

AFFIDAVIT

STATE OF ALABAMA)

SHELBY COUNTY)

Before me L.B.^Riddle Judge of Probate in and for said County in said State personally appeared Mrs. Hosephine Armstrong, who is known to me, and being by me first duly sworn deposes and says on oath as follows:

My name is Josephine Armstrong and my husband's name was Dr. W. M. Armstrong. I am 69 years of age and live at Shelby Springs Alabama. I am acquainted with the place on which G.T. Stonecypher now lives and it was known, at the time I first knew it as the Callen place. I have known the place all my life, that is since I was old enough to know anything. When I first knew the place, about 1870, W.S. Callens was living on part of the place now owned by Mr. Stonecypher, and was living in the house where Mr. Stonecypher now lives. From the time I first knew of the Callens living there until 1883 Mr. Callens and his family lived in the house continuously, had most of the place fenced in and cultivated it every year. He had out houses and an orchard on part of it and lived there continuously with his family during all of this time. His possession of said place during all of this time was actual, continuous, open, notorious and adverse and uninterrupted during the entire time and he claimed it as his own property and it was known all over that section that Mr. and Mrs. Callens owned it.

About the year 1880 my husband Dr. W. M. Armstrong, bought about thirty acres of land adjoining the Callens property, which thirty acres was in the northwest quarter of the southeast quarter of Section twelve township twenty two range two west north and west of the Southern Railroad, from Basil Wright.

There was a house on this thirty acres and the entire thirty acres was fenced in. Immediately after buying this property we moved onto it and into the house and lived there continuously until he sold it to Mrs. M. A. Cooper about the year 1890. During all that time we lived there continuously and uninterruptedly, claiming the property as our own, and cultivated most of it during that time and our possession was open, actual, notorious, adverse, continuous, and uninterrupted from the time we bought it in 1880 until we sold it about 1890. I do not know where the deed is that my husband got from Basil Wright for this thirty acres but I have seen it time and again when my husband had it and I know that he did have it, and that he was claiming the thirty acres under that deed. In 1883 W.S. Callens sold his place to Mrs. M. A. Cooper and Mrs. Cooper immediately moved into the house and onto the place as soon as the Callens moved out. Mrs. Cooper and family continued to live in the house from the time she bought it from Callens until Mrs. Cooper died and the family continued to live in the house until Dr. Shoaff took possession. During that time Mrs. Cooper or the family lived in the house continuously and uninterruptedly had the place under fence, cultivated part of it and had orchards on other parts of it. Their possession was actual, open, notorious, continuous, uninterrupted and adverse during all that time, and it was known all over that section that the Coopers owned the place. About the year 1890 my husband sold the thirty acres he bought from Basil Wright to Mrs. M. A. Cooper. When he sold it to her we moved off of the place and Mrs. Cooper took possession of it and held the actual possession of it until Dr. Shoaff went into possession. The house remained on this property and it was fenced in during that time just the same as it was during the time we owned it. I remember distinctly of Dr. Armstrong and myself making the deed to Mrs. Cooper to this thirty acres and delivering it to her, at the time we moved off the place and Mrs. Cooper took possession.

During all of this time that the Callens, Coopers and Dr. Armstrong and myself were in possession of this property no one ever claimed any right, title or interest in it, or any right of possession. Our possession and claim of title was never disputed by any one and never questioned by any one but it was known all over that country as our property and we, at the time specified in this affidavit, were in the actual, adverse possession of it, living on it, and cultivating it.

Since about the time Dr. Shoaff took possession of the property I have not known quite so much about it as I was not living so near it since that time, until the present time. However, I have seen the property at short intervals during this time and every time I have seen it Dr. Shoaff, J.W. Shoemaker or G.T. Stonecypher were in possession of said property and living on it and in my best knowledge the property has been in continuous possession of these parties since that time.

Mrs. Josephine Armstrong

Sworn to and subscribed before me on this the 9th day of March, 1926.

L.B. Riddle--Judge of Probate

THE STATE OF ALABAMA)

SHELBY COUNTY)

I hereby certify that the within affidavit was filed in this office for record March 16th 1931 at 9 o'clock A.M. and recorded in Deed record 92 page 248 and examined.

Cage Head--Judge of Probate
