

AFFIDAVIT

STATE OF ALABAMA,
SHELBY COUNTY).

Before me, L.H.Ellis, a Notary Public in and for said County, in said State; personally appeared L. M. Templin, who is known to me and who being by me first duly sworn, deposes and says that he is acquainted with the following described real estate situated in Shelby County, Alabama, and now owned by J.B.King, otherwise known as Jesse Benjamin King, viz:

The south west quarter of the north east quarter of Section 20; all that part of the east half of the north west quarter of Section 20, lying south east

of the Mardis Ferry road; and that part of the north west quarter of the north east quarter of Section 20, described as follows: Beginning at the south east corner of said forty and running south 87 degrees west along the south line of said forty 752.7 feet to the point of beginning, thence north 20 degrees west 680.5 feet to the south line or margin of the Mardis Ferry road, thence in a SWly direction along the south line or margin of said road to its intersection with the west line of said forty, thence south along the west line of said forty to the SW corner of said forty, thence east along the south line of said forty to the point of beginning, containing 5.1 acres, more or less; all in Township 21 South Range 1 East, Shelby County, Alabama.

Further deposing affiant says that he has known said land for fifty years or more; that he was acquainted with Thomas Johnson, who died about the year 1881 or 1882, and at said time, and for some time prior to said time, he was living on said land and farming on said land; that prior to and after the death of said Thomas Johnson, his wife, Sarah F. Johnson and her two children, a son, William H. Carlton, and a daughter, Geneva Carlton, were claiming to own said land and remained in possession of the same, claiming to own it, after Johnson's death, until it was sold under a foreclosure deed of date October 3, 1889, which said deed is recorded in the Probate Office of Shelby County, Alabama, in deed book 26 at page 92; that Sarah F. Johnson was the surviving widow of said Thomas Johnson, who had no children by her, but she had two children by a former marriage, viz: said William H. Carlton and Geneva Carlton, and it was understood by affiant and in the community where said land is located that Mr. Johnson deeded her and her two children the land above described and some other land then owned by him as a consideration for her marrying him, and certain it is that she and the two children remained in the actual, open, notorious, continuous, exclusive, adverse possession of same, living upon it and farming upon it from the time of his death down until the time it was sold at foreclosure sale above referred to.

Further deposing affiant says that said Geneva Carlton married A.C. Galloway and had one child viz: Homer Galloway, Said Geneva Carlton died intestate some time prior to 1895, the exact date being to affiant unknown, and left surviving her as her sole heir at law, her said son, Homer Galloway, and she also left surviving her her husband, said A. C. Galloway.

Further deposing affiant says that Sarah F. Johnson also known as S. F. Johnson, together with her two children named continued to live upon said land and had possession of it until ^{the} death of said Geneva Galloway, and thereafter she and said

William H. Carlton and Homer Galloway remained in the actual possession of said land, claiming to own it until the execution of the foreclosure deed, dated October 3, 1899, and at which time Lester & Company became the purchaser at the foreclosure sale.

Further deposing affiant says that immediately upon the execution of said foreclosure deed A.C.Galloway went into possession of a two thirds interest in said land conveyed and covered by said foreclosure deed, which occupancy of said land was through purchase from Lester & Company, and he remained in possession thereof until the land was put through a chancery proceeding and until he finally received a deed to a two thirds interest in said land by deed of Samuel R. Lester, et al of date March 26, 1904, which deed is recorded in the Probate Office of Shelby County, Alabama, in deed book 29 at page 126. Further deposing affiant says that after the execution and delivery of the aforementioned deed said A. C. Galloway, filed a petition in the Probate Court of Shelby County, Alabama, to sell said land for division and at that time he owned a two thirds interest and Homer Galloway owned a one third interest.

Further deposing affiant says that said A. C. Galloway remained in the actual, open, notorious, continuous, exclusive, adverse possession of said land, through tenants, who actually lived upon said property until he deeded the same to G.W.Crumpton, also known as George W. Crumpton, who in turn had the actual, open, notorious, continuous, exclusive adverse possession of same, lived upon it and farmed on it from the time he bought it from said Galloway until he died. Further deposing affiant says that from 1890 to the present time he has lived in close proximity to this land and that during and throughout the nineties, that is from 1890 to 1900, Sarah F. Johnson and her two children, or their successors in title aforementioned, were in the actual possession of said land and that no other person, firm or corporation had any possession thereof under any tax proceedings in 1892 or otherwise; nor has any such person, firm or corporation, had any possession of said land since 1900, except said Mrs. Sarah F. Johnson and her two children, or their successors in title. Further deposing affiant says that E C. Parker was unmarried when he executed the deed to Charles M Farris et al on Feb 7, 1902, which deed is recorded in the Probate Office of Shelby County, Ala., in deed book 50 at page 341.

L. M. Templin

Sworn and subscribed to before me this the 27th day of December 1933.

L. H. Ellis, Notary Public.

Filed for record in this office December 28th 1933 at 2 o'clock PM and duly recorded in deed record 97, page 80 and examined.

Cage Head, Judge of Probate.