

State of Alabama, } He, the undersigned P. W. Acton and
 Jefferson County, } James D. Acton, being duly sworn,
 depose and say that we are familiar with that part of the
 North East Quarter of the North West Quarter of Section
 34, Township 11 North, Range 7 West, 11th
 claimed by the undersigned James D. Acton by virtue
 of Conveyance from the undersigned P. W. Acton dated
 December 7, 1908, recorded in the Office of the Judge
 of Probate of Shelby County, Alabama, in Deed Book
 139, page 169, and situated in Shelby County, Alabama
 along the Cahaba River. We have known this land
 practically all our lives as we were born and
 raised in the vicinity thereof, and were familiar with
 it when Samuel Acton conveyed to John Acton in
 1879, although we do not recall from memory the date
 of such Conveyance. This land is mostly bottom land
 and has been in cultivation continuously since
 it was conveyed to John Acton and probably for a
 good many years before that. John Acton gave the land
 to two of his grand-children Charles Bailey and Eva
 Moseley, wife of A. A. Moseley. We know nothing about a
 conveyance but Bailey and Mrs. Moseley and her hus-
 band took possession of the land and lived on it
 and claimed it beginning approximately twenty years
 ago. Bailey transferred his interest in this land to his

Sister for her interest in a forty acre by and then Mosely and wife executed the mortgage to Cahaba Lodge No. 105-1 I.O.O.F., which is of record and is dated in 1900. This Mortgage was not paid and the Lodge foreclosed the mortgage and took possession of the property and maintained possession until they sold to E. B. Barton and wife in 1905. Barton went into possession and continued in possession until he sold and conveyed to the undersigned P. W. Acton. His crop was washed away in the freshet of October, 1906, and this forced him to sell to satisfy the mortgage to the Lodge. The undersigned P. W. Acton immediately sold to the undersigned James D. Acton and paid James D. Acton took possession of the land and continued in possession continuously without interruption up to the present time. The land has been planted and cultivated each and every year beginning with 1905 and continuously up to the present time and there has been continuous possession first by Barton and wife and then by the undersigned James D. Acton during all of this period. The undersigned P. W. Acton had no actual possession as he sold immediately to James D. Acton. The transfer of possession was direct from Barton to James D. Acton. The undersigned P. W. Acton personally paid off the indebtedness to Cahaba Lodge No. 105 I.O.O.F. secured by mortgage of Barton and wife dated June 24th 1905 and took up the note and mortgage. At the time of the conveyance by the Lodge to Barton there was no W. M. Duke a trustee of the Lodge. The correct initials of the Duke who was trustee of the Lodge at that time are W. H. Duke and the Duke who joined in the conveyance to Barton as one of the Lodge trustees was said W. H. Duke, who is now dead. There must have been a mistake made in the recording of the deed to Barton. The undersigned James D. Acton further states that since he acquired the above land in 1908, he has assessed same for taxes and paid taxes on same continuously, and that to his knowledge

other than the owners as set forth in above affidavit have
 ever claimed any right or title to this property during
 all this period, and that since 1905 no one but the said
 Lodge and the grantees from said Lodge as set forth above
 have claimed any title to same.

Subscribed and sworn to before

me this 29th day of September, 1917.

(Seal)

A. E. Day, Notary Public

The State of Alabama

Shelby County

I hereby certify that the within affi-
 davit was filed in this office for record 18 day of
 Oct. 1917 at 2 o'clock P.M. and recorded in Deed
 Record 63 Pages 16-18 and examined.

J. H. Weaver
 Judge of Probate