AFFIDAVIT

STATE' OF ALABAMA)
SHELBY COUNTY)

Before me L. L. Saxon, Notary Public in and for said County in said State, personally appeared Fanny L. Bristow, known to me, and being by me first duly sworn deposes and says as follows:

My name is Fanny L. Bristow and I will be 76 years of age in May 1926. I live at Shelby Springs, Alabama, and have lived there continuously since 1861 to the present time. I am acquainted with the following described lands, to-wit:

The south half of Section 6 lying south and west of Camp Branch; the north half and the north half of the south half of Section seven (7); the northwest quarter, the east half of the northeast quarter and the northwest quarter of the southwest quarter of Section eight (8); all in Township twenty two (22) Range one (1) west; and the east half of the southeast quarter of Section one (1), the north half of the southeast quarter and the southeast quarter of Section twelve (12); all in township twenty two (22), Range two (2) west; all in Shelby County, Alabama, and known as the Shelby Springs property.

I am the daughter of Mary A. Norris and Jasper J. Norris. My mother and father moved on to said property, and took possession of same, except as to reservations which I will refer to later on in this affidavit in 1861; and I moved onto said property with my father and mother at that time.

My father and mother had their residence on, and lived on, said property continuously and uninterruptedly from 1861 until 1883. During that entire time they had possession of said property, cultivated part of it, got wood and pine off of other parts of it, had pastures on other parts of it and during all of said time they claimed it adversely to the world and it was known all over that section that my mother and father owned it.

Their possession and claim of ownership was open, notorious, continuous and adverse to theld, world, and uninterrupted from 1861 to 1883; and during all of said time no one else whatever claimed any right, title or interest, or right of possession, to any of said property except as to reservations above referred to.

In 1883 my mother and father sold said property to Mary M. Baker, and they moved off of said property to Gadsden, Alabama. Immediately upon said sale Mary M. Baker took possession of all of said property, except as to reservations I will refer to later on in this affidavit and has held actual, open, notorious, continuous, uninterrupted and adverse possession of all of said property from the year 1883 until the year 1912. She, or her tenants, cultivated part of said property, actually lived on said property, gathered wood and pine from parts of it, had pastures on parts of it continuously and uninterruptedly from the time my motherand father moved off of said property in 1883 until C. T. Brittingham took possession in 1912. During all of said time Mary M. Baker, who was later on Mary M. Pond and after that ${}^{
m M}$ ary M. McMahon, claimed to own all of said property and it was known all over that section as her property; and during all of said time no nne else whatever ever made any claim to any right, title, interest or possession of any of said property, except as to reservations hereafter to be referred to. During all of said time and every summer, said property was operated as a Summer Resort, known as Shelby Springs, either by Mary M. Baker, Mary M. Pond, or Mary M. McMahon, or her lessee; and when she had the property leased out she continued to live on same.

In August 1912 C. T. Brittingham, by himself or tenant went into possession of all of said property, andheld possession until N ovember 1912, when P. W. McMillan went into

possession. P. W. McMillan held possession from that time until February, 1916, and from that time until the present J. R. McMillan and his wife Daisy Smith McMillan have been in possession of said property.

As to the exceptions and reservations made in the deed from Jas. H. Smith and wife to Mary A. Norris dated December 6th, 1861; and in the deed from Mary A. Norris and husband to Mary M. Baker dated November 24, 1883; and in the deed from S. T. Bristow and others to Mary M. McMahon dated December 27, 1902, affiant says; W. W. Boykin has never been in possession of, or claimed to own, two acres in the southeast corner of the east half of southeast quarter of Section one, Township twenty two, Range one west; and no one else has ever been in possession of, or claimed, said two acres, as against the possession of the parties above named since I have known said property.

W. M. Boykin has never been in possession of, or made any claim to, a two acre lot in the northeast corner of Section Twelve township twenty two, Kange two west, since I have known said property.

omer Watts has never been in possession of, or claimed title to a lot of five acres, or any other lot since I have known said property for the last forty years.

W. W.Boykin, claimed, and was in possession of, a lot of something like nine acres on the west side of the Southern Railroad and said lot is now probably claimed by a Mrs. Mushatt. There was a house on this lot and some years ago Comer tore down this house and bought the lumber from Mrs. Mushatt, I understand.

C. G. Edwards never was in possession of, or claimed title to, a lot containing five acres, or any other lot on said property, since I have known said property.

The lot referred to as W. S. Fellows lot is the lot now known as the Melsnnllot on the west side of the Southern Railroad, and Wiley Nelson has been in possession of said lot,

- R. D. Gayle never was in possession or claimed any title to anylot of two and one half acres, or any other lot, since I have known the property.
- L. J. Hale, was in possession before 1874 of a lot on the west side of the Southern Railroad and had a house on it. This house blew down in the storm of 1874 and L. J. Hale has never been in possession of or claimed any title to said lot; or in a lot fronting on the railroad, since I have known said property.
- P. J. Weaver has never been in possession of or claimed any title to any lot on said property since I have known said property.
- T. B. Goldsby has never been in possession of, nor claimed any title to any lot containing ten acres. or any other lot on said property since I have known said property.

The lot referred to as being conveyed by Fannie Bristow to Henry Norris is the lot next to the church on the west side of the railroad. Dr. Robbins has never been in possession of or claimed any title to any lot on said property since I have known it. Dr. Robbins lived in Selma and spoke at one time of building a cottage on the west side of the railroad directly opposite the S. W. John's lot but he gave up the idea and never built any cottage and has never claimed the lot since that time.

Gred Hooker has never been in possession of, or claimed any title to any lot on said property since I have known said property.

The lot referred to as the S. W.John's lot is the house and lot on the Southern Railroad just outside of the enclusure of the springs proper and was not included in the mortgage from Mary M. McMahon to C. T. Brittingham.

The lot 200 feet wide and 250 feet long to be selected by the parties hereto at or near the culvert reserved by Mary A. Norris in her deed to Mary M. Baker was the lot

sold by my father and mother to Mrs. Martha Murphy and I understand Murphy Baker claims half of this lot through Mrs. Murphy, his grandmother, I do not know what became of the other half of the lot, but never heard of any one being in possession of, or claiming the lot since it was sold to Mrs Murphy.

The lot referred to as claimed and occupied by W. A. Varner known as the S_{mith} lot, is now known as the Kroell lot and has been in possession of Mrs. Kroell and those under whom she claims for years.

As to the reservations just above referred to will say that a part of this property was operated as a Summer Resort when my mother and father owned it and when James H. Smith owned it before them. That to the best of my knowledge when a friend of the owner and patron of the springs considered building a cottage for his use during the summer, or part of the summer, he and the owner would enter into some kind of an agreement for probably a nominal consideration, for a location for the cottage. If he built the cottage he would thereby take possession of the lot, but if he did not and abandoned the idea of building the possession of the lot and the ownership of same would remain in the owner of the entire property and he would use the same as if no agreement had been made. And it is probable that no writing whatever of any kind would pass between the parties but in the deeds these reservations would be noted. I know that the reservation to Dr. Robbins above referred to in the deeds to Mary M. McMahon was never claimed by him and he was never in possession of any lot on the property. He did consider building a cottage but when he abandoned the idea that was the last of it. $^{
m T}$ he possession and claim of ownership remained in my mother and father until the deed was executed to Mary M. Baker although the reservation was noted in that deed and the reservation in that deed was simply copied in the deed executed by the heirs of my mother and father to $^{
m M}$ ary M. McMahon.

Gregory & Coe Lumber Company, and no one for them, has ever been in passession of any part of said above described property and so far as I have ever known or heard has never claimed any right, title or interest in same since I have known said property.

Daisy Smith McMillan and those under whom she claims, have been in the actual, open, notorious, continuous, uninterrupted and adverse possession of all of said above described property under claim of title with the following exceptions; The lot known as the S. W. Johns lot; the lot known as the Kroell lot; the lot known as the J. M. Shoemaker lot; four lots on the highway in the southeast quarter of northeast quarter of Section 12, known as the church lot, the Nelson lot, the Parker lot, the Jackson lot, and the Varnon lot; and the R. L. Holcombe lot. As to the Holcombe lot Mary M. McMahon sold 120 acres off of this property to R. L. Holcombe and R. L. Holcombe conveyed this 120 acres to C. T. Brittingham . C. T. Brittingham then conveyed to R. L. Holcombe a lot in the Southern part of the north half of the southeast quarter of Section 12 fronting on the Southern railroad.

The 66 mile post on the Southern Railroad referred to in the deed from the Norris heirs to Mary M. McMahon stood right near the culvert near the Section house south and west of Shelby Springs proper and in my best judgment none of the above described lands lie west of the railroad, south or west of the point 208 yards above where the 66 mile post stood at that time.

Fanny L. Bristow

Sworn to and subscribed before me this the 24th day of $^{\rm F}$ ebruary, 1926.

L. L. Saxon--Notary Public

THE STATE OF ALABAMA)
SHELBY COUNTY)

I, L. B. Riddle Judge of Probate hereby certify that the within affidavit was filed in this office for record March 4th 1926 at 9 oclock A.M. and recorded in Meed record 80 page 156 and examined.

L. B. Riddle -- Judge of Probate