

STATE OF ALABAMA)

COUNTY OF SHELBY)

AFFIDAVIT

151
19720203000005960 1/2 \$.00
Shelby Cnty Judge of Probate, AL
02/03/1972 12:00:00 AM FILED/CERT

Before me the undersigned authority, in and for the said County and State personally appeared the undersigned Affiant who, after being by me first duly sworn to speak the truth, deposes and says as follows:

My name is Alfred Horton and I am 51 years of age and a resident of Columbiana, Shelby County, Alabama. I am familiar with the use, occupation, possession and ownership of the following described property and have been for more than 20 years, said property being situated in Shelby County, Alabama and more particularly described as follows, to-wit:

The NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 35, Township 21 South, Range 1 West, Shelby County, Alabama, LESS AND EXCEPT the part thereof described as follows, to-wit: Beginning at the Southwest corner of said NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ and run North 501 feet; thence 364 feet Northeast along Highway Number 25; thence South 711 feet; thence West 364 feet to the point of beginning, this being 5 acres, more or less.

I purchased the above described and excepted 5 acres, more or less, in the Southwest corner of said quarter-quarter section from Lillie Bell Dupree on July 15, 1950, her warranty deed to me being recorded in Deed Book 153, at Page 33, in the Probate Office of Shelby County, Alabama. I went into possession of my said 5 acre tract, more or less, immediately upon execution of the aforesaid deed. I know of my own personal knowledge that at the time I received the aforesaid deed from Lillie Bell Dupree that the said Lillie Bell Dupree was in exclusive, adverse, notorious and hostile possession of all of the the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$, Section 35, Township 21 South, Range 1 West, and I know of my own personal knowledge that she had been so in possession of all of said quarter-quarter section for at least 5 years continuously prior to July 15, 1950 when I received the aforesaid deed and that she and her father, Jess Dupree, lived thereon. I know of my own personal knowledge that approximately 2 years after I purchased the aforesaid 5 acres tract, more or less, out of said quarter-quarter section, and during the Summer 1952 that the said Lillie Bell Dupree, then married to Otha A. Dean, conveyed the remainder of said quarter-quarter section to J. A. Tucker. At the time said deed to the above described property was executed and delivered to the said J. A. Tucker, I know of my own personal knowledge that said Lillie Bell Dupree was still in exclusive, adverse, notorious and hostile possession of all of the above described property and that the said J. A. Tucker went into possession of all of the above described property immediately upon the execution of said deed from Lillie Bell Dupree. I know of my own personal knowledge that during the Summer 1952 the said J. A. Tucker went into possession of all of the above described property and that he has been in continuous, exclusive, adverse,

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notorious and hostile possession of all of the above described property up until the present time (with the exception of several parts thereof that he has sold) and that no other person, firm or corporation has been in possession of any of the above described property since the same was purchased by J. A. Tucker (with the exception of several parts thereof that he has sold) and that his title has not been questioned or disputed in any way. I also know that since J. A. Tucker purchased the above described property he has continuously up to the date hereof assessed the ad valorem taxes on said land in his name and has paid the same each year up until the present time and no other person has assessed or paid taxes on said land during said period.

Further deposing, affiant says that at the present time J. A. Tucker is the owner of all of the above described property, less and except several parts thereof that he has conveyed since his purchase of the same, and that the said J. A. Tucker and his immediate predecessor, Lillie Bell Dean, nee Lillie Bell Dupree, have been in actual, exclusive, open, notorious, hostile and continuous possession of all of the above described property for more than 20 years and I know of my own personal knowledge that the title of the said J. A. Tucker and his predecessors in title has never been questioned in any way.

Alfred Horton
Alfred Horton

Sworn to and subscribed before me
this the 2nd day of February, 1972.

Susan P. Horton
Notary Public

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STATE OF ALA. SHELBY CO.
NOTARY PUBLIC
INSTRUMENT WAS FILED
1972 FEB -3 PM 11:10
REC'D FILE NUMBER 02
RECEIVED AS SHOWN ABOVE
Dorothy B. Burt
JUDGE OF PROBATE

BOOK 272 PAGE 377