

AFFIDAVIT

STATE OF ALABAMA
SHELBY COUNTY

Before me the undersigned authority, personally appeared W. J. Horsley, who, being first by me duly sworn according to law to speak the truth, deposes and says: He is 62 years of age and has lived in Columbiana, Shelby County, Alabama, for the past 34 years, except for the years 1925 to 1931 when he lived in Birmingham, Alabama, but during said six years he was in and about Columbiana from time to time; that he is well acquainted with the following described real estate and has known its ownership and possession all these 34 years. Said land being described as follows:

Lots 1, 4, 5, 6, 7, 8, 9, 10, 11 and 12 in Block 2 of the Subdivision of J. W. Johnston property in the Town of Columbiana, Shelby County, Alabama, on record in the Probate Office of Shelby County, Alabama. Which said property except lot 1 more particularly described as follows: Begin at the southwest corner of J. B. Turner tract on north line of Section 25 and on the east line of Thompson Street, and along said street run south, 18 degrees and 30 minutes east, 105 feet to the point of beginning; Thence continue along said street south, 18 degrees and 30 minutes east, 169 feet; Thence north, 75 degrees and 15 minutes east, 160 feet; Thence south, 18 degrees and 30 minutes east, 150 feet to the north side of Center Street; Thence north, 75 degrees and 15 minutes east, 140 feet; Thence north, 18 degrees and 30 minutes west, 270 feet; Thence south, 86 degrees west, 306 feet to point of beginning. Then to describe above said Lot 1, begin at the southwest corner of J. B. Turner tract of land at a point on the east line of Thompson Street and along said street run south, 18 degrees and 30 minutes east, 374 feet to the point of beginning; Thence continue along said street south, 18 degrees and 30 minutes east, 50 feet to the northeast corner of said Thompson Street and Center Street; Thence north, 75 degrees and 15 minutes east, 140 feet; thence north 18 degrees and 30 minutes west, 50 feet; Thence south, 75 degrees and 15 minutes west, 140 feet to the point of beginning. All of said property being in NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 25, Township 21, Range 1 West, Shelby County, Alabama.

Affiant lived from 1912 to 1924 just across Thompson Street from said land and remembers it well. That in 1904 when affiant first came to Columbiana said land belonged to Mattie Brasher, and that there was a residence near the southwest corner of said land, being situated on a part of the tract of which the above was a part, and said residence was known all through the years as the Brasher house. That the said Mattie Brasher either lived in or rented out said house each and every year until her death. That in 1909 the heirs of said Mattie Brasher sold said property to J. W. Johnston, who acquired other land adjoining the above described tract, and affiant remembers it was all under one fence, and affiant knows of his own knowledge that the above described tract was under fence by the owners for 15 years or more prior to 1924. The said J. W. Johnston never did live on said land himself, but had tenants on it each and every year until the old house was torn down. The said J. W. Johnston owned some 12 or 15 acres in all under fence as above said, of which the above described land was a part. That he rented said land to others for cultivation each and every year, and then rented it as a pasture until some time in 1924, when he subdivided said land and laid it off into lots, and in the same year sold Lots 4 to 12 inclusive in Block 2 in said subdivision to D. W. Whitten, and sold Lot 1 in said block to W. E. Merrell. The said D. W. Whitten owned said lots and paid taxes on them each and every year until 1937, when he sold them to W. F. Payne, the present owner. The said W. E. Merrell died several years ago, leaving a will in which he willed all his real estate to his widow, Lena R. Merrell who owned said lot and paid taxes on it each and every year until 1937, when she sold it to W. F. Payne, the present owner. The will of said W. E. Merrell is probated in the Probate Office of Shelby County, Alabama.

Affiant further says that he knows of his own knowledge that the above described property was owned and in the actual possession of J. W. Johnston, being one and the same person as John W. Johnston, and his predecessors in title for more than 20 years prior to the time said property was subdivided into lots in 1924. That the possession of said J. W. Johnston and his predecessors in title was exclusive, notorious, open, peaceable, undisputed, undisturbed and adverse, and that he has never heard of the title being disputed or of any adverse claims against said land.

State of Alabama
Shelby County

W. J. Horsley,
(W. J. Horsley)

Sworn to and subscribed to before me
this 10 day of October, 1938.

L. C. Walker, Judge of Probate.

Filed for record in this office the 8th day of December, 1938 at 9:30 AM and recorded in Deed Record #105 on page 372 and examined.

L. C. Walker, Judge of Probate
Shelby County, Alabama.