

A F F I D A V I T

State of Alabama
Shelby County

Before me, L. C. Walker, Judge of Probate in and for said County, in said State, personally appeared J. C. Garrett (Jesse Clifton Garrett), who, being by me first duly sworn, deposes and says:

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

Twelve acres of land, more or less, in the north west corner of the south west quarter of the north east quarter of Section 18, Township 21, Range 2 East, more particularly described as follows:

Commencing at the north west corner of said south west quarter of north east quarter and running thence east along the north line of said forty 182 yards, more or less, to the west right of way line of the Louisville & Nashville Railroad, thence in a southeasterly direction along the eastern line of said right of way 275 yards, thence west 356 yards, to the western boundary line of said forty, thence north along the west boundary line of said forty, 197 yards, more or less, to the starting point.

I have known the above described land forty five years or more, and have lived in the same community where the land is situated all my life. I bought this land from J. W. Ozley in 1914. The deed evidencing the purchase is recorded in the Probate Office of Shelby County, Alabama, in deed book 56 at page 78. Immediately upon the execution of said deed I went into possession of the land conveyed therein, including the tract of land above described, and lived upon the same and cultivated portions of the same each and every year until I sold it to J. A. Garrett, my brother. There was no house on the tract of land above described as being twelve acres, although in my judgment it is nearer seven acres, but I exercised acts of ownership over the seven or twelve acres, along with the other lands embraced in the deed, and everybody but myself was excluded from the possession of said land. As above stated I deeded the land to my brother, J. A. Garrett, in 1914, and the deed evidencing this sale is recorded in the Probate Office of Shelby County, Alabama, in deed book 94 at page 269. The above described tract of land was described and conveyed in the last mentioned deed. My brother went into possession of the land embraced in the last mentioned deed immediately upon the execution thereof and remained in the actual, open, notorious, continuous, exclusive, adverse possession of same, exercising acts of ownership over it continuously until he deeded the above described tract of land to S. C. Horton by deed dated November 29, 1915, and recorded in the Probate Office of Shelby County, Alabama, in deed book 59 at page 33.

The present owners, S. P. Reed and C. R. Clingman, and their predecessors in title have been in the actual possession of said land for ten years or more prior to this date, exercising acts of ownership over it and claiming to own the same.

I am also acquainted with what is known as the M. E. Wyatt tract of land in the south west quarter of the north east quarter of said Section above named, and more particularly described as follows:

Commencing at a point where the L. & N. right of way, on the west side intersects the south boundary line of the south east quarter of the north east quarter of said Section 18, and thence run in a northwesterly direction 70 yards to a point on the west boundary line of said right of way, and to the north east corner of what is known as the Will Harrison lot, for a point of beginning, and thence from said point of beginning run in a northwesterly direction along the west boundary line of the right of way of the L. & N. Railroad 211 yards, thence west 35 yards, thence in a southeasterly direction 633 feet or 211 yards, to the north west corner of the Will Harrison lot, thence east along the north boundary line of the Will Harrison lot to the point of beginning, containing

15 acres more or less, and being a part of the south west quarter of the north east quarter of Section 18, Township 21 Range 2 West, Shelby County, Alabama.

I have known this land practically all my life. I deeded to J. W. Nash and wife Ella Nash, this land in 1917 and this deed is recorded in the Probate Office of Shelby County, Alabama, in deed book 73 at page 88.

A deed of correction was executed by me to J. W. Nash on the 12th day of December, 1930, and this deed is recorded in the Probate Office of Shelby County, Alabama in deed book 92 at page 209.

The land meant to be conveyed by both of said deeds, and which was in fact conveyed, is as described in this affidavit above.

I had been in possession of said land along with adjacent lands and contiguous lands since I purchased it from J. W. Ozley, as hereinbefore in this affidavit set out, and I lived upon and cultivated portion of the land included in said deed from Ozley continuously until I sold it, as herein before set out.

Said Nash went into possession of the land I deeded to him immediately upon the execution of the first named deed, built a house on it, immediately after he bought it, and lived upon it and cultivated portions of it each and every year, until he deeded it to M. E. Wyatt.

The land that Mr. Nash was in possession of was the land described in this affidavit.

Said Nash sold said land to M. E. Wyatt on October 30, 1928, and deed evidencing this sale is recorded in the Probate Office of Shelby County, Alabama in deed book 83 at page 320. Wyatt went into possession of said land immediately upon the execution of the aforementioned deed and the land he was in possession of was the land described in this affidavit. He moved upon said land and lived upon it and cultivated portions of it each and every year until he sold and deeded to S. P. Reed and C. R. Clingman on the 26th day of October, 1931. Deed evidencing this sale is recorded in the Probate Office of Shelby County, Alabama, in deed book 94 at page 105. Said Reed and Clingman went into possession of said land immediately upon the execution of the last named deed and one or the other of them have lived upon it and cultivated portions of it each and every year. Mr. Reed and Mr. Clingman are in possession of all that part of the south west quarter of the north east quarter of said Section 18, west of the Louisville & Nashville Railroad, and they and their predecessors in title have been in the actual, open, notorious continuous, exclusive, adverse possession of same, claiming to own it, living upon it or cultivating portions of it each and every year, or having tenants upon the same, for more than twenty years prior to this date. I am mortgagee in that certain mortgage executed by J. A. Garrett to Jesse Clifton Garrett on Aug. 28, 1914, and recorded in the Probate Office of Shelby County in M. Book 103 at page 244, and said mortgage was paid in full prior to November 25, 1915.

J. C. Garrett

Sworn and subscribed to before me
this the 30th day of January, 1939.

L. C. Walker
Judge of Probate

Filed for record in this office the 4th day of February, 1939 at 1 PM and recorded in Deed Record #105 on page 529 and 530 and examined.

L. C. Walker, Judge of Probate