

AFFIDAVIT

STATE OF ALABAMA
SHELBY COUNTY

Before me, Jno. P. Lee, a J. P., the undersigned authority in and for said County, in said State, personally appeared Alton B. Dunaway, who after being first by me duly sworn according to law to speak the truth, deposes and says that he is 37 years of age and has lived in the community, in which the property described below is situated, for the past 37 years, and has all along been well acquainted with said property and those in possession of it:

Commencing on the east side of the Montevallo and Ashville Public Road where the line running east and west between the lands of W. C. Denson and O. G. Denson crosses said road; Thence east along said line to where the lands of Mrs. W. H. Payne, W. C. Denson and O. G. Denson corner, said corner being the northeast corner of the S $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 13, Township 20, Range 3 West; Thence south along the line between the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ and the NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of said section to a point from which a line, parallel to the north boundary of this tract, and extending to the Montevallo and Ashville Public Road, will enclose 8 acres; Thence along said public road to the point of beginning, containing 8 acres of land, and being situated in Shelby County, Alabama, in Sec. 13, Tp. 20, Range 3 West.

That to affiant's own personal knowledge said property has been enclosed by a fence for the past 37 years, or longer, and has been under cultivation each and every year by the owners of said property or their tenants. That Charles R. Cross bought said property in January, 1911, from Ode Kirkpatrick and went into immediate possession of it and farmed it each and every year until November, 1915, when he sold it to John Bishop, who kept it only a very short time and sold it in December, 1915 to Sam Carter and wife, Mary, who lived on it and farmed it until August, 1916, when they sold it to M. C. Reynolds, who lived on it and farmed it each and every year until October, 1918, when he sold it to Mary D. Lynch who lived on it and farmed it or had it farmed each and every year until March, 1924, when her son, O. R. Lynch, purchased it from T. O. Harrison and wife, Leila, that the said Mary D. Lynch had sold said property to T. O. Harrison in April, 1923, but had an agreement whereby she was not to vacate it until a year later; that said O. R. Lynch lived on said property and farmed it each and every year until October, 1932, when he sold it to Robert E. Powers, the present owner, who has farmed said land each and every year since, and who is now remodeling the house on it. That on April 7, 1936 the Probate Court of Shelby County, Alabama, granted a decree condemning a right of way 100 feet wide across said property for the Birmingham-Montgomery Highway.

That the possession of Robert E. Powers, and the possession of those through whom he claims, has as far back as affiant can remember, to his own personal knowledge, been open, actual, notorious, adverse, hostile, exclusive, peaceful, quiet, continuous and under claim of ownership and color of title. That affiant has never known of anyone being in possession of said property, claiming adverse to said owners, nor has he ever known of anyone disputing their title.

Alton B. Dunaway

State of Alabama, Shelby County.

Sworn to and subscribed to before me this 8 day of September, 1938. Jno. P. Lee,
Justice of the Peace. (Seal)

Filed for record in this office the 10th day of Sept. 1938 at 10 AM and recorded in Deed Record #105 on page 222 and examined. L. C. Walker, Judge of Probate, Shelby County, Ala.