

AFFIDAVIT

STATE OF ALABAMA)

SHELBY COUNTY)

Before me K. B. Nickerson, a Notary Public in and for said County, in said State, personally appeared D. C. Nickerson who being duly sworn deposes and says that he knows and has known the NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 11, Tp. 20, Range 3 west for many years; that when he first knew said lands the same was in the open, notorious, peaceful and adverse possession of Malden Roy. That the said Malden Roy held possession of said lands, as aforesaid, up to the date of his death and that upon his death said lands and the title thereto descended to his heirs at law. Affiant further states that he knew the children and grandchildren of the said Malden Roy, deceased, and that L. N. Roy, W. W. Roy, J. M. Roy, P. E. Jacobs, P. H. Roy, L. C. Watson, William Martin, R. W. H. M. Acton, A. E. Jacobs, L. A. Roy, M. J. Martin, N. C. Roy, M. L. Watson, C. M. Roy, L. J. Roy and S. E. Calton constituted all the children and grand children of the said Malden Roy and they are his sole heirs at law. Affiant further states that the lands above described was not the homestead of any of the heirs at law of Malden Roy, deceased, the same being named above.

Affiant further states that L. V. A. Lolley took possession of said lands on the 23rd day of June, 1891, under a quit claim deed from the last above named persons, who constitute the sole heirs at law of Malden Roy and the said Lolley held possession of said property under said deed as had Malden Roy before him; that on December 21st, 1891, the said L. V. A. Lolley conveyed said lands to L. N. Roy by warranty deed, who took possession of said premises and held the same as had the parties before him up to and until the 5th day of February 1919, when he conveyed said property, other than a 60 foot right of way to Ed Acton; that Ed Acton took possession of said lands under said deed and held the same as had the parties before him up to and until the 30th day of November, 1921, when he conveyed the same by warranty deed to F. R. Lubright and R. W. Tucker; that F. R. Lubright and R. W. Tucker took possession of said property and held the same as had the parties before them up to and until the 15th day of September, 1923, when the said Robert W. Tucker, who is one and the same person as R. W. Tucker, conveyed his one half interest in said lands to F. R. Lubright by warranty deed; that F. R. Lubright took possession under said deed from Robert W. Tucker and has held the same as did all the parties before him from said September 15, 1923, up to and including the date of the making of this affidavit.

Affiant further states that he has never heard the title or right of possession questioned as to the parties named above in this affidavit.

D. C. Nickerson

Sworn to and subscribed before me this the 18th day of January, 1928.

THE STATE OF ALABAMA)

SHELBY COUNTY)

K. B. Nickerson--Notary Public

I, L. B. Riddle Judge of Probate hereby certify that the within affidavit was filed in this office for record Jan. 19th 1928 at 3 o'clock P.M. and recorded in Deed record 85 page 290 and examined.

L. B. Riddle--Judge of Probate