

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.

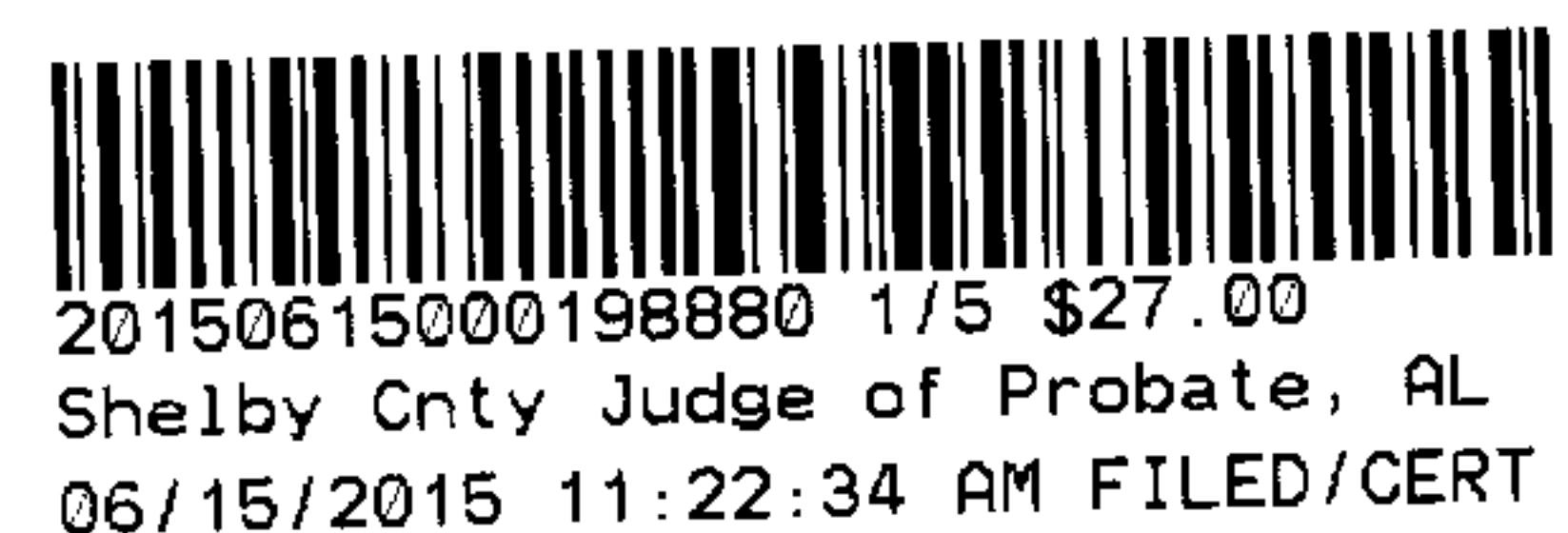
2. In 1947, my grandfather O. J. Pardue acquired some real estate in Shelby County, Alabama, described as the NE¼ of the NW¼, Section 30, Township 20 South, Range 2 West, by deed recorded in Deed Book 128, page 167, in the Probate Office of Shelby County, Alabama. At that time, the locally recognized and accepted SE corner of this property was at an oak tree. This location is depicted on the attached diagram A. There was also a fence line leading north from the oak tree along the boundary line between this property and the adjacent property to the east.

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 a portion of a survey attached a Exhibit A, utilizing the location of the recognized and accepted SE corner and fence line as the boundary.

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 SE corner and fence line. 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.

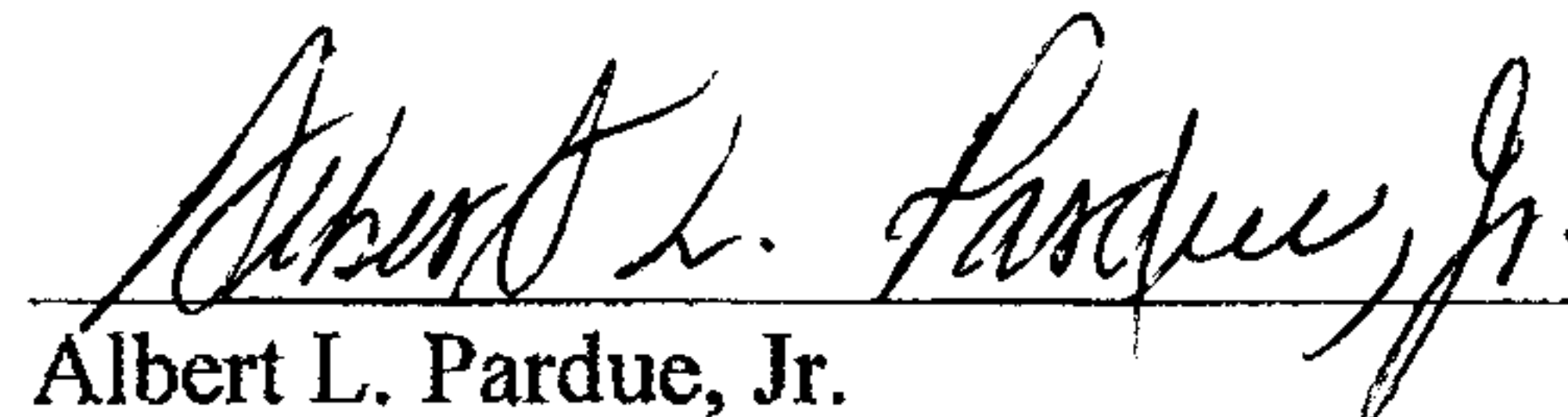
5. J. A. Brown Company, Inc. and Victor Scott acquired the land adjacent to the east of the Pardue land, and they subsequently sold it to R. J. and Fran Kooyers in 1985, by deed recorded in Real Book 019, page 343, in the Probate Office of Shelby County, Alabama. That deed stated that no warranty of title was being given for a portion of the property lying west and south outside the existing fence shown on a survey attached to the deed. This old fence was the one which had been there for many years marking the boundary line with the Pardue land. A copy of the survey recorded with the Kooyers deed is attached as diagram B.

6. In 1998, Mr. and Mrs. Kooyers sold their property to Harold L. Arwood, Jr., by deed recorded as Instrument # 1998-20162 in the Probate Office of Shelby County, Alabama, but once



again there was no warranty of title to the property lying outside the fence. The legal description in that deed shows that the property with a warranty of title runs along the east side of the fence line, and the strip of land outside the fence to the west is described separately. It is the description of the Arwood land outside the fence which encroaches upon the Pardue land. The old fence has been used and recognized as the boundary line for many years. The overlap or encroachment is shown on a portion of a survey attached as Exhibit C.

7. The Pardue family has consistently maintained the oak tree corner and fence line as the correct location of the SE corner and the boundary of their land. They have not agreed with the overlapping or encroaching descriptions contained in the two deeds identified in paragraphs 5 and 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

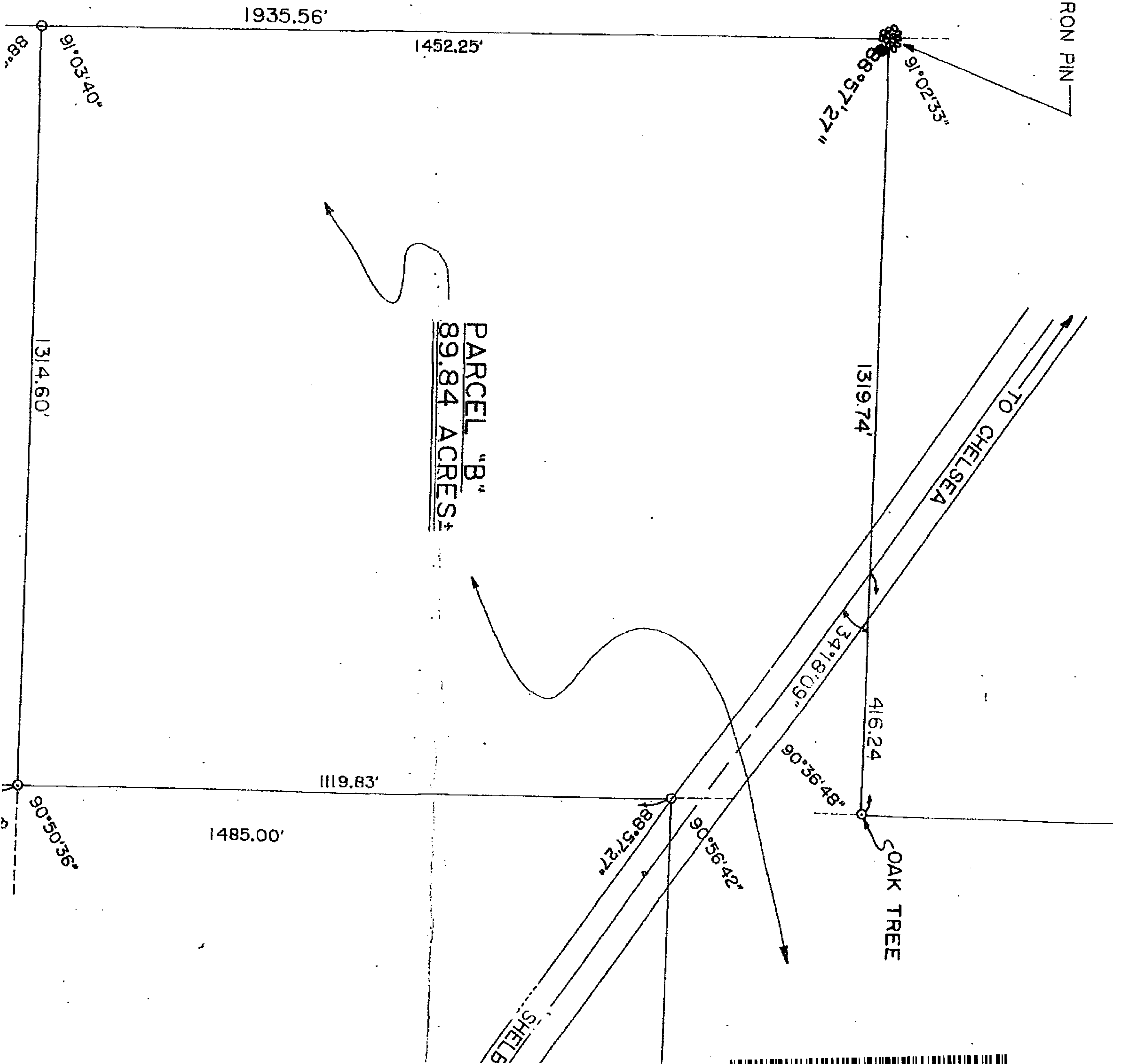


20150615000198880 2/5 \$27.00  
Shelby Cnty Judge of Probate, AL  
06/15/2015 11:22:34 AM FILED/CERT



FOUND ROCK PILE WITH IRON PIN

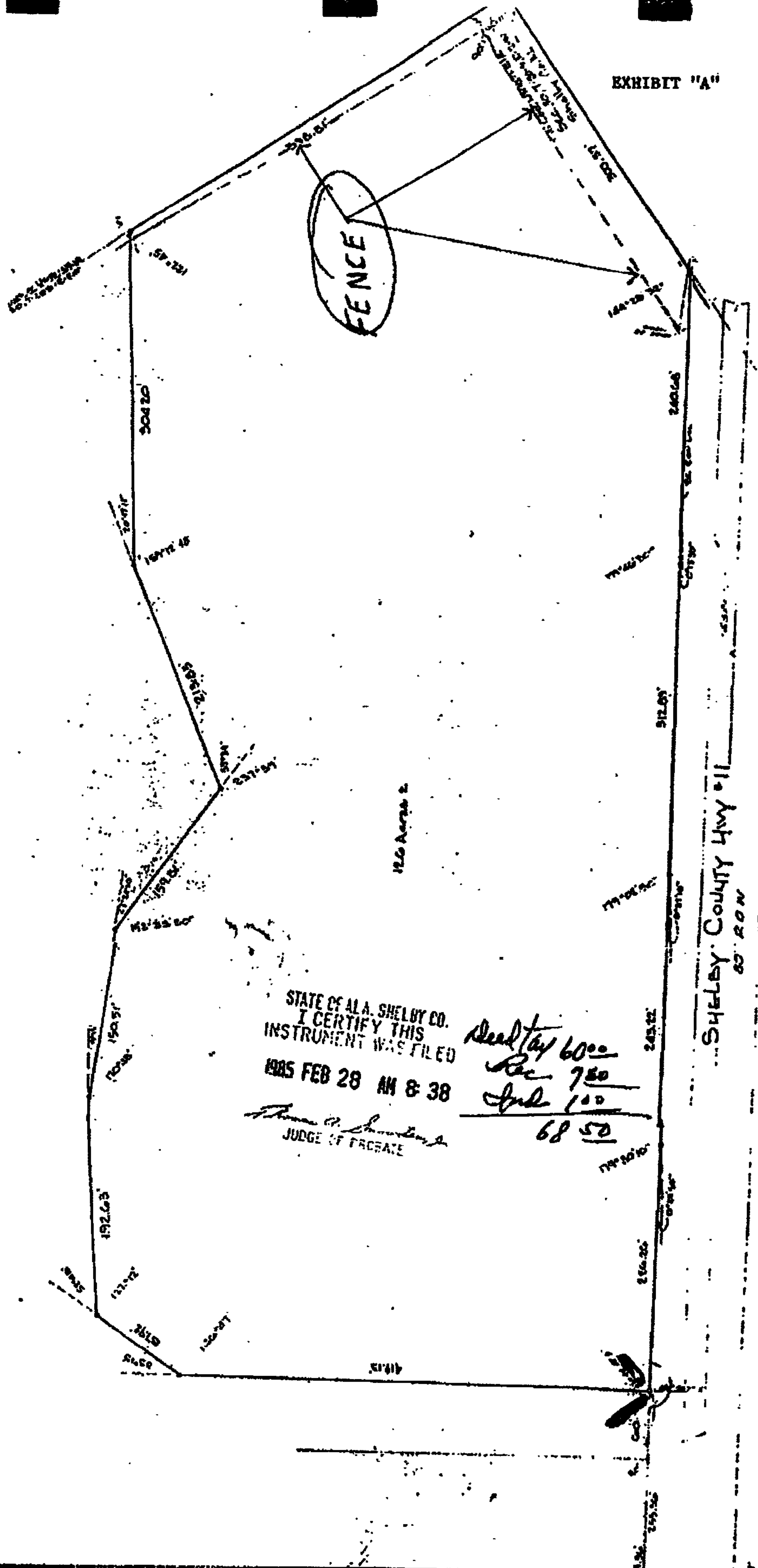
A



20150615000198880 3/5 \$27.00  
Shelby Cnty Judge of Probate, AL  
06/15/2015 11:22:34 AM FILED/CERT

B

**DTIC 345**



STATE OF ALA. SHELBY CO.  
I CERTIFY THIS  
INSTRUMENT WAS FILED

1945 FEB 28 AM 8:38

JUDGE OF PROBATE

Rec'd by 60.00  
 Rec. 7.50  
 Ind. 1.00  


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 68.50



20150615000198880 4/5 \$27.00  
Shelby Cnty Judge of Probate, AL  
06/15/2015 11:22:34 AM FILED/CERT

FOUND OLD  
CORNER POST

14-9-30-0-000-001.057  
HAROLD ARWOOD, JR.  
INSTR. #19980602000201621

**OVERLAP  
AREA NO. 2**

KOOYERS TO ARWOOD  
INST. 1998-20162

**IPF  
5/8"  
REBAR**

FORMERLY ACCEPTED  
CORNER AT LARGE TREE

20150615000198880 5/5 \$27.00  
Shelby Cnty Judge of Probate, AL  
06/15/2015 11:22:34 AM FILED/CERT

**IPS**

**IPF**  
**1/2" REBAR**

297.38'

LOCATION OF OLD FENCE  
PER DEED CALL

145°37'57"

91-09-263

**CRF**  
**"CARR"**

**CRF  
TABLE  
READ**

TOP OF CUT BANK  
ENCROACHES UP TO 0.9'

ADJOINER'S FENCE  
OUTSIDE 0.6'

ADJOINER'S CONCRETE  
PAD ENCROACHES UP  
TO 8.1'

507.66<sup>3</sup>

**DIRT DRIVEWAY**

REVEY

5.