

## AFFIDAVIT

State of Alabama, )

Shelby County. )

Before me, Grace Carter, a Notary Public in and for said County, in said State, personally appeared A. A. Brasher, who is known to me and who, being by me first duly sworn, deposes and says:

I am seventy years of age and am acquainted with the following tract of land, viz:

Beginning at the south west corner of Section 34, Township 19, Range 1 West, and run thence north 2070 feet along the section line, and thence east 140 yards to a point of beginning; from said point of beginning run north 350 yards, thence east 70 yards, thence south 350 yards, thence west 70 yards, to the point of beginning, containing 5 acres, more or less, situated in Shelby County, Alabama, and in the NW $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 34, Tp. 19, Range 1 West.

I have lived in close proximity to this land all my life, and have lived within less than a quarter of a mile of it for more than forty years.

This land along with other lands were entered by William A. Grimes, as shown by original Patent recorded in the Probate Office of Shelby County, Alabama, in deed book 93 at page 49. I can remember when William A. Grimes came to Shelby County, Alabama, from South Carolina, and entered this land and settled on it, and he continued in possession of the land, claiming to own it, living upon it and cultivating portions of it until he deeded it to his son James H. Grimes by deed dated December 8, 1891, which is recorded in the Probate Office of Shelby County, Alabama, in deed book 31 at page 44. It might not be amiss to say that I own the south sixty acres of the land entered by Mr. Grimes in 1881, and have owned it for forty years or more. There is no twelve inch timber on this five acre tract of land at this time, as it was cut off years and years ago. Since I have owned the land neither Daniel Salser nor Henry Blackerby have ever been in possession of any portion of it nor have they claimed any portion thereof.

When James H. Grimes purchased the land from his father and procured a deed thereto as shown by deed recorded in the Probate Office of Shelby County, Alabama, in deed book 31 at page 44, in said Probate Office, he went in possession of same, living upon it, cultivating portions of it, that is portions of the land included in his deed, and remained in possession thereof until he sold it to Jackson & Tinney Lumber Company in 1909 and they in turn immediately upon the execution of the deed to them of date October 12, 1909, and recorded in the Probate Office of Shelby County, Alabama in deed book 43 at page 344, went in possession of the land and remained in possession of same, exercising acts of ownership over it until they sold it to D. T. Boozer and W. H. Boozer, by deed dated August 22, 1911, and recorded in the Probate Office of Shelby County, Alabama, in deed book 47 at page 613. The Boozers went into possession of said land under the deed last above mentioned and remained in possession thereof, claiming to own it, until they deeded it to Andrew Blackerby by deed dated September 27th, 1913, and recorded in the Probate Office of Shelby County, Alabama, in deed book 56 at page 314. Andrew Blackerby also known as W. A. J. Blackerby deeded the particular five acres to W. C. Blackerby by deed dated January 11, 1938, and which said deed is recorded in the Probate Office of Shelby County, Alabama, in deed book 96 at page 306 and immediately upon the execution of said deed W. C. Blackerby entered upon the said five acres of land described in said deed and remained in the actual, open, notorious, continuous, exclusive, adverse possession of same until he deeded it to J. T. Johnson in 1934, by deed which is recorded in the Probate Office of Shelby County, Alabama, in deed book 96 at page 305. Mr. Johnson has been in the actual, open, notorious, continuous, exclusive, adverse possession of said land, claiming to own it, and operated a stand upon it continuously from the time he purchased it.

A. A. Brasher

Sworn and subscribed to before me this the 20th day of August, 1938. Grace Carter, Notary Public

Filed for record Aug. 20, 1938 at 10 AM and recorded in Deed #105 on page 168 - L.C.W.