

STATE OF ALABAMA)

:

COUNTY OF SHELBY)

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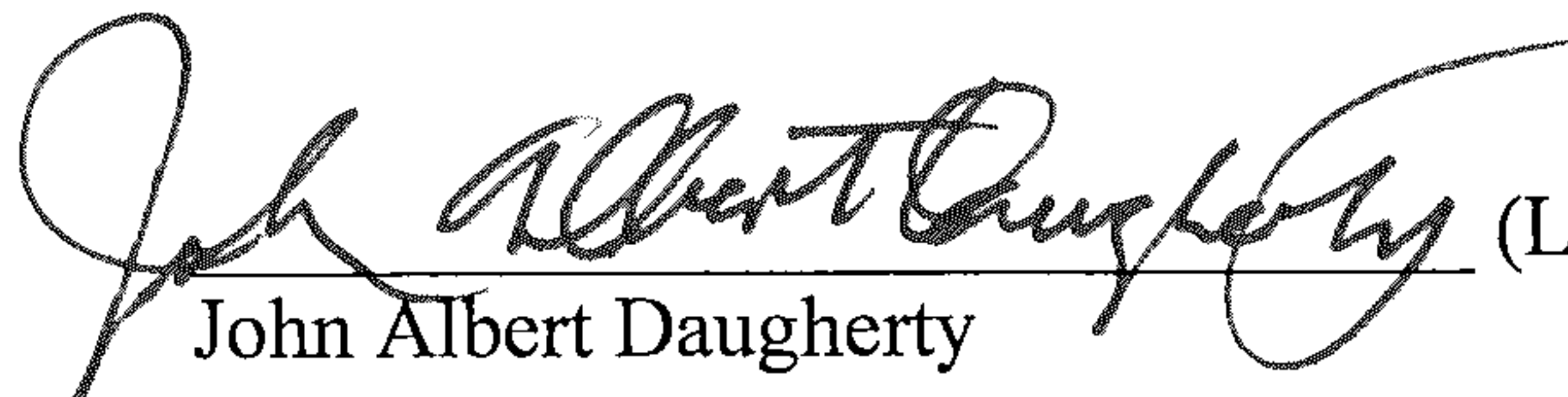
ADVERSE POSSESSION AFFIDAVIT

Before me, the undersigned Notary Public, personally appeared John Daugherty, who is a member and the authorized manager of D&D, L.L.C., an Alabama limited liability company, who is known to me and who being first duly sworn, deposes and says on oath as follows:

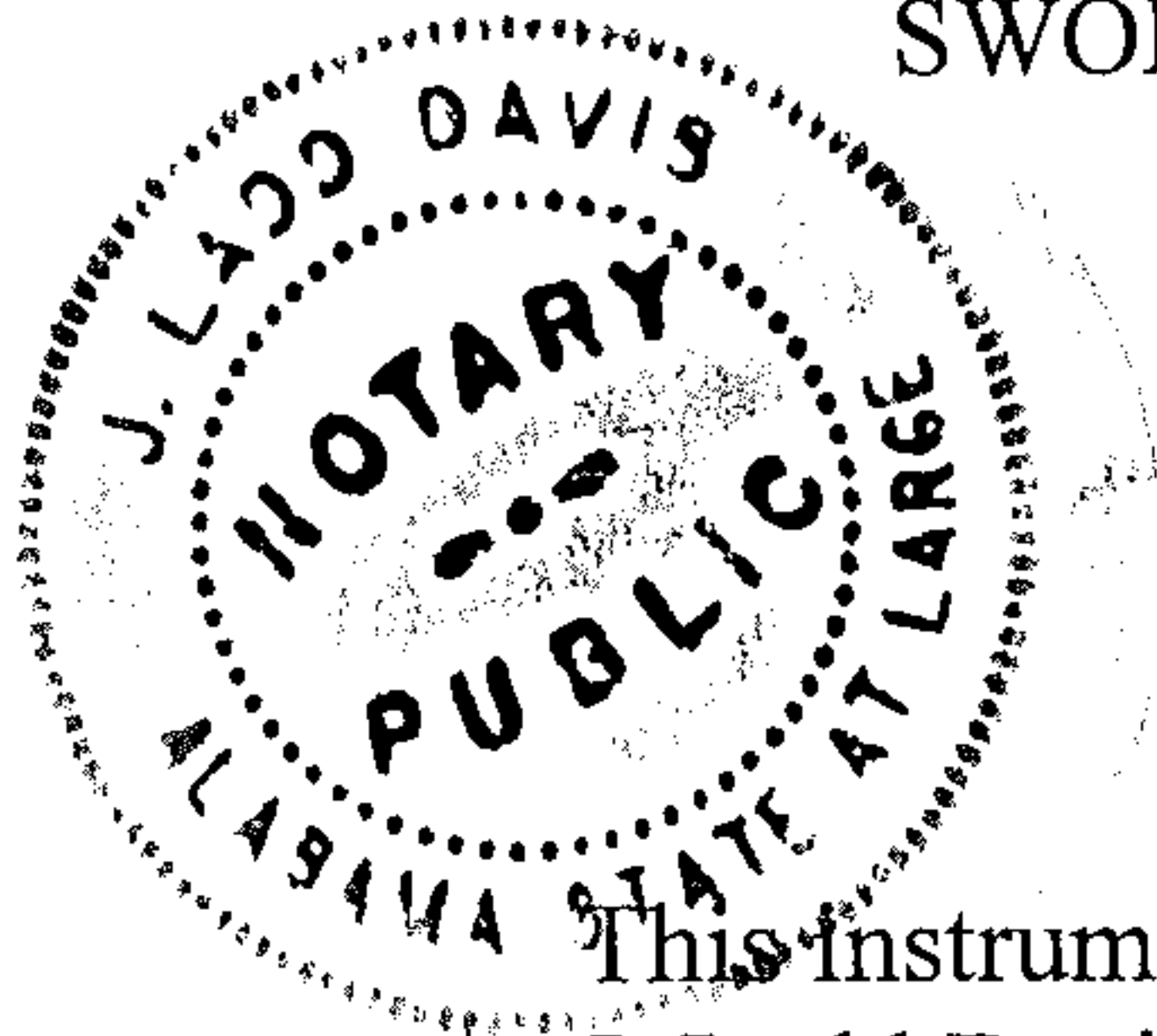
“My name is John Albert Daugherty. I am a member and the authorized manager of D&D, L.L.C., an Alabama limited liability company (“DD”). DD holds exclusive fee title to those parcels of property described on Exhibit “A” attached hereto and incorporated herein by reference (“Property”). Beginning in 1994 or 1995 I purchased an interest on one (1) of the three (3) parcels composing the Subject Property by way of my purchase at an Alabama Ad Valorem Tax Auction. I have been in exclusive possession of that parcel in the form of one entity or another such as Daugherty Associates, an Alabama General Partnership, which was composed at one time by me, my Dad and my Mom. This parcel was around 7 acres and I think I have a title insurance policy for that parcel from Shelby County Abstract and Title ran and operated by Mike T. Atchison. Then in 2001, Cheryl Ann Daugherty (my former wife) and I began acquiring portions of the other parcels composing the Subject Property, which Property was ultimately conveyed to DD in 2016. Cheryl Ann Daugherty and I hired Mike Atchison to file a Petition to Divide and sell with regard to the last two (2) parcels we purchased and we were the successful purchasers with regard to the Petition to Divide and Sell in 2006. I have never been aware of anybody claiming to possess and of the three (3) parcels composing the Subject Property from the time I purchased the same. My Dad passed away around ten (10) years ago and long before his death he, my uncle, who is now also dead and I built a fence around the Subject Property and I think I still have an old DVD that shows us walking around the constructed fence many years ago. We also hung “No Trespassing” signs on the same but nobody ever challenged our ownership of any of the Subject Property other than a small dispute that surfaced with regard to the lot line between the Subject Property and the small restaurant that is on Highway 31 and borders the Subject Property on the City of Calera side of the Subject Property. We won that case. Over the many years, the fence which me, my uncle and my Dad built has deteriorated but other than the restaurant I mentioned above, nobody has ever challenged our lot line or our possession of any part of the Subject Property. Our possession has been continuous, adverse, hostile, notorious, exclusive, open and free from any other parties claiming any interest in the Property other than mentioned above and, further, we have paid all ad valorem taxes on each parcel of the Property since we acquired title to each respective parcel. No other parties whatsoever have ever claimed any rights in the Property other than what I mentioned above since we acquired title to each respective parcel within the Property. My former wife, Cheryl Ann Daugherty and I divorced around three (3) or four (4) years ago and as a result of our going through a divorce, we did not pay our ad valorem taxes on these parcels and another entity purchased the ad valorem tax interest but I redeemed the Subject Property several years ago following our divorce and have kept the said ad

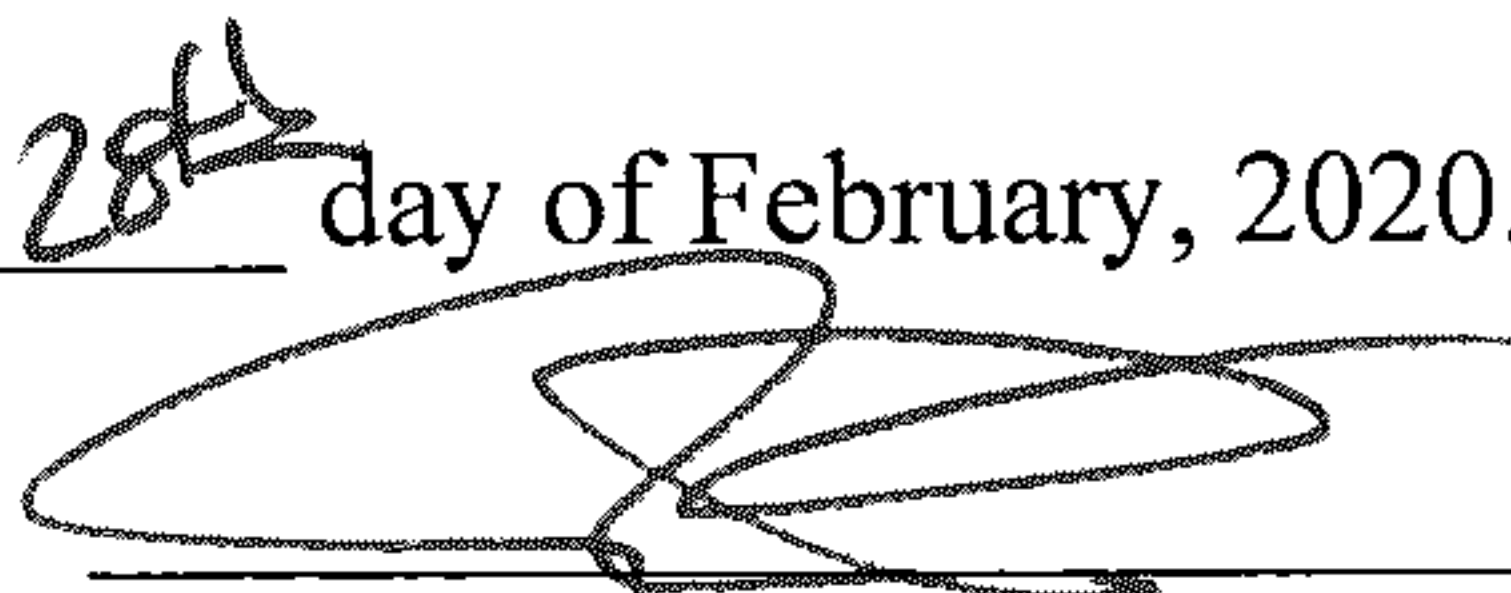
valorem taxes current ever since that time as to each of the three (3) parcels composing the Subject Property. In or around 1/7/2017 the Alabama Department of Transportation condemned around 3.2 acres of the property composing a part of the Subject Property leaving the real property which is now the subject of our anticipated closing with Paces Commercial Real Estate Corporation, a Georgia corporation, or its assigns which said Real Estate Purchase and Sales Contract was executed by each party on 8/10/2018.”

This Affidavit is made for the purpose of evidencing and establishing further the claim of ownership to the Property. This Affidavit may be relied upon by any purchaser, lender and/or title insurance company.

 (L.S.)
John Albert Daugherty

SWORN TO AND SUBSCRIBED before me this 28th day of February, 2020.




Notary Public
My Commission Expires: 11/1/2021

This instrument was prepared by:

J. Ladd Davis, Esq.
Rushton, Stakely, Johnston & Garrett, P.A.
2100B SouthBridge Parkway, Suite 240
Birmingham, AL 35209
File No. 10296-0001

EXHIBIT "A"

TRACT 1 – PARCEL 1

A parcel of land situated in the Southwest 1/4 of the Southeast 1/4 of Section 4, Township 22 South, Range 2 West, Shelby County, Alabama, said parcel being more particularly described as follows:

Commencing at a point lying at the Southwest Corner of Section 4, thence running South 89 degrees 43 minutes 17 seconds East along the Southerly line of Section 4 for a distance of 2,622.84 feet to a found 1/2 inch rebar with cap lying at the South 1/4 Corner of Section 4; thence run North 00 degrees 21 minutes 03 seconds West along the West line of the Southeast 1/4 of Section 4 for a distance of 667.08 feet to a point, said point being the POINT OF BEGINNING; thence run North 00 degrees 21 minutes 03 seconds West along the aforementioned West line of the Southeast 1/4 of Section 4 for a distance of 535.18 feet to a found 3/8 inch rebar lying on the Southerly Right of Way of Highway 84 (having a 80' Public R/W at this point); thence run North 81 degrees 53 minutes 19 seconds East along said Right of Way for a distance of 181.91 feet to a point, said point lying on a curve to the right, said curve having a radius of 249.65 feet, a central angle of 57 degrees 42 minutes 43 seconds, a chord bearing of South 69 degrees 15 minutes 23 seconds East, and a chord distance of 240.97; thence run along the arc of said curve and said Right of Way for a distance of 251.46 feet to point; thence run South 23 degrees 21 minutes 26 seconds East along Highway 84 (having a Variable Width Public R/W at this point) for a distance of 90.70 feet to a found 1/2 inch rebar; thence run South 09 degrees 43 minutes 26 seconds East for a distance of 122.96 feet to a found 1/2 inch rebar, said point lying on a curve to the right, said curve having a radius of 440.00 feet, a central angle of 30 degrees 46 minutes 15 seconds, a chord bearing of South 01 degrees 19 minutes 14 seconds East, and a chord distance of 233.47 feet; thence run along the arc of said curve and said Right of Way for a distance of 236.30 feet to a found 1/2 inch rebar; thence run South 14 degrees 01 minutes 25 seconds West for a distance of 51.42 feet to a point; thence leaving said Right of Way run North 88 degrees 27 minutes 13 seconds West for a distance of 451.97 feet to the POINT OF BEGINNING.

TRACT 1 – PARCEL 2

A parcel of land situated in the Southwest 1/4 of the Southeast 1/4 of Section 4, Township 22 South, Range 2 West, Shelby County, Alabama, said parcel being more particularly described as follows:

Commencing at a point lying at the Southwest Corner of Section 4, thence running South 89 degrees 43 minutes 17 seconds East along the Southerly line of Section 4 for a distance of 2,622.84 feet to a found 1/2 inch rebar with cap lying at the South 1/4 Corner of Section 4; thence run North 00 degrees 21 minutes 03 seconds West along the West line of the Southeast 1/4 of Section 4 for a distance of 1,282.51 feet to found 5/8 inch rebar, lying on the Northerly Right-of-Way of Highway 84 (having a 80' Public R/W), said point being the POINT OF BEGINNING; thence run North 00 degrees 20 minutes 38 seconds West along the aforementioned West line of the Southeast 1/4 of Section 4 for a distance of 50.74 feet to a point lying at the Northwest Corner of the Southwest 1/4 of the Southeast 1/4 of Section 4; thence run South 88 degrees 13 minutes 37 seconds East for a distance of 332.10 feet to a found iron pin; thence run South 40 degrees 17 minutes 37 seconds West for a distance of 34.70 feet to a found 5/8 inch rebar lying on the aforementioned Northerly Right-of-Way of Highway 84, said point is also lying on a curve to the left, said curve having a radius of 329.67 feet, a central angle of 24 degrees 34 minutes 12 seconds, a chord bearing of North 85 degrees 50 minutes 30 seconds West, and a chord distance of 140.29 feet; thence run along the arc of said curve and said Right of Way for a distance of 141.37 feet to a point; thence run South 81 degrees 52 minutes 24 seconds West for a distance of 170.99 feet to the POINT OF BEGINNING.

TRACT 1 – PARCEL 3

A parcel of land situated in the Southwest 1/4 of the Southeast 1/4 of Section 4, Township 22 South, Range 2 West, Shelby County, Alabama, said parcel being more particularly described as follows:

Commencing at a point lying at the Southwest Corner of Section 4, thence running South 89 degrees 43 minutes 17 seconds East along the Southerly line of Section 4 for a distance of 2,622.84 feet to a found 1/2 inch rebar with cap lying at the South 1/4 Corner of Section 4; thence run North 00 degrees 21 minutes 03 seconds West along the West line of the Southeast 1/4 of Section 4 for a distance of 202.15 feet to a point, said point begin the POINT OF BEGINNING; thence run North 00 degrees 21 minutes 03 seconds West along the aforementioned West line of the Southeast 1/4 of Section 4 for a distance of 464.94 feet to a point; thence run South 88 degrees 27 minutes 13 seconds East for a distance of 451.97 feet to a point, said point lying on the Westerly Right of Way of Highway 84 (having a Variable Width Public R/W); thence run South 14 degrees 01 minutes 25 seconds West along said Right of Way for a distance of 255.70 feet to a found 1/2 inch rebar, said point lying on a curve to the left, said curve having a radius of 200.00 feet, a central angle of 91 degrees 56 minutes 17 seconds, a chord bearing of South 31 degrees 56 minutes 13 seconds East, and a chord distance of 287.59 feet; thence run along the arc of said curve and said Right of Way for a distance of 320.92 feet to a found PK nail; thence run South 28 degrees 34 minutes 31 seconds East for a distance of 18.01 feet to a point; thence leaving said Right of Way run North 73 degrees 20 minutes 12 seconds West for a distance of 186.13 feet to a found 1 inch open top pipe; thence run South 09 degrees 07 minutes 52 seconds West for a distance of 105.05 feet to a found 1 inch crimp top pipe; thence run North 73 degrees 20 minutes 23 seconds West for a distance of 302.68 feet to a found 1/2 inch rebar with cap; thence run North 73 degrees 20 minutes 23 seconds West for a distance of 65.53 feet to the POINT OF BEGINNING.



Filed and Recorded
 Official Public Records
 Judge of Probate, Shelby County Alabama, County
 Clerk
 Shelby County, AL
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Allen S. Bayl