

STATE OF ALABAMA
COUNTY OF SHELBY

AFFIDAVIT

Before me, the undersigned notary public, personally appeared Albert L. Pardue, Jr., who, being known to me and being by me first duly sworn, deposes and says as follows:


1. My name is Albert L. Pardue, Jr. I am a resident of Madison County, Alabama, over the age of 19 years, and familiar with the facts stated herein.

2. In 1947, my grandfather O. J. Pardue acquired some real estate in Shelby County, Alabama, described as the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$, Section 30, Township 20 South, Range 2 West, by deed recorded in Deed Book 128, page 167, in the Probate Office of Shelby County, Alabama. At that time, the locally recognized and accepted NE corner of this property was marked by an iron pin located in a rock pile. This location is depicted on a portion of a survey attached as Exhibit A.

3. In 1988, as part of the distribution of my grandmother's estate, my father Albert L. Pardue acquired this property (along with some additional acreage) by deed recorded in Real Book 175, page 280, in the Probate Office of Shelby County, Alabama. The legal description in this deed was the same as shown on the attached diagram, utilizing the location of the recognized and accepted NE corner.

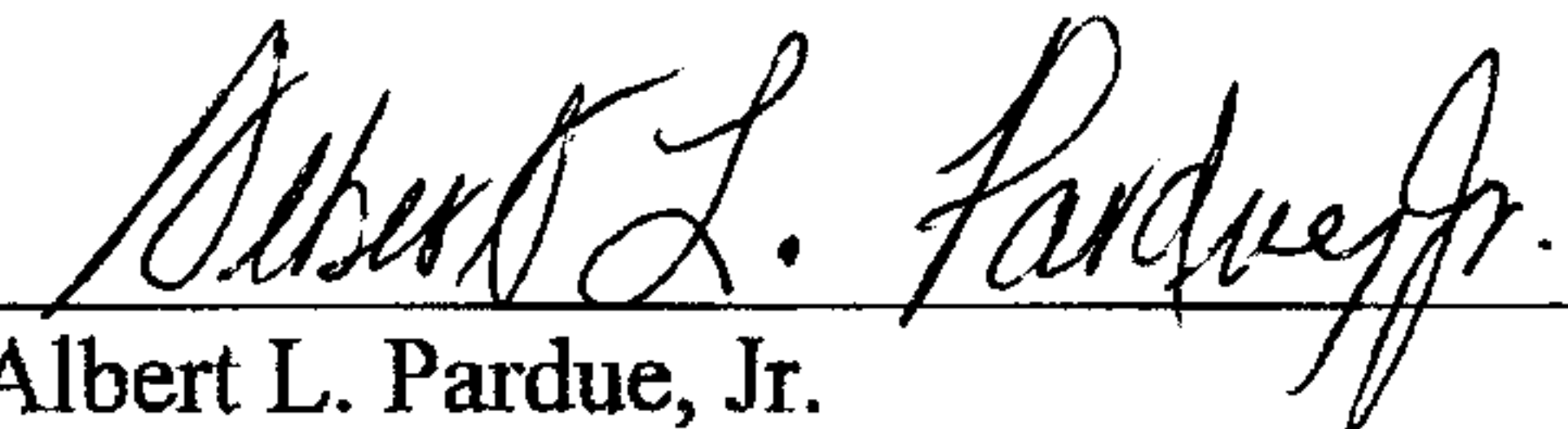
4. Subsequent deeds among the Pardue family members, all of which are recorded in the Probate Office of Shelby County, Alabama, continued to use the same legal description, utilizing the location of the recognized and accepted NE corner. These deeds are recorded as follows: Real Book 380, page 214; Real Book 380, page 216; Instrument # 1992-13157; Instrument # 1993-03343; Instrument # 1994-02934; Instrument # 1995-06165; Instrument # 1996-11662; Instrument # 1997-06494; and Instrument # 2001-31517. These deeds resulted in ownership of the Pardue property being vested in various percentages in Albert L. Pardue, Jr., Stephen C. Pardue, Richard M. Pardue, Marie M. Pardue, and the Pardue Family Trust.

5. J. A. Brown Company, Inc. and Charlene H. Scott acquired land adjacent to the East of the Pardue property. In 1994, Charlene H. Scott conveyed her $\frac{1}{2}$ interest in this adjacent property to J. A. Brown Company, Inc. by deed recorded as Instrument # 1995-00084 in the Probate Office of Shelby County, Alabama. The legal description in this deed utilized the existing rock pile as one of the corners of the property being conveyed. In 1996, J. A. Brown Company, Inc. sold this property to Randall H. Goggans by deed recorded as Instrument # 1996-26367 in the Probate Office of Shelby County, Alabama, using a recent survey description which apparently relocated the $\frac{1}{4}$ - $\frac{1}{4}$ corner 65.48 feet to the west. The legal description, however, continued to recognize the boundary line between the Pardue property and the J. A. Brown Company, Inc. property at the location of the rock pile, by running 65.48 feet east to a corner, and then turning south.

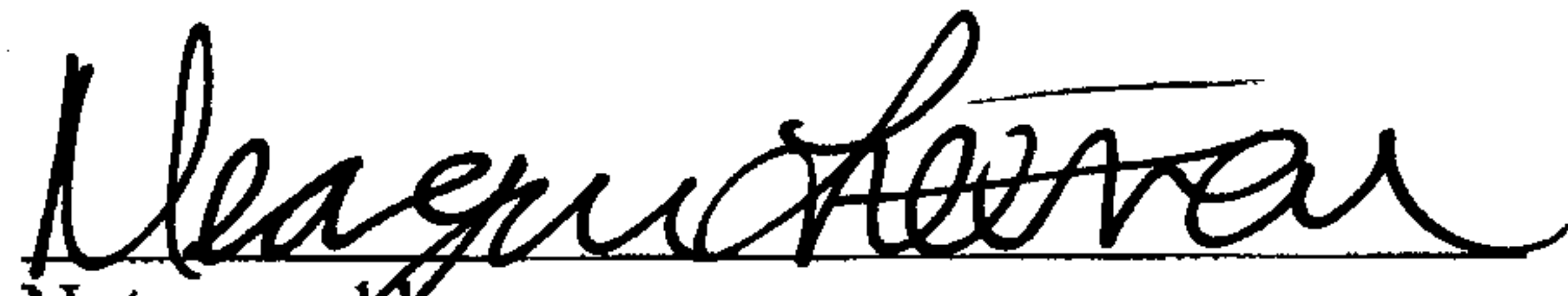

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6. In conjunction with the purchase from J. A. Brown Company, Inc., Mr. Goggans also obtained quitclaim deeds from J. A. Brown Company, Inc. and Charlene H. Scott for the 65.48 foot strip between the rock pile and what the recent survey apparently noted as the location of the 1/4-1/4 corner. These deeds are recorded as Instrument # 1996-26368 and Instrument # 1996-26369 in the Probate Office of Shelby County, Alabama. The descriptions in the two quitclaim deeds overlapped and encroached upon on the Pardue property. This overlap or encroachment is shown on a portion of a survey attached as Exhibit B. Neither J. A. Brown Company, Inc. nor Mrs. Scott had any recorded deed or other document granting them title to this strip of land. When Mr. Goggans conveyed his property to Oak Mountain Business Park, LLC in 1999 by deed recorded as Instrument # 1999-16173 in the Probate Office of Shelby County, Alabama, the same 65.48 foot call was in the legal description, using the location of the old rock pile as a corner. Mr. Goggans also executed a quitclaim deed for the 65.48 foot strip, which is recorded as Instrument # 1999-16174 in the Probate Office of Shelby County, Alabama, overlapping and encroaching upon the Pardue property.

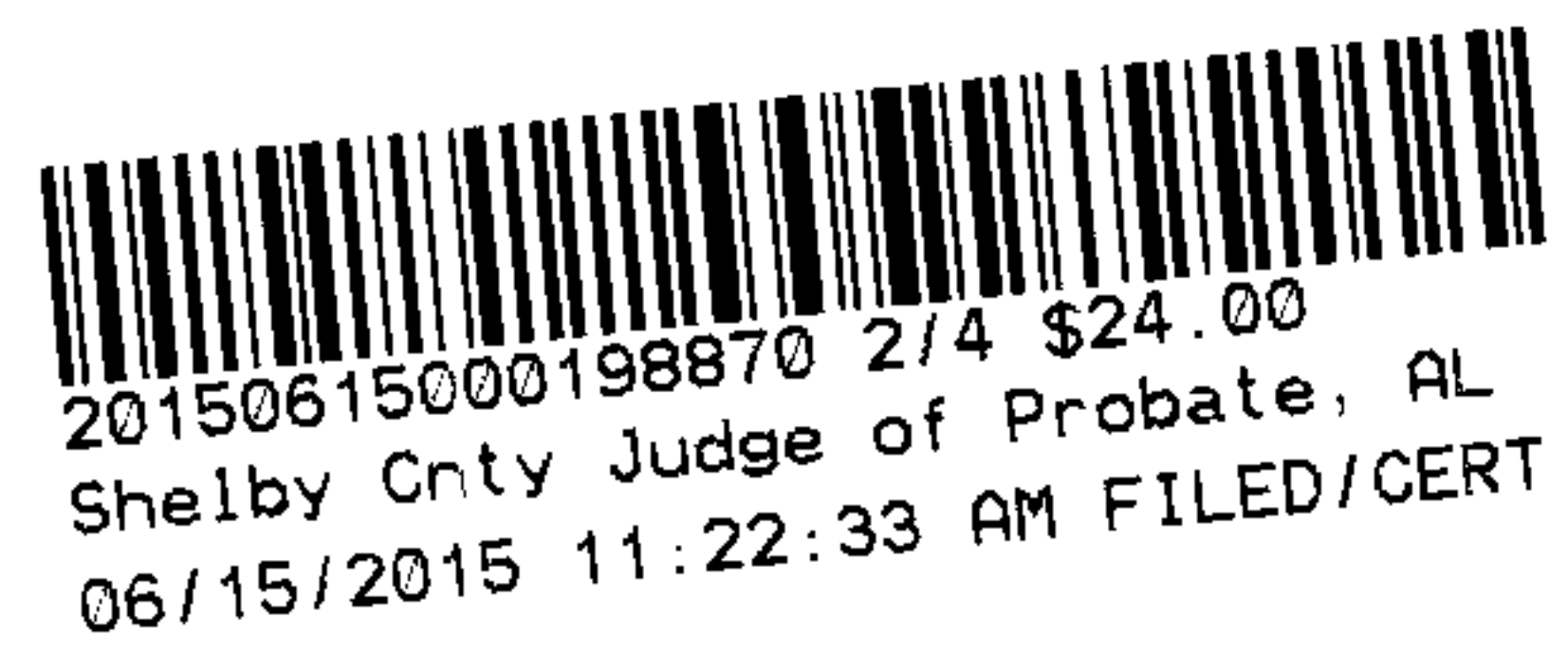
7. The Pardue family has consistently maintained the rock pile corner as the correct location of the NE corner of their land. They have not agreed with the overlapping or encroaching descriptions contained in the three quitclaim deeds identified in paragraph 6 above.


Albert L. Pardue, Jr.

Sworn to and subscribed before me
this 5 day of June, 2015.


Notary public

My Commission Expires 09-16-2018



FOUND ROCK PILE WITH IRON PIN

A

1935.56'

1452.25'

88°57'27"

91°02'33"

1319.74'

416.24'

SOAK TREE

TO CHELSEA

90°36'48"

90°56'42"

88°57'27"

SHELBY

PARCEL "B"
89.84 ACRES

1119.83'

1485.00'

1314.60'

91°03'40"

88°

90°50'36"



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INNESS PARK
22 AND 23
K 30, PAGE 125
LOT 23

BUSINESS PARK
LOTS 24 AND 25
MAP BOOK 30, PAGE 125
LOT 24 LOT 25

BUSINESS PARK
INSTR. #19990416000161731

CRF
"RCFA
CA 0237 LS"

B

98' CRF
"RCF ALA
0237LS"

CRF
"RCF ALA
0237LS"

IPF - 1/2"
OPEN TOP
N 00°13'52"E 0.80'

65.48' (P)
65.65' (M)

91°29'20"
FORMER LOCATION OF
ACCEPTED CORNER
(FOUND MONUMENTED
ROCK PILE-1987)
IRON PIN RESET
14-9-30-0-000-001.0

OAK MOUNTAIN BUSINESS
INSTR. #19990416000161

POINT OF COMMENCEMENT
AND BEGINNING - PARCEL ONE
NORTHWEST CORNER OF THE
NORTHWEST 1/4 - NORTHEAST 1/4
SECTION 30, TOWNSHIP 20 SOUTH,
RANGE 2 WEST, SHELBY COUNTY, AL

GOGGANS TO OMBP
INST. 1999-16174

APPROXIMATE
LOCATION OF
REMNANT FENCE

OVERLAP
AREA NO. 1

ONE
res

THWEST 1/4

IPF
1/2"
REBAR
35°29'14"
33°47'26"
14-9-30-0-000-001.007
JERALD JONES & MARY ANDERSON
INSTR. #20081230000478370

A&M PARDUE TO
RALPH HILL
(0.353 ACRES)

FOUND OLD
CORNER POST

ALL IRONS ALONG
RIGHT-OF-WAY
CRF - "GSA CA-560-LS"

225°00'00"
135°00'00"
135°00'00"
97.56'
147°22'18"
132°10'00"
216.58'
L2
A3
A4
A5
L3
L1
A2
A1
IPS

1-0-000-001.057
ARMWOOD, JR.
302000020162

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