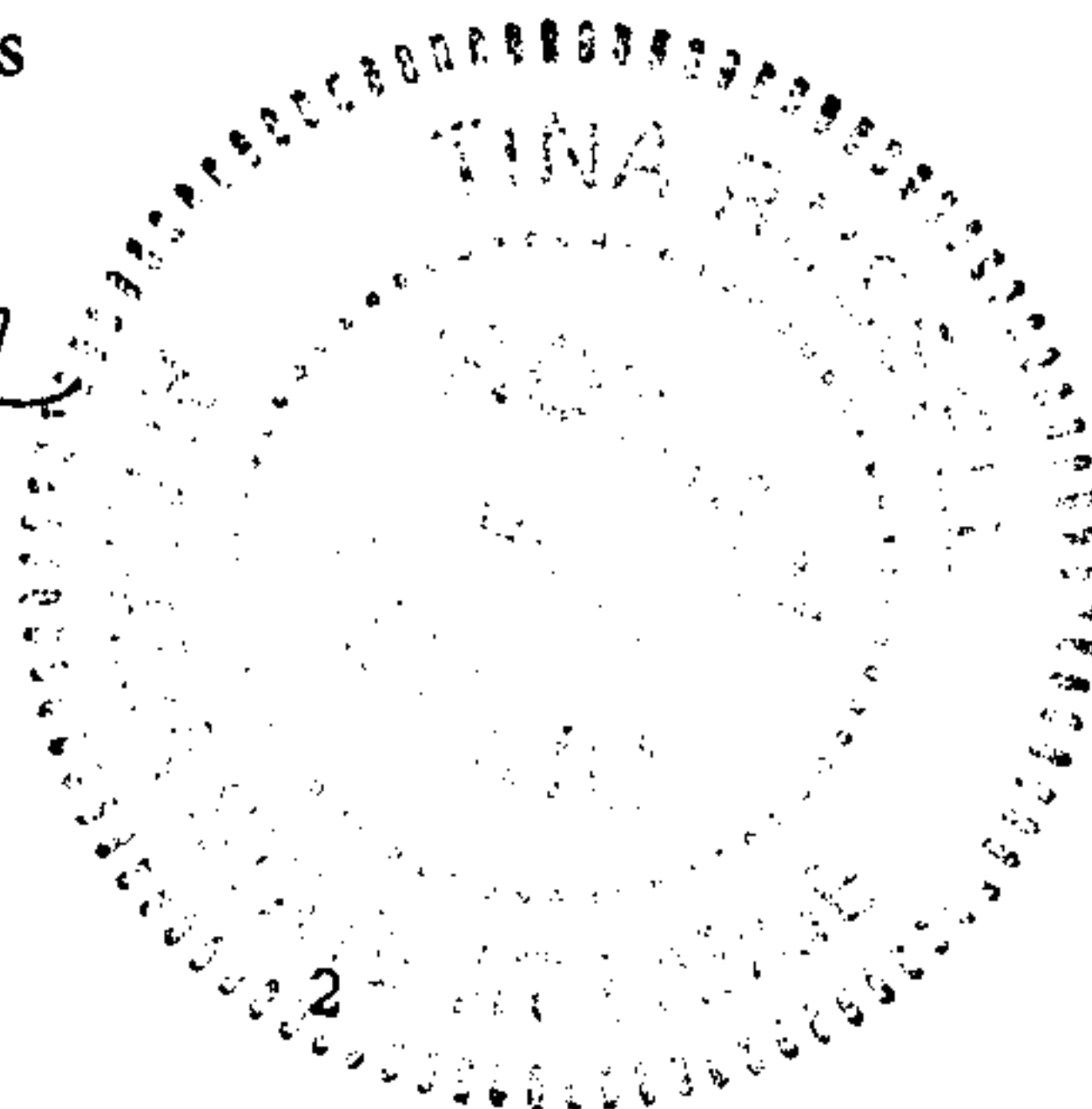
My name is Callie Dowdell. I am over 19 years of age and I am a resident citizen of Shelby County, Alabama. I am the wife of the affiant, Walter Dowdell.

I have read the foregoing affidavit of Walter Dowdell and know from my own personal knowledge that the facts recited therein are true and correct.

Callie Dowdell (SEAL)
Callie Dowdell

Subscribed and sworn to before me on this
the 19th day of October 2010.

Lisa Russell
Notary Public,
EXPIRES 2-15-2013



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CONFIRMING AFFIDAVIT OF

Before me, the undersigned notary public, in and for said state and county, personally appeared Kathy Seay, who is known to me and who, being by me first duly sworn, on oath, deposes and says as follows:

My name is Kathy Seay. I am over 19 years of age and I am a resident citizen of Shelby County, Alabama. I have been friends with Walter Dowdell and his wife, Callie Dowdell, for a period of more than 52 years and know from my own personal knowledge that Mr. and Mrs. Dowdell have continuously lived on the aforesaid property for a continuous period of more than 20 years prior to the date of this affidavit.

I have read the foregoing affidavit of Walter Dowdell and know from my own personal knowledge that the facts recited therein are true and correct.

Kathy Seay (SEAL)

Subscribed and sworn to before me on this
the 19th day of October, 2010.

Lisa Russell
Notary Public,

This instrument prepared by:

Chase R. Laurendine
Attorney at Law
5909 Airport Blvd.
P. O. Box 850817
Mobile, Alabama 36685

