AFFIDAVIT

STATE OF ALABAMA)

JEFFERSON COUNTY ...)

Before me, P. W.Acton, a Justice of the Peace, in and for said State and County, personally appeared S. M. Acton, who being by me first duly sworn, deposes and says as follows:

That his name is S. M. Acton and he resides in Jefferson County, A abama, near the line between Jefferson and Shelby Counties, Alabama; that he was born in Shelby County, Alabama, where he lived for a number of years. John Acton Jr. who was his father, died about thirty years ago. Affiant further says that Tersey Acton, now deceased, was his mother and the wife of the said John Acton Jr., and that he knows of his own knowledge that his father, the said John Acton Jr. was at one time the owner of the northeast quarter of the northeast quarter of Section 17. Township, 19 south, Range 2 west, situated in Shelby County, Alabama, having acquired this property from the L & N Railroad Company by a certain deed executed by the said Railroad Company to the said John Acton Jr. on or about the 19th day of January, 1881; that his father kept this deed in his possession up until the time of his death, and that said deed has never been recorded. However, affiant located the same among his father's papers several weeks ago and delivered it to Gaines Acton, who now resides in Jefferson County, Alabama. Affiant further says that S. H. Bailey who now resides in Jefferson Gunty, Alakama, married Pauline Acton, a daughter of said John Acton Jr, deceased and a sister of affiant; and that C. C. Bailey and Eva Bailey are the children of the said S. H. Bailey and Pauline Acton Bailey. Affiant further says that the said Pauline Acton Bailey died when the said C. C. Bailey, and "va Bailey were small children and that thereupon the said John Acton Jr took said children to his home, where they resided with him until they were grown, both of them being his grandchildren. Shortly before the death of the said John Acton Jr. affiant knows of his own knowledge that John Acton Jr. executed and delivered to the said C. C. Bailey and Eva Bailey a deed conveying to them the property hereinbefore described, the same having been conveyed to them as their distributive share of the estate of the said John Acton, Jr. deceased. Affiant further says that said deed was never filed for record in the Probate Office of Shelby County, Alabama, but that he knows of his own knowledge that said deed was executed and delivered by the said John Acton Jr. as aforesaid and that he has made diligent search where it might be possible to find said deed but that he has failed to locate it.

Affiant further says that about the year 1898, the said Eva Bailey Married O. A. Mazeley, and that prior to the death of the said Eva Bailey Mazeley, about the year 1903, affiant further states as follows: she and her husband O. A. Mazeley, executed and delivered a deed to C. C. Bailey, the brother of Eva Bailey Mazeley, conveying to him all of their right, title and interest in and to the northeast quarter of the northeast quarter of Section 17, Township 19, south, Range 2 west, Shelby County, Alabama. Do not remember to have seen the deed, yet am satisfied that deed was made. Affiant further says that on March 15, 1903, he and his wife, Cora Acton, executed a mortgage to T. D. Massey, same being of record in Mortgage Book 109, page 389. Probate Office of Shelby County, Alabama, and that through inadvertence or mistake there was included in said mortgage the northeast quarter of Section 17, Township 19, Range 2 west, Shelby County, Alabama, but that the same should not have been included therein as he was never the owner of nor did he ever have or claim any

interest in said northeast quarter of the northeast quarter of Sect on 17, Township 19 south, Range 2 west, Shelty County, Alabama..

Affiant further says that the wife of the said John Acton Jr. was named Tersey Acton, and that she also executed said deed in which her husband conveyed said property to the said C.C. Bailey and Eva Bailey.

S. M. Acton

Sworn to and subscribed before me this 25 day of July 1927.

P. W.Acton--Justice of the Peace

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 Aug. 29th 1927 at 9 oclock A.M. and recorded in Deed record 82 page 477 and examined.

L. B.Riddle--Judge of Probate