

AFFIDAVIT

STATE OF ALABAMA)

JEFFERSON COUNTY)

Before the undersigned authority in and for said County, in said State, personally appeared Cora T. Poston, who being by me first duly sworn, deposes and says on oath as follows:

I am one of the grantees in the deed of conveyance executed by J. L. Tinney and wife, Canzada Tinney, to myself and Bessie Tinney, said deed being to the NW diagonal half of the NW $\frac{1}{4}$ of Section 7, Township 18, Range 1, East in Shelby County, Alabama, and other lands, and being recorded in Deed Book 45 at page 108, Records of Deeds in the office of the Judge of Probate of Shelby County, Alabama. Said Bessie Tinney, whose name is now Bessie T. Hardy is my sister and we are both daughters of the said J. L. Tinney, and she is one of the parties to the deed embracing the said NW diagonal half of the NW $\frac{1}{4}$ of Section 7 and other lands, recorded in Deed Book 62 at page 53, Records of Deed in the office of the Judge of Probate of said county. The purpose of said deed was to divide between my self and my sister, Mrs. B Bessie T. Hardy, certain lands which had been conveyed to us by our father, J. L. Tinney; and by said division the above land in Section 7 was conveyed to the said Mrs. Bessie T. Hardy, and there was also conveyed to her the SE $\frac{1}{4}$ of Section 12, Township 18, Range 1, West and a strip of land 216 feet wide off of the west side of the SW $\frac{1}{4}$ of Section 7, Township 18, Range 1 ^{East} ~~West~~, all in Shelby County, Alabama.

My Father, J. L. Tinney, owned the above NW diagonal half of the NW $\frac{1}{4}$ of said Section 7 and also the strip of land 216 feet wide on the west side of the west half of the SW $\frac{1}{4}$ of Section 7 for several years before he conveyed said real estate to myself and my sister the said Mrs. Hardy. At the time the lands described in the above Deed Book 62 at page 53 were conveyed to my sister, Mrs. Bessie T. Hardy, her husband, J. G. Hardy, owned the tract of land embracing about 45 acres and adjoining the NW $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 7 on the east side thereof and at said time there was a residence on said 45 acre tract of land owned by the said J. G. Hardy and there has been a residence on it continuously ever since and the said J. G. Hardy and wife, my sister, the said Mrs. Bessie T. Hardy, resided in said residence as their home continuously from about the year 1915 up to the year 1926; and during the years 1926 1927, they rented out said land and said residence to tenants up until said land was conveyed to J. O. Zellner by deed recorded in Deed Book 79 at page 626, Records of Deeds in the office of the Judge of Probate in Shelby County, Alabama. During the time that the said Mr. and Mrs. Hardy resided on said lands located in Section 7, and during the time that said lands were occupied by tenants of theirs, as set out above, there was in actual cultivation on said 45 acre tract approximately 30 acres which was cultivated each year by the said Mr. and Mrs. Hardy or their tenants and that during said entire period of time, the said Mr. and Mrs. Hardy cut and used timber for farm purposes and for fuel and for any other necessary purposes in connection with operating said farm from and off of the NW diagonal half of the NW $\frac{1}{4}$ of said Section 7; and also during a good portion of said time, they actually used some of said NW $\frac{1}{2}$ of the NW $\frac{1}{4}$ of said Section as a pasture for live stock.

My father, J. L. Tinney, originally bought the said NW $\frac{1}{2}$ of the NW $\frac{1}{4}$ of said Section 7 principally for the use of the merchantable timber thereon, and prior to the time that he conveyed said land to myself and my sister, he had cut the principal amount of merchantable timber off of said land.

Cora T. Poston

Sworn to and subscribed

before me this the 13th
day of November, 1935.

J. W. Griffin

Notary Public

*Filed for record in this office the 28th
day of November 1935 and recorded
in Deed 99 Page 80 & examined
J. E. Walker*