



20230608000172790 1/13 \$58.00
Shelby Cnty Judge of Probate, AL
06/08/2023 11:18:49 AM FILED/CERT

STATE OF ALABAMA)
 :
SHELBY COUNTY)

AFFIDAVIT

My name is Terry T. Kirklin. I am the daughter of James R. and Bobbie C. Taylor. This Affidavit is made with referenced to the following legal described property in Shelby County, Alabama of which I am the Trustee of the Taylor Family Trust:

See attached Exhibit A

My grandparents, BW and Vera Taylor, bought the above-referenced property in 1943. They occupied and maintained the land until 1976. My grandparents sold the property to my parents, James R. and Bobbie C. Taylor, in 1976. My parents and the adjoining property owner (Blaine Carroll) made an agreement to allow my father permanent access to said real property and to construct and maintain the easement of access. The written agreement is set out in the attached Exhibit B and signed by Mr. Carroll. As long as I can remember, there was always a “gentlemen’s agreement” in addition to the written agreement that the Taylor family could cross the Carroll land to access our property at any time. No phone calls were even necessary as we were very respectful of their privacy and property. The Taylor family used this permanent access road for the last 49 years on a regular basis per that agreement.

In addition, the real property in question was surveyed in 2021. Said “survey notes” of the plat reflect the road access agreement (see Exhibit C) between my family and Mr. Carroll.

Before his death, the prior owner (MH Carroll) agreed to the access road in writing, verbally and allowing the Taylor family use of the access road. It is my understanding that S. Blaine Carroll is the current owner.

Blaine and Red Carroll used this access road to hunt on our land. Over the last 47 years, Mr. Carroll and his family used this access road. Further, they acknowledged the road use on many occasions. My grandfather (B.W. Taylor) hunted the land after he purchased it in 1943 I went with him a few times and we used the access point where my father built the road.

This current access road is the only access to the real property. It has been in use for more than 47 years on a regular basis without objection or interference by any adjoining property, Mr. Carroll and his family have requested access and use of the access road on many occasions.

The Taylor family has maintained and used this access road since 1976 (date of purchase). This exclusive use of said access road has been in use in excess of 47 years by the Taylor family over the Carroll family property. During that time the Taylor family has done the following acts of domain, control and use to show the actual use of this access road:

1. Allowed a nephew, Mr. Carroll and others to hunt on said real property by using this access road to the hunting area and by allowing the establishment of hunting stands, deer feeders and planting food plots (see Exhibit D). I wrote out permissions for Blaine, Red Carroll and others to hunt on the land with use of the access road.
2. Cut the timber on said real property over the years.
3. Our family maintained the real property and paid taxes on the real property for over 80 years.
4. Maintained the existing boundary lines over the years.
5. Had the property surveyed and established the right of way for over 47 years of use as shown in the attached survey.
6. That the said parties have exercised exclusive domain and control over this access road at all times without interference. No person (until the installation of a locked

and chained fence) has interfered in any way with the Taylor family's use of this access road (see Exhibit E).

In about 2015, some of my children and grandchildren were interested in riding 4 wheelers on the land. Some wanted to use the land to do target practice (to learn how to shoot safely and accurately). At that time, I asked Blaine and Red Carroll and Larry Grimes (another neighbor that my father had allowed to hunt on the property in the past) not to hunt on the property and they agreed.

In about 2017 the children and grandchildren were too busy with school activities that we were not using the property much. The timing was good because my nephew decided he wanted to hunt the property. Again, I walked the property with my nephew and gave him Blaine Carroll's number. Blaine had told me early on that he wanted us to call before we came to our property to hunt.

Blaine and my nephew (Stan) become friends. Stan put in deer stands, deer feeders and planted food for the deer. At that time, I wrote out permissions for Stan, a friend of his and both of the Carroll brothers to hunt the land again by using this access road.

In October of 2020, Blaine called Stan after the terrible tornadoes hit Shelby County. Blaine told Stan that we had at least 100 trees down and we needed to come look at it. I met Stan at the property and Blaine was with him. That was the first time I had met Blaine since we were children (although I had spoken with him many times on the phone).

My father died December 2018 and my Mother died December 2020. The property was put up for sale approximately in the late 2020s by the Taylor Family Trust. Lastly, Blaine and the real estate agent signed an agreement that neither would be liable if someone got hurt crossing Blaine's property.



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Terry T. Kirklin
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STATE OF ALABAMA)

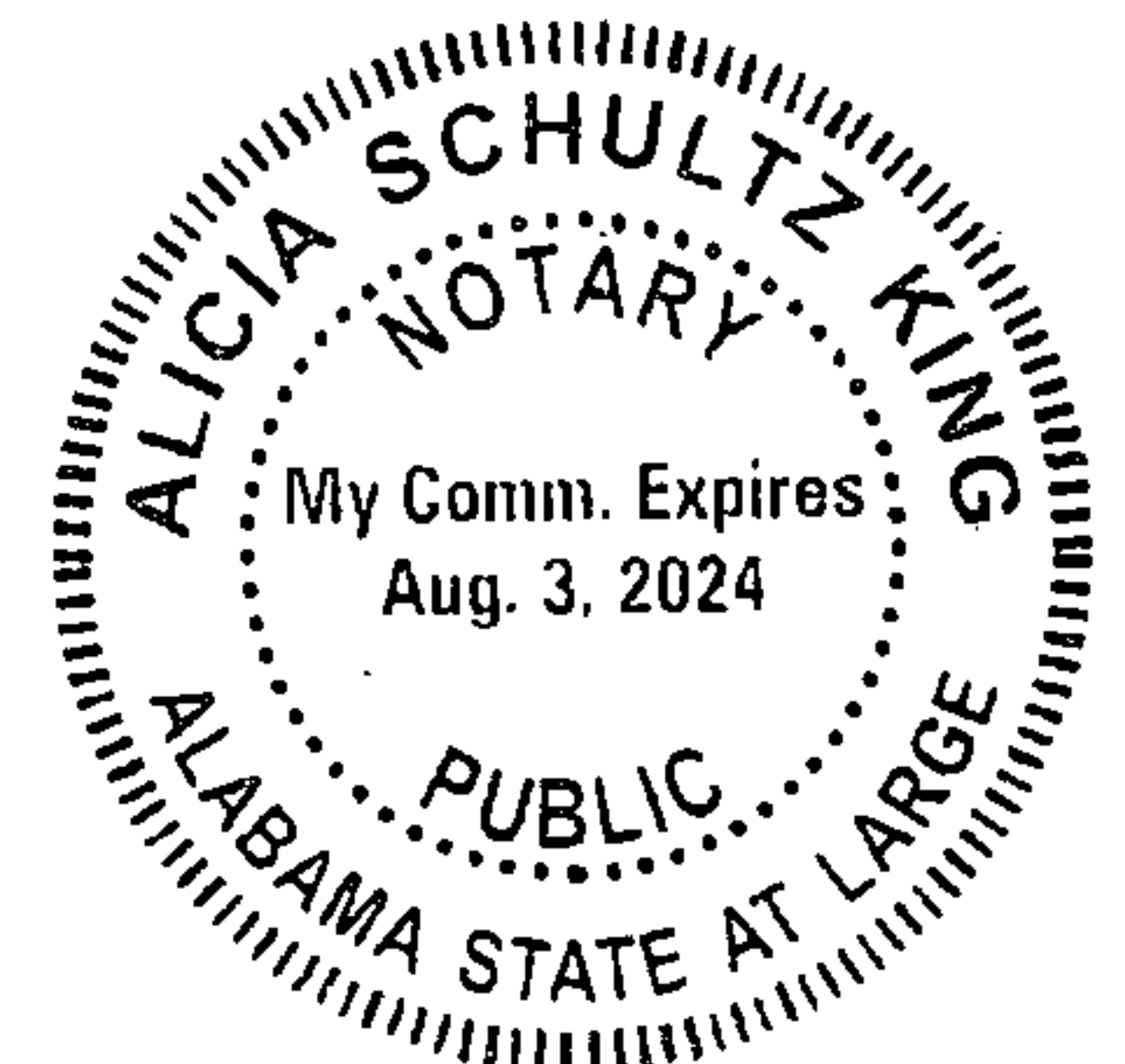
JEFFERSON COUNTY)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Terry T. Kirklin whose name is signed to the foregoing Affidavit and who is known to me, acknowledged before me this day, that, being informed of the contents of the conveyance, she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 30 day of May 2023.

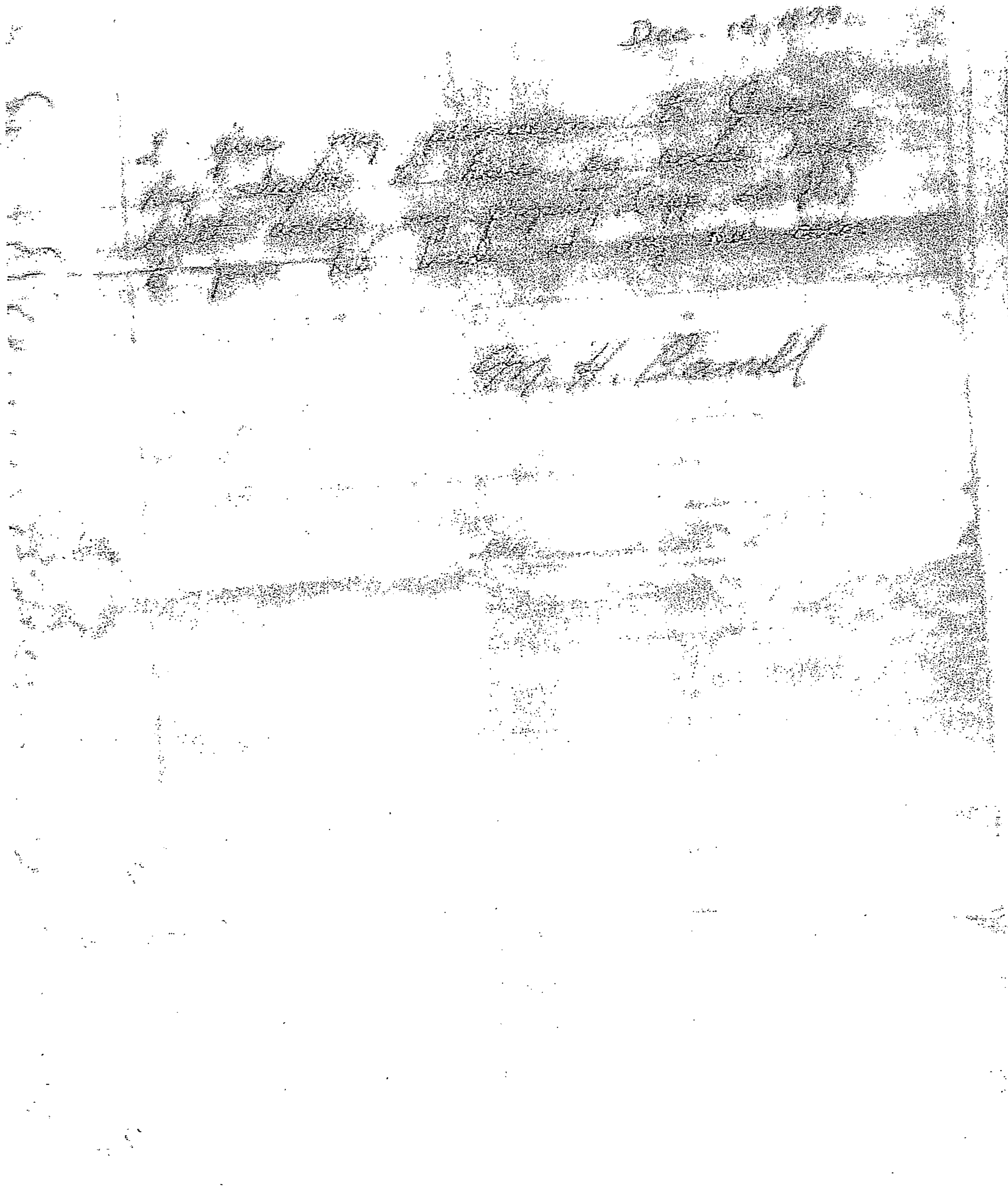
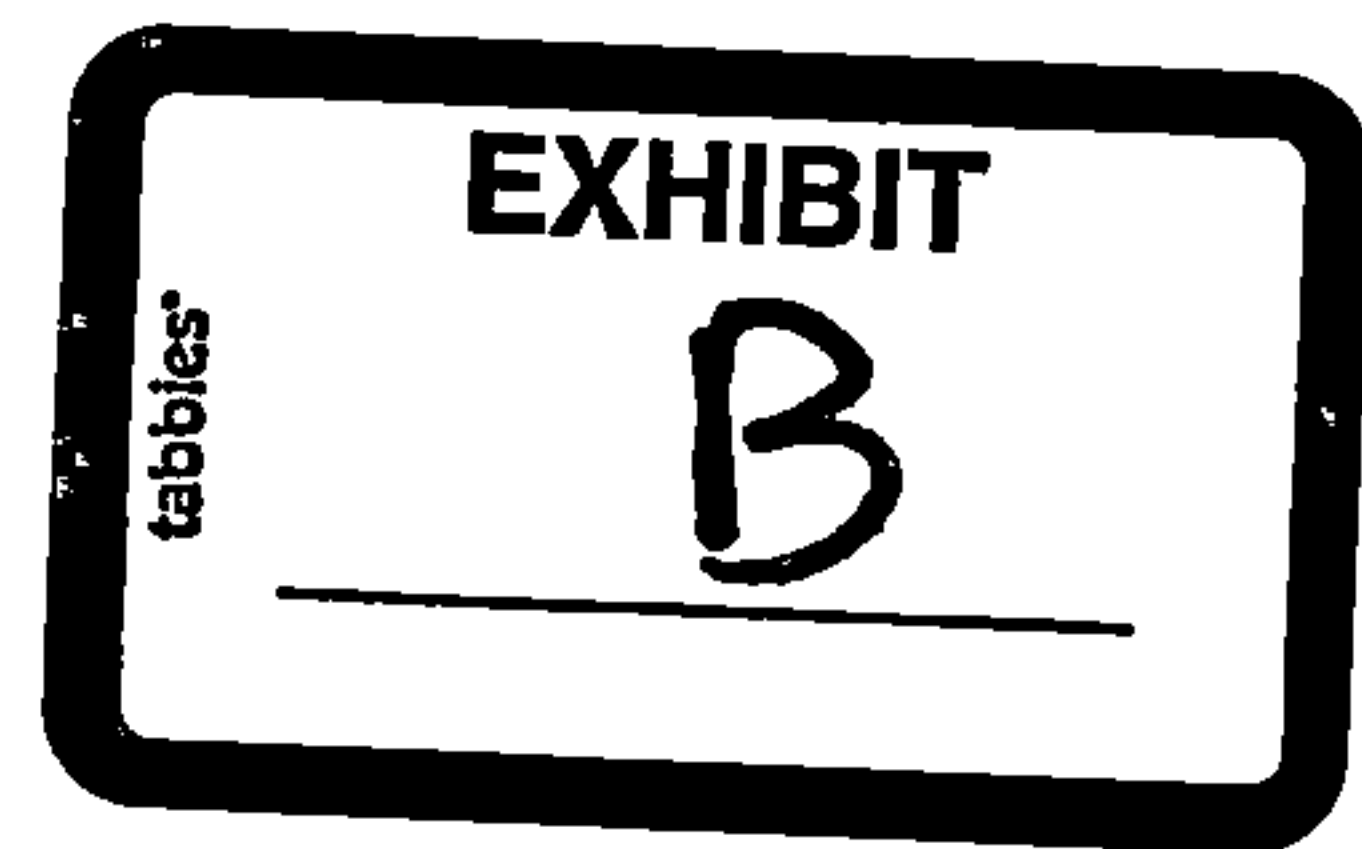
My Commission Expires:
08/03/2024

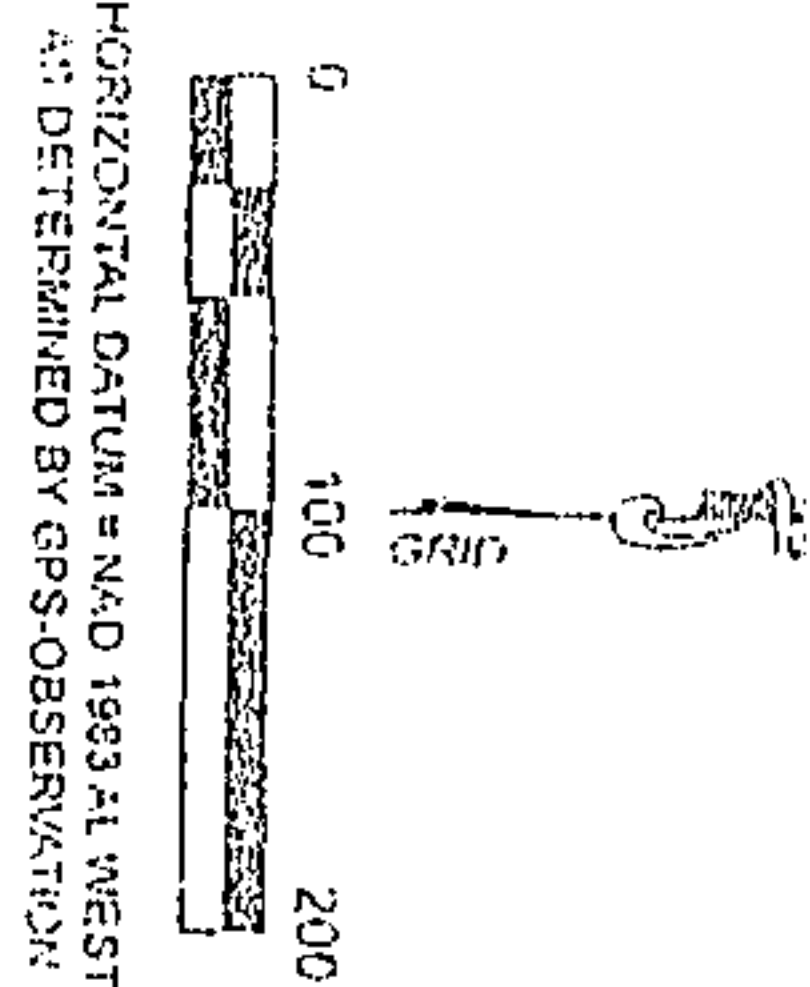
Alicia Schultz King
Notary Public





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1.1	N 87°54'28" W	203.68'
1.2	S 02°52'13" W	89.43'
1.3	N 87°57'58" E	121.08'
1.4	S 02°40'24" E	79.08'
1.5	S 02°12'17" W	63.56'
1.6	S 01°06'55" E	137.02'
1.7	S 24°19'57" E	33.87'
1.8	S 33°29'59" E	49.22'
1.9	S 84°01'56" E	77.26'
1.10	N 78°41'05" E	34.34'
1.11	S 31°13'05" E	54.71'

SURVEY NOTES:
1) THE SUBJECT PROPERTY, HEREIN REFERRED TO AS THE PROPERTY, IS THE SAME PROPERTY DESIGNATED AS TAX PARCEL # 18-018-33-0-000-007-000, ALSO BEING THAT SAME PROPERTY DESCRIBED IN DEED BOOK 303, PAGE 99, SHELBY COUNTY, ALABAMA.

2) THE PROPERTY HAS ACCESS TO CARROLL ROAD, AN UNPAVED PUBLIC ROAD, VIA A PRESCRIPTIVE EASEMENT ALONG AN EXISTING DIRT ROAD AS SHOWN. THE TRON BE TOWNSHIP HAVE A HAND WRITTEN NOTE THAT GRANTS PERMISSION FOR A ROAD TO BE BUILT, BUT NO RECORDED EASEMENT EXISTS. SAID ROAD IS THE ONLY ACCESS TO THE PROPERTY.

3) NO ATTEMPT WAS MADE TO DETERMINE THE CURRENT FLOOD ZONE DESIGNATION.

4) PROPERTY IS SUBJECT TO ALL EASEMENTS, RIGHTS-OF-WAY, AND RESTRICTIONS THAT MAY EXIST.

5) THIS PLAT WAS PREPARED FOR THE EXCLUSIVE BENEFIT OF THE PERSON(S) OR ENTITY NAMED HEREON AND IN NOT TRANSFERABLE. THIS PLAT MAY NOT BE REPRODUCED, COPIED, OR USED FOR ANY PURPOSE WITHOUT EXPRESS WRITTEN CONSENT OF JACKSON LAND SURVEYING, LLC, AND VALUATION WITHOUT ORIGINAL SIGNATURE AND SEAL OF THE SURVEYOR PERTAINING TO THIS PLAT ARE EXCLUDED.

LEGEND OF SYMBOLS	LEGEND OF ABBREVIATIONS
1/2" Capped Rebar Set (Jackson CA# 615)	BM BENCH MARK
Concrete Monument Found	CH CHAIN
Calculated Point	CI CIRCULAR INTERSECTION
Power Pole	DA DIRT ROAD
Water Meter	ELV ELEVATION
Phone Box	CONC CONCRETE
Man Hole	COR CORNER
Fire Hydrant	P.O.B. POINT OF BEGINNING
Overhead Utility	P.O.C. POINT OF COMMENCEMENT
Fence	R RADIUS
Line Not to Scale	ROW RIGHT OF WAY
Property Boundary	RNG RANGING
	STA STATION
	TWN TOWNSHIP

LEGAL DESCRIPTIONS

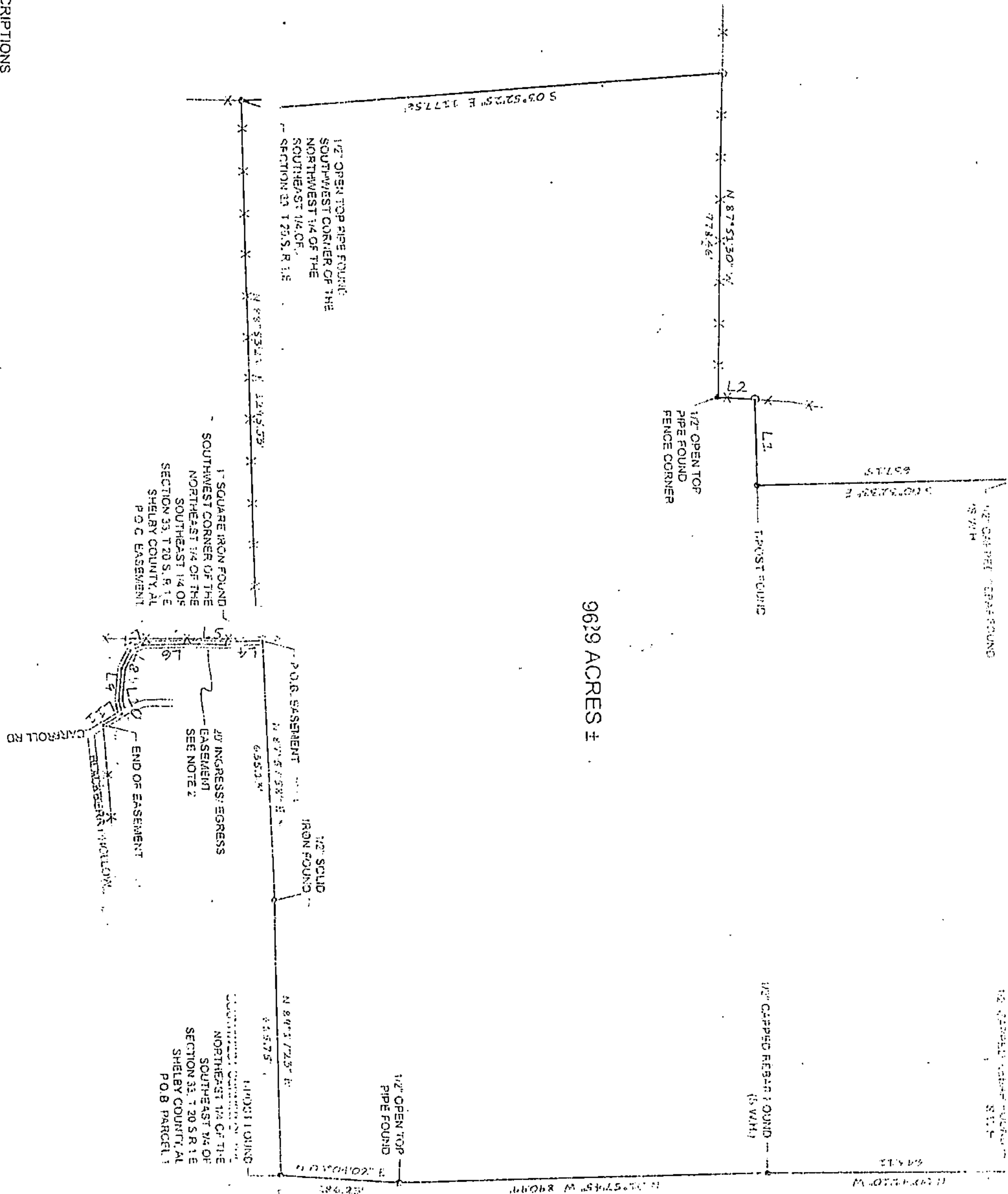
PARCEL 1

BEGINNING at a T-post found at the Southeast corner of the Northeast 1/4 of the Southeast 1/4 of Section 33, Township 20 South, Range 1 East, Shelby County, Alabama, thence N 03°04'02" E a distance of 265.23' to a 1/2" open top pipe found, thence N 01°57'45" W a distance of 890.99' to a 1/2" capped rebar found (stamped S.W.H.); thence N 00°41'19" W a distance of 643.11' to a 1/2" capped rebar found (stamped S.W.H.); thence S 89°52'52" W a distance of 1670.77' to a 1/2" capped rebar found (stamped S.W.H.); thence S 00°32'33" E a distance of 637.15' to a T-post found, thence N 89°54'28" W a distance of 203.68' to a 1/2" capped rebar set (stamped Jackson CA# 615) on an existing fence line, thence with said fence S 03°52'13" W a distance of 89.43' to a 1/2" open top pipe found at a fence corner, thence continue with said fence line N 87°57'58" E a distance of 778.46' to a 1/2" capped rebar set (stamped Jackson CA# 615), thence leaving said fence S 03°52'25" E a distance of 1177.55' to a 1/2" open top pipe found at a fence corner at the Southwest corner of the Northwest 1/4 of the Southeast 1/4 of Section 33, Township 20 South, Range 1 East, Shelby County, Alabama, thence with a fence line N 88°53'21" E a distance of 1295.53' to a T-square iron found at the Southwest corner of the Southeast 1/4 of the Southeast 1/4 of Section 33, Township 20 South, Range 1 East, Shelby County, Alabama, thence N 87°57'58" E a distance of 635.13' to a 1/2" solid iron found, thence N 89°17'23" E a distance of 655.75' to the POINT OF BEGINNING, containing 96.29 Acres, more or less.

EASEMENT DESCRIPTION

A 20' wide ingress/egress easement along an existing dirt road with the following described centerline

Commencing at a T-square iron found at the Southwest corner of the Northeast 1/4 of the Southeast 1/4 of Section 33, Township 20 South, Range 1 East, Shelby County, Alabama, thence N 87°57'58" E a distance of 11.68' to the center of an existing dirt road and the POINT OF BEGINNING; thence with the center of said dirt road the following calls: S 02°42'24" E a distance of 79.08'; thence S 02°12'17" W a distance of 33.56'; thence S 01°06'55" E a distance of 137.02'; thence S 24°19'57" E a distance of 33.87'; thence S 33°29'59" E a distance of 49.22'; thence S 84°01'56" E a distance of 77.26'; thence N 78°41'05" E a distance of 34.34' to the center of an existing drive, thence S 31°13'05" E a distance of 54.71' to the end of a public gravel road known as Carroll Road and the END OF EASEMENT.

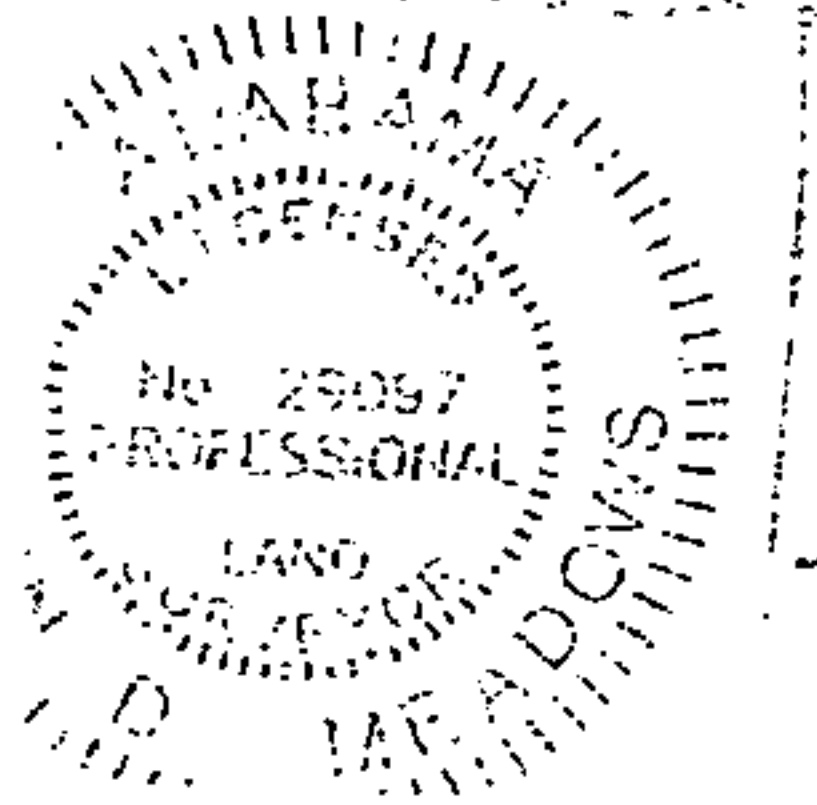


I, John D. Meadows, a Licensed Professional Land Surveyor in the State of Alabama, hereby certify that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards or Practices for Surveying in the State of Alabama to the best of my knowledge, information, and belief.

John D. Meadows
Date: 7/11/2021
AL PLS# 29097

Property Boundary Survey for the
James Ray & Bobbie C. Taylor Family Trust
Section 33, T20S, R01E, Shelby Co., Alabama

Jackson
Land Surveying, LLC
376 Jackson Bottoms Rd
Goodwater, AL 35872
(205) 324-5555 FAX (205) 324-5555



2:52

App Store



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EXHIBIT

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D

1-13-2017

I give my permission for
Brett Hargis to hunt on
my property on 1-13-2017.

James Ray Lyles

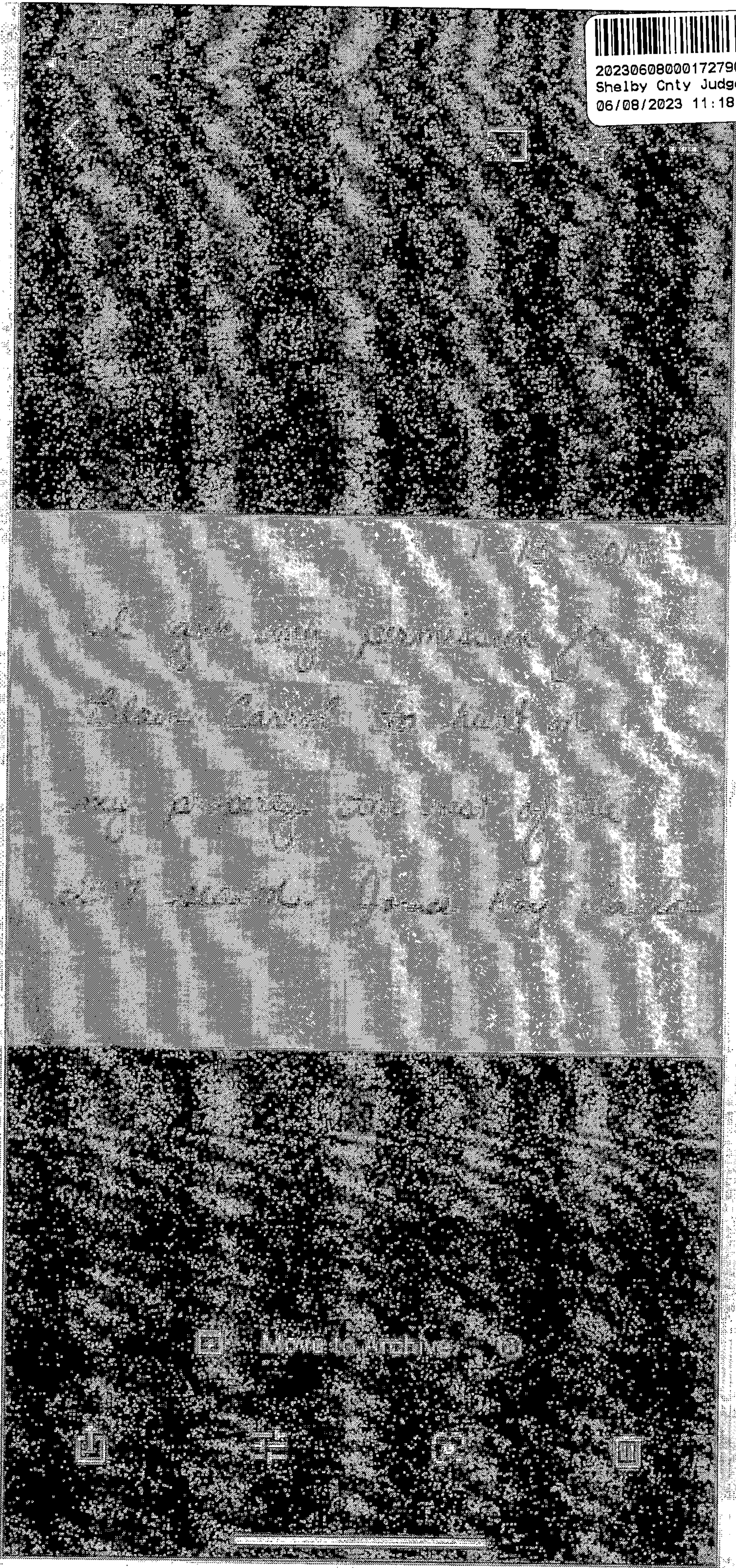


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6-13-2017

I give my permission for
Red Carroll to hunt on
my property the rest of
the 2017 season. Give my wife



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I give my permission for
John Doe to hunt

on my property



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EXHIBIT

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