

Before me R. H. Carter a Notary Public & Ex officio J. P.,  
in and for Shelby County, Alabama, personally came  
John W. Walker, who being by me duly sworn deposes and  
says upon oath as follows: My name is John W. Walker,  
and I am a resident citizen of Shelby County, Alabama,  
residing near Acton in said County and have re-  
sided in said neighborhood continuously ever since

1852. I was acquainted with Rufus Acton and John Acbar on the 11th day of August 1885 and for many years preceding that time. I am well acquainted with and familiar with the following described lands to-wit: All of the N. E $\frac{1}{4}$  of the S. E $\frac{1}{4}$  and all of the S. E $\frac{1}{4}$  of the S. E $\frac{1}{4}$  of section 32, Township 19, Range 2 West, except a small portion described as follows: Commencing near the Northeast corner of said section on the West side of the creek and running South through the center of the lane to the East and West line near the Northeast corner of the S. E $\frac{1}{4}$  of the N. E $\frac{1}{4}$ ; hence West 24 rods from said corner; thence to the Southeast corner of the S. E $\frac{1}{4}$  of the S. E $\frac{1}{4}$  of said section. Also the S. W $\frac{1}{4}$  of the S. E $\frac{1}{4}$  of section 32, Township 19, Range 2 West also the N $\frac{1}{2}$  of the N. E $\frac{1}{4}$  and the E $\frac{1}{2}$  of the S. E $\frac{1}{4}$  of the N. W $\frac{1}{4}$  and the N. E $\frac{1}{4}$  of the N. W $\frac{1}{4}$  all in section 6, Township 20, Range 2 West altogether containing 2 1/3 acres, more or less, and lying and being situated in Shelby County, Alabama. As to the N. E $\frac{1}{4}$  of the N. W $\frac{1}{4}$  and the E $\frac{1}{2}$  of the S. E $\frac{1}{4}$  of the N. W $\frac{1}{4}$  of section 6, Township 20, Range 2 West, I know that these lands were in the actual possession and occupancy of John Acbar on August 11th 1885, and for many years prior thereto. On the 11th day of August 1885 he deeded these lands to Rufus M. Acton and on the same date deeded these same lands together with all other lands described in the first part of this affidavit to the heirs of his daughter Virginia Harris, deceased. I know that neither Rufus M. Acton nor any of his children ever went into possession or exercised any control over the N $\frac{1}{2}$  of the N. E $\frac{1}{4}$  and the E $\frac{1}{2}$  of the S. E $\frac{1}{4}$  of the N. W $\frac{1}{4}$  and the N. E $\frac{1}{4}$  of the N. W $\frac{1}{4}$  of section 6, Township 20, Range 2 West, but that following the conveyance from John Acton of August 11th 1885, the property in question was in the hands of notorious, adverse, contentious and hostile possession of the children of Virginia Harris, deceased, namely; John Harris, George Harris, Paul Harris, Mary Ward, wife of Thomas Ward, Annie Green wife of Grant Green, Julia Harris and Chris Harris until the title of said joint owners was divided under a decree of the Probate Court of Shelby County, Alabama, and under a Commissioner's deed.

executed by H. E. Whitaker by his Commissioner to John C. Cross dated August 29th, 1905, after which time Mr. Cross was in possession and ownership of said lands until he deeded said lands to George N. Collins on January 22nd, 1908 and Collins likewise remained in full possession as mentioned above until he deeded to Odo F. Neill about the 24th of May, 1911, since which time Mr. Neill has been in adverse possession. The foregoing statements as to other notorios, Contiguous, Adverse and hostile possession on the part of John Acton, the heirs of Virginia Harris above named their grantee, John C. Cross, his grantee G. N. Collins and his grantee Odo F. Neill, applied to all of the other lands mentioned in the first part of this affidavit. I have lived in the immediate vicinity of these lands since first date mentioned above and have never known or heard of any claims adverse in character or in any way hostile to the claims of John C. Acton the heirs of Virginia Harris deceased as set out above, John C. Cross, G. N. Collins and Odo F. Neill, and the possession of said parties during the entire period mentioned has been complete and Contiguous.

John H. Whitaker  
mark

Swear to and subscribed,

before me on this the 17th day of November, 1911.

R. H. Carter Notary Public

Before me R. H. Carter a Notary Public & Ex Off. J. C. in and for Shelby County, Alabama, personally came J. C. Cross, who being by me duly sworn deposes and says upon oath as follows: My name is John C. Cross and I am a resident citizen of Shelby County, Alabama, residing near Acton in said County and have resided in said neighborhood continuously ever since 1864. I was acquainted with Rufus Acton and John Acton on the 11th day of August 1881 and for many years preceding that time. I am well acquainted with and familiar with the following described lands, to wit: All of the N. E  $\frac{1}{4}$  of the S. E  $\frac{1}{4}$ , and all of the S. E  $\frac{1}{4}$  of the S. E  $\frac{1}{4}$  of Section 32 Township 19, Range 2 West, except a small portion described as follows: Commencing near

the Northeast Corner of said forty acres on the West side of the creek  
 and running south through the center of the lane to the East  
 and West lines near the Northeast corner of the S. E 1/4 of his  
 N. E 1/4; thence West 24 rods from said corner; thence to the  
 Southwest corner of the S. E 1/4 of the S. E 1/4 of said section.  
 Also the S. W 1/4 of the S. E 1/4 of section 32, Township 19, Range 2  
 West - Also the N 1/2 of the N. E 1/4 and the E 1/2 of the S. E 1/4 of  
 the N. W 1/4 and the N. E 1/4 of the N. W 1/4, all in section 5,  
 Township 20, Range 2 West altogether containing 253  
 acres more or less and lying and being situated in  
 Shelby County, Alabama. As to the N. E 1/4 of the N. W 1/4  
 and the E 1/2 of the S. E 1/4 of the N. W 1/4 of section 5, Township  
 20, Range 2 West I know that these lands were in the  
 actual possession and occupancy of John Aclan on  
 August 11th, 1885, and for many years prior thereto.  
 On the 11th day of August 1885 he deeded these lands  
 to Rufus M. Acton and on the same date deeded  
 these same lands together with all of the other lands  
 described in the first part of this affidavit to the  
 heirs of his daughter Virginia Hornis deceased.  
 I know that neither Rufus M. Acton nor any of his  
 children ever went into possession or exercised any  
 control over the N 1/2 of the N. E 1/4 and the E 1/2 of the  
 S. E 1/4 of the N. W 1/4 and the N. E 1/4 of the N. W 1/4 of sec-  
 tion 5, Township 20, Range 2 West but that following  
 the conveyance from John Aclan of August 11th  
 1885, the property in question was in the open, notorious  
 and adverse, continuous and hostile possession of  
 the children of Virginia Aclan Hornis, deceased,  
 namely, John Hornis, Paul Hornis, George Hornis, Mary Part,  
 wife of Thomas Ward, Annie Gross, wife of Grant Gross,  
 Julia Hornis and Chris Hornis until the title of said  
 joint owners was divested under a decree of the  
 Probate Court of Shelby County, Alabama and under a  
 commission's deed executed by H. C. Whitaker by  
 his Commissioner to John C. Gross, dated August  
 29th, 1905, after which time Mr Gross was in pos-  
 session and ownership of said lands until he deeded said  
 lands to George W. Collins on January 22, 1908, and  
 Collins likewise remained in full possession as

mentioned above until he deeded to Odo J. Neill about the 24th of May, 1911, since which time Mr. Neill has been in adverse possession. The foregoing statements as to open, notorious, continuous, adverse and hostile possession on the part of John Acton, the heir of Virginia Horn's a boy named their grantee, John C. Cross, his grantee G. W. Collins and his grantee, Odo J. Neill, applies to all of the other lands mentioned in the first part of his affidavit I have laid in the immediate vicinity of these lands since first date mentioned above and have never known or heard of any claims adverse in character or in any way hostile to the claims of John C. Acton, the heir of Virginia Horn's deceased as set out above, John C. Cross, G. W. Collins and Odo J. Neill, and his possession of said parties during the entire period mentioned has been complete and continuous.

J. C. Cross

Do you to and subscribe before me on this the  
17th day of November, 1911.

R. H. Carter, Notary Public

The State of Alabama,

Shelby County. I hereby certify that the  
within Conveyance was filed in this office for  
record November 20th 1911, at 3 o'clock P. M. and  
recorded in Deed Record 47, pages 831-832,  
and examined -

A. Longshore - Judge of Probate