

AFFIDAVIT

THE STATE OF ALABAMA)

SHELBY COUNTY)

Before the undersigned authority personally appeared Pat J. Kroell and E. S. Lyman who being duly sworn depose and say the said Pat J. Kroell that he is 61 years of age, and E.S. Lyman, that he is 69 years of age and that they have resided in Montevallo Alabama; practically all their lives; that they have been acquainted and familiar with the property now known as Lot Number 2, block F. of Lyman's Addition since they can first remember, while it was the property of the Edmund King estate and in possession of the representatives of said estate; that at that time practically all of said Lyman's Addition, including said lot number 2, was enclosed and in cultivation as a part of the Edmund King Farm and was in the possession of French Nabors, purchaser from the estate of Frank R. King, who was a son of Edmund King and had purchased said property at executor's sale of the Edmund King farm and home; that said French Nabors resided in the "Edmund King Home", on land contiguous to said Lyman's Addition at the time of his death and had been so occupying it for several years before his death in 1896; that F. May Lyman, daughter of said French Nabors, wife of affiant E. S. Lyman, purchased the part of said King Place now known as Lyman's Addition at a sale by the administrators of French Nabors' estate, in 1899, and had the same plotted and laid off in blocks and lots and has since, from time to time sold lots therefrom; that said F. May Lyman and her husband sold said Lot number 2, block "F", to one Ella Read, in 1904, who, in that year or the next, built a house thereon, in which she and her husband lived until they sold to J.E. Yeager in the fall of 1905; that said J.E. Yeager immediately after his purchase, which his wife and daughter, moved into said house and lived in it until his death in about 1919, all of said lot being enclosed; that after his death his wife and child continued to reside in said house until they sold to Colin B. Richmond in 1926; and that said Richmonds have, ever since been living in said house; that within two or three years after the death of said J.E. Yeager his widow, Alice H. Yeager, enlarged and greatly improved said house, originally built by said Reads about 1904 or 1905;

that said Pat J. Kroell has, since 1897 owned and with his family have occupied as a homestead a lot on the block adjoining said block "F" until the past year when he built and moved two blocks away; that said French Nabors, his representatives, F. May Lyman, Ella Read, J.E. Yeager, Alice H. Yeager, his widow, Alice H. Yeager and Colin B. Richmond, respectively, successively, had and exercised open, notorious, continuous, exclusive, actual, adverse possession of said Lot number ", block "F", as a homestead, free from any adverse claim, so far as affiant's know or have ever heard, from before 1896, to the present time. Affiants further say that William P. Pollitzer to whom J. E. Yeager and wife executed a mortgage on said lot the attempt to satisfy which of record is challenged, and Wm. P. Guerard who on, to-wit; the 18th day of July 1931, executed to Colin B. Richmond a quit claim deed to said lot, is one and the same person, he having according to his statement, had his name changed, by proceedings in another state, during the World War, to avoid being considered a German. He is well known in Montevallo, married one of its citizens and is now known generally, as Wm. P. Guerard.

Sworn to and subscribed before me by
affiants Pat J. Kroell and E. S. Lyman,
this the 9th day of September, 1931.

Pat J. Kroell
E. S. Lyman

Myrtice Horn
Notary Public Shelby County Ala.

THE STATE OF ALABAMA)

SHELBY COUNTY)

I hereby certify that the within affidavit was filed in this office for record
Oct. 1st. 1931 at 9 oclock A.M. and recorded in Deed record 92 page 589 and examined.

Cage Head--Judge of Probate