

Affidavit

State of Alabama
Shelby County)

Before me, L. H. Ellis, a Notary Public in and for said County, in said State, personally appeared J. I. Richards, who is known to me and who, being by me first duly sworn deposes and says:

I am acquainted with the following land situated in Shelby County, Alabama, viz:

The southeast quarter of the northeast quarter, the northeast quarter of the southeast quarter, and the west half of the southeast quarter of Section 12, Township 19, Range 1 East of Huntsville Meridian in Alabama, containing 160 acres; the northeast quarter of the northeast quarter, the west half of the northeast quarter and the southeast quarter of the northwest quarter of Section 1, Township 19 Range 1 East, Huntsville Meridian in Alabama, containing 160 acres.

I know nothing personally of the Birmingham Lumber Company to whom the timber on the aforementioned land was deeded by deeds dated February 11, 1893, and recorded in the Probate office of Shelby County, Alabama, in deed book 16 at page 506 and deed book 16 at page 508. I have made inquiry as to the Birmingham Lumber Company and find that it was originally a corporation, having been incorporated in 1888 as shown by Incorporation record "C" at page 285, in the Probate office of Jefferson County, Alabama. The incorporators, as shown by this record were J. Morgan Smith, Ross Smith of Birmingham and D. H. Duncan of Atlanta Georgia. I have ascertained also that about 1923 another Birmingham Lumber Co., was formed, which was incorporated and the incorporators were Gilbert L. Vaughn and other persons by the name of Lamar. I talked with Mr. Vaughn a day or two ago and was informed by him that when the new Birmingham Lumber Company was formed they discovered that they had a name similar to the old one, and he investigated it and had his lawyers investigate it and ascertained that the old Birmingham Lumber Company ceased to do business in 1905 and has paid no corporation taxes since and for the last thirty five years there has been no corporate activity on the part of the old Birmingham Lumber Company, it simply ceased to do business and went out of existence in the way Mr. Vaughn expressed it.

All of the incorporators of the old Birmingham Lumber Company are dead except Ross Smith, who is in Chattanooga, Tenn but lives at Rosebuck, Alabama, Jefferson County, and I talked to his wife on yesterday and she told me that the old Birmingham Lumber Company went out of existence before she married Mr. Smith.

I also talked to Mr. John Taylor, former City commissioner of Birmingham, and he said he knew the original incorporators of the Birmingham Lumber Company and his statement of the situation was the same as that made by Mr. Vaughn.

J. I. Richards

Sworn and subscribed to before me
this the 26th day of October, 1938
L. H. Ellis, Notary Public

Filed for record in this office October 26th, 1938 at 3 PM and recorded in deed record 105 page 306 and examined L. C. Walker, Judge of Probate