

AFFIDAVIT

THE STATE OF ALABAMA)

SHELBY COUNTY)

Before the undersigned authority personally appeared E.S. Lyman who being duly sworn deposes and says: that he was born in the town of Montevallo, in said County and State, July 7th, 1862 and has resided insaid town ever since with the exception of two or three years during his early boyhood;

That he is familiar with the streets and lots in said town and generally with the ownerships and possessions of lots therein from his earliest recollections, to wit: since about the year 1872; that, according to records he has heretofore seen and examined the S $\frac{1}{2}$ of Section 21, Tp. 22S, Range 3 west, Huntsville Meridian, was selected as part of the grant of the Federal Government to The State of Alabama, for the benefit of The University of Alabama; that, in the year 1823 the Trustees of the University caused a town to be surveyed and plotted at "Wilson's Hill" a location now, and in the report of the surveyors, renamed "Montevallo" and being partly in said S $\frac{1}{2}$ of Section 21, Tp, 22 S. R 3 W, that up to about thirty or more years ago, the plot or plan of said town had not been recorded in the public records of Shelby County, About that time one E. P. (?) Quigley was employed by the county authorities to make record of all the towns of the county, as far as possible; affiant at that time had in his possession a map purporting to be "Copy for Edmund King; Original Plan of Montevallo". It was on tracing cloth, bearing evidence of age and accuracy, corresponding to the layout of the town as affiant knew it; this map affiant furnished to Mr. Quigley, an expert Draughtsman, who drew it on enlarged scale in the official map book of Shelby County and it is to this record that reference is made in describing lots in the town, For many years, it will be noted, there was no such record to which reference could be made and people, not familiar with the correct names of the streets, began to improvise others. In this way Broad Street and Middle Street, to many, became known as and called "Main Street" and "Church Street", respectively, neither of which is authoritative. However, it is generally understood in the town that the so-called "Main" is identical with the real Broad Street and the so-called "Church" with the real Middle Street-these pseudo-names being in a way appropriate, in as much as Broad Street is, and has always been the principal street of the town and three of the five (or formerly four) of the churches, of the town border on Middle Street. The double names may, therefore, be said to be interchangeable and have been used in that way. In the same way "Depot Street" has been used for the official Shelby Street and other streets misnamed. There are, properly speaking, neither a Main or Church Street in the town,

Affiant further says that he was well acquainted with F. J. (Frank J.) Kroell during all his life. He is now dead; he was never married.

Affiant further says that Lot number 21 in said town is located in the S $\frac{1}{2}$ of Section 21, Tp 22 S. R. 3 west and at, or immediately in the northeast side of the Block, said block being designated by neither number or letter; that when he can first remember, shortly prior to 1872, that part of said lot bordering on Middle Street from Broad to Valley Streets was occupied by Nero and Lydia King, husband and wife, negroes, who dwelt in a house on the Broad Street end, something like forty or fifty feet back from Broad Street; they continued to live there as long as they lived respectively; they used a smaller building in the rear of the dwelling as a smoke house and store-room, further north they had a well which they used and on the Valley Street corner an old building they used as a stable.

During all this time they so actually occupied part of said lot, which was enclosed, cultivating such part as was not otherwise used by them, the enclosure being some 46½ feet in width, claiming to own the same. They had no children that affiant ever knew or heard of; during the latter end of their lives, Mary Brasher, who was a kinSwoman, of said Lydia King, and her husband, Nero Brasher, lived with old couple, remained with them until their deaths, and continued to occupy the premises until the house was burned, and rented out the old stable for a blacksmith shop, until they sold the property and conveyed to S. H. McCauley, according to the conveyance abstracted in Aug. 1896, claiming the same as their own. Immediately after his purchase S. H. McCauley built a frame house on the Broad Street corner, in which his wife operated a millinery business about a year. The McCauleys conveyed to F. J. Kroell and he to H. C. & W. B. Reynolds, according to the abstract on the same day. July 27, 1897. Immediately thereafter, the McCauley building spoken of was removed, and the Reynolds' began and built a double brickstore, the same building now owned by P. C. Wilson, and occupying the part of lot No. 21 fronting on Broad Street; these stores with exceptions of few days at a time were constantly occupied during the ownership of the Reynolds' usually by a drug store on the corner and by general merchandise merchants. The corner drug store at first was occupied by H. C. & W. B. Reynolds themselves, afterwards it and the adjoining store room by tenants of said Reynolds' until the purchase by P. C. Wilson. Since which time the property has been occupied by said P. C. Wilson and his tenants, who carried on mercantile businesses-the said P. C. Wilson doing a drug business; that since 1872 and before, Lydia King and her husband Nero King; Nereo and Mary Brasher his wife; S. H. McCauley and his wife S. V. McCauley; H. C. & W. B. Reynolds, the firm; H. C. Reynolds, individually and P. C. Wilson, all claiming under the said Lydia and Nero King, successively, have been in the open, notorious, continuous, exclusive, adverse possession of that part of said lot number 21, beginning at the easternmost corner thereof, running thence southwest, along the northerly side of Broad Street, a distance of forty six and one half feet; thence northwesterly, parallel with Middle Street, a distance of one hundred feet; thence northeasterly, parallel with Broad Street, forty six and one half feet to the westerly line of Middle Street, and thence southeasterly along said line of Middle Street to the point of beginning, a distance of one hundred feet, in the town of Montevallo, Shelby County, Alabama (Affiant, upon inquiry, made of P. C. Wilson, is informed that the description of his property, for all purposes of the present negotiations, should read as last above set out, he having heretofore conveyed to his brother, Bloomer Wilson, 25 feet lying between the J. I. Reid lot and P. C. Wilson's present store lot, the deed to which does not appear in the abstract and may not have been recorded.)

Affiant further says that the present store building of P. C. Wilson, erected as aforesaid by H. C. & W. B. Reynolds the immediate easternmost corner of the block on which it is located, fronting forty six and one half feet on Broad Street and running back seventy five feet, of uniform depth and width, bordering on Middle Street its walls, front and northeast side rising perpendicular from the recognized side lines of said streets; that the "corner" referred to as the starting point of the description last above given is and has been, for more than fifty years, the recognized corner of the block on which lot number 21 is located; that, in his opinion a survey of said property would serve no good purpose, as the original survey and "plan" of said town does not show any Government indicia; that there is no other building on the portion

of said lot last herein before described.

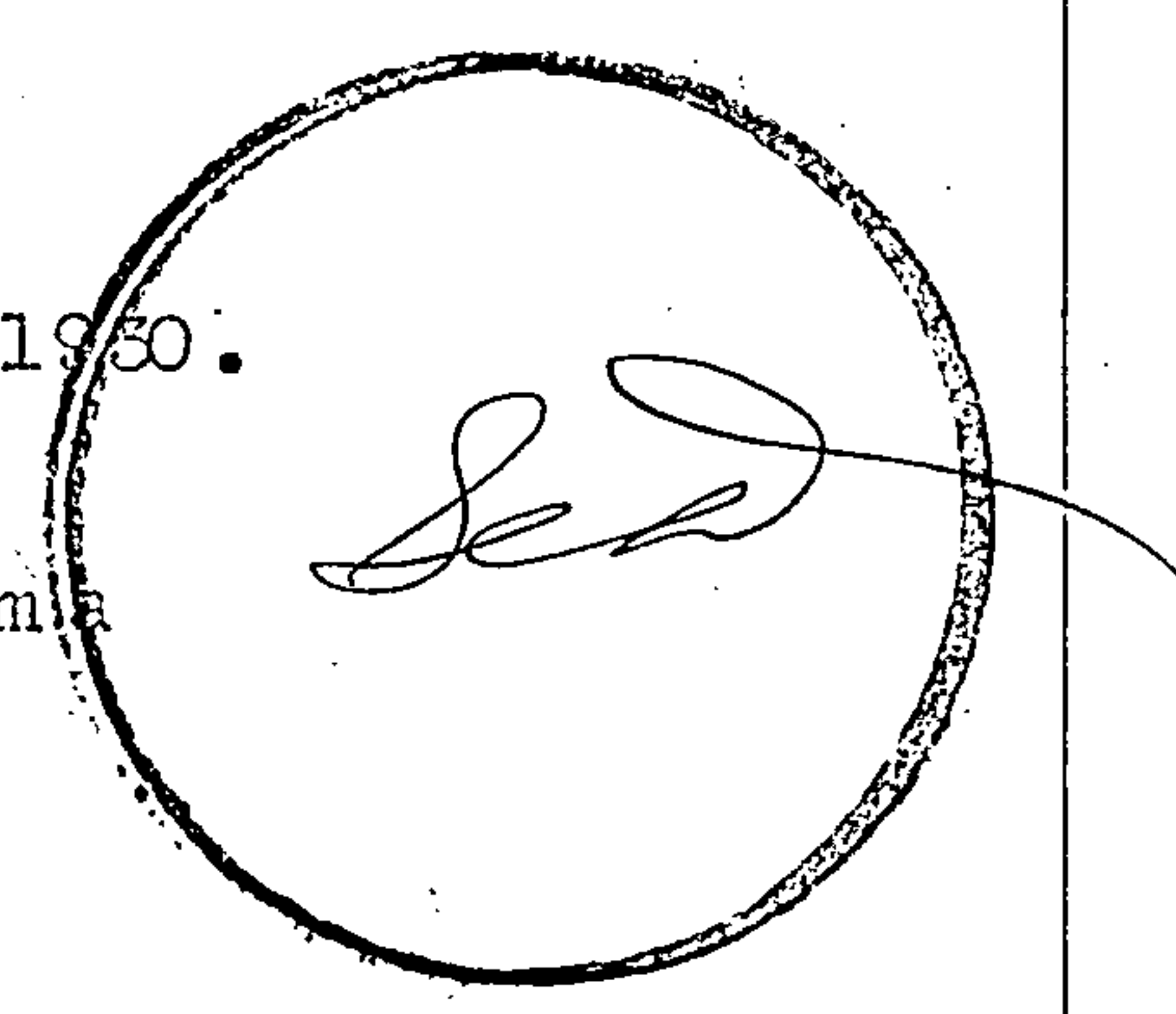
Affiant further says; with reference to the mortgage abstracted on page 10 of the abstract that he never knew E.T.Carr, the mortgagee mentioned; that Mrs. S.V.McCauley's maiden name was Carr and presumably was related to the mortgagee, though did not live here. (It is to be noted that the mortgage is more than thirty years old and presumptively satisfied.. S. H. McCauley and his wife have both been dead a number of years.)

Affiant further states that no part of said lot number 21 was ever any part of the homestead of any of the Reynolds family mentioned in the abstract.

E.S. Lyman

Sworn to and subscribed before me this the 9th day of September, 1930.

Myrtice Horn
Notary Public Shelby County, Alabama



THE STATE OF ALABAMA)
SHELBY COUNTY)

I hereby certify that the within affidavit was filed in this office for record Sept. 24th 1930 at 9 oclock A.M. and recorded in Deed record 91 page 490 and examined.

Cage Head--Judge of Probate