

Affidavit.

State Of Alabama,)

Jefferson County,)

Before me, the undersigned authority in and for said County, in said State, personally appeared S. C. Bain, who is known to me, and who being by me first duly sworn, deposes and says on oath that he is familiar with the title and possession of the property owned by his brother, W.M. Bain in the East Half of Northeast Quarter ($E\frac{1}{2}$ of $NE\frac{1}{4}$) and in the Southwest Quarter of Southeast Quarter ($SW\frac{1}{4}$ of $SE\frac{1}{4}$) lying on the East side of the Cahaba River and also all that part of the Northwest Quarter of Northeast Quarter ($NW\frac{1}{4}$ of $NE\frac{1}{4}$) lying East of the Cahaba River, all in Section 26, and also all that part of the Southeast Quarter of Southeast Quarter ($SE\frac{1}{4}$ of $SE\frac{1}{4}$) of Section 23 lying West of the Montgomery Highway and all that part of the Southwest Quarter ($SW\frac{1}{4}$ of $SW\frac{1}{4}$) of Section 24 lying West of the Montgomery Highway, all in Township 19, Range 3 West.

Affiant further says that ^{he and} his brother purchased said property from his father G. C. Bain on July 17th, 1907 and immediately thereafter his brother took possession of said property and has continued in the actual adverse possession of said property since the date of his purchase.

Affiant further says that he and his brother were raised on said property and have been living on said property and adjoining property for over forty years and that in the year 1907, your affiant purchased certain property from your affiant's father and that W. M. Bain, his brother, purchased certain property from your affiant's father and paid him an actual consideration for the same and that both your affiant and his brother, W. M. Bain took possession of the property purchased from their father and have been in the continuous adverse open possession of said property since said date.

Your affiant further says that it has been called to his attention that in the deed from his father to W. M. Bain that the property in the Northeast Quarter is described as the East Half of Southeast Quarter, whereas, the same should have read the East Half of Northeast Quarter.

Affiant further says that his father did not own any property in the Southeast Quarter of Sec. 26, but it was the intention to convey the East Half of Northeast Quarter. Affiant further says that his brother took possession of the East Half of Northeast Quarter and has been in the continuous possession of the same for over twenty years and has regularly assessed said property by its correct description since his purchase of this property.

Affiant further says that the property described in said deed recorded in the Probate Office of Shelby County, Alabama, in Volume 34, page 536¹ was erroneously described in that it referred to the East Half of Southeast Quarter when it should have referred to the East Half of Northeast Quarter.

Affiant further says that all of his brothers and sisters were living on property adjacent to this property at the time said deed was executed and knew that W.M. Bain purchased the property from their father and that it has been recognized as the property of W.M. Bain by all of the heirs of G. C. Bain since the date of his purchase.

S. C. Bain

Sworn to and subscribed before me, this 24 day of September, 1928.

L. C. Albright, Notary Public.

The State Of Alabama,)

Shelby County ,)

I, L. B. Riddle, Judge of Probate certify that the within affidavit was filed in this office for record October 31st, 1928 at 3 O'clock P.M. and recorded in deed record 87 on page 165 and examined.

L.B. Riddle, Judge of Probate.
