STATE OF ALABAMA
SHELBY COUNTY

Before me, the undersigned authority, personally appeared J. R. White and H. S. Nelson, who being first duly sworn depose and say that they reside at Columbiana, Alabama, and have resided in said town for more than sixty years; that for a period of more than 50 years, last past, they have been acquainted with the following described lands situated in the town of Columbiana, Alabama, towit:

Beginning at a point on the west margin of Main Street in the town of Columbiana, 228 feet north of the point of intersection of north margin of Sterrett Street and the west margin of Main Street at an iron stake marking the northeast corner of the lot formerly known as the J.L.Peters residence lot, and from said last named point run thence north along the west margin of Main Street a distance of 119 feet to a point; run thence west parallel with Sterrett Street a distance of 419 feet to a point; run thence south and parallel with Main Street a distance of 119 feet to a point; run thence east and parallel with Sterrett Street a distance of 419 feet to point of beginning on the west margin of Main Street. Said lot being also known as the Ed Atchison residence lot.

Said lot being a part of the Southeast Quarter of Section 23, Township 21, Range 1 West, and being a part of that tract of land described in that certain conveyance from the Columbiana Savings Bank to the Alabama Cooperage Company, a corporation, dated December 22nd, 1932, and recorded in Deed Book 98 on page 117, in the office of the Judge of Probate of Shelby County, Alabama, and being further known as a part of Lot #104, according to W. J. Horsley's map of the town of Columbiana. Alabama.

Affiants further say that they remember the occasion when Joseph L. Peters, an attorney at Columbiana, Alabama, purchased the lands of which the above described lot is a part from Horatio A. Smith, as shown by deed dated January 4, 1887, and recorded in Deed Book 8, on page 203, in the office of the Judge of Probate of Shelby County, Alabama; that soon after the purchase by said Joseph L. Peters, as aforesaid, that he had remodeled and enlarged the residence upon said tract of land as described in Deed Book 8, page 203, and moved thereon. Later Joseph L. Peters and wife, Ella Peters, conveyed the same property to H. A.Smith who in turn conveyed the same to Ella Peters, who was the wife of Joseph L. Peters. These conveyances are shown of record in Deed Book 11, on pages 404 and 380. Later H.H.Smith, who was the wife of Horatio A. Smith, and her daughters, D. Bell Smith and Lucy Smith, conveyed to J. L. Peters and Joseph L. Peters, being one and the same party, the lands forming part of the tract described in Deed Book 8, page 203.

Affiants further say that Ella Peters was the wife of Joseph L. Peters, and that she died some thirty-five years ago, and left surviving her Joseph L. Peters, her husband, and three children, namely,- Mary A. Peters, Joseph L. Peters, Jr., and Ella W. Peters; that Joseph L. Peters, Jr., died some years ago intestate, unmarried and without issue, and left surviving him as the next of kin, two sisters, namely,- Mary A. Peters and Ella W. Peters.

Affiants further say that since the year 1887, the date of the purchase by said Joseph L. Peters of the tract of land of which the above described lot is a part, the said Joseph L. Peters used said lot in connection with his residence lot and said lot was contiguous to said residence lot and was under fence and in cultivation a part of the time, and was used continuously as an orchard lot, mostly in pear trees; that the said lot was cleared and the boundaries were in no way in dispute.

Affiants further say from the year 1887 to the date of the conveyance by Joseph L. Peters to the Atchison Lumber Company, during the year 1927, that the said Joseph L. Peters had been in continuous, open, notorious, peaceful and adverse possession of the tract of land of which the above described lot is a part, and of the above described land. Affiants further say that after the date of purchase by Atchison Lumber Company, that E. W. Atchison, a stockholder and Secretary-Treasurer of the Atchison Lumber Company, built a residence on the above described lot and lived thereon continuously up until the date of foreclosure in 1932 of the mortgage by the Atchison Lumber Company to W. G. Parker. Which foreclosure deed is recorded in Deed Book 95 on page 111 in the Probate Office of Shelby County, Alabama, and at which said foreclosure sale the Columbiana Savings Bank Became the purchaser thereat; that soon thereafter on December 22, 1932, the Columbiana Savings Bank conveyed the above described lot to the Alabama Cooperage Company; and Alabama Cooperage Company was in possession of the same until the date of sale to Joe W. Stone, as shown in Deed Book 103, page 174; and that said Joe W. Stone lived thereon and was in possession of said house and lot until he reconveyed the same to the Alabama Cooperage Company, as shown by deed recorded in Deed Book 104, page 65; that the Alabama Cooperage Company in January 1938 conveyed the above described lot to Harris M. Fordon and Mary Ruth Luck, and since the date of said conveyance the last named grantees have been in the possession of said lot.

Affiants further say that of their own personal knowledge that they know for more than fifty years, last past, Harris M. Gordon and Mary Ruth Luck Gordon, and those through whom the said Harris M. Gordon and Mary Ruth Luck Gordon hold title, namely, - Joseph L. Peters, H. A. Smith, Ella Peters, Atchison Lumber Company, Columbiana Savings Bank, Alabama Cooperage Company, to the above described lot, have been respectively in the open, notorious, continuous, peaceful and adverse possession of said lands, claiming them as their own, respectively, against all the world, and exercising acts of ownership over said lot by using the same as an orchard and lot contiguous to a residence lot by Joseph L. Peters and by using the same as a residence lot by the Atchison Lumber Company, and by Alabama Cooperage Company and by Harris M. Gordon and Mary Ruth Luck Gordon; that affiants have never heard the title of said Harris M. Gordon and Mary Ruth Luck Gordon, or those through whom they hold title to said lands to be questioned in any way.

J. R. White

H. S. Nelson

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

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

Filed in this office October 31, 1939 at 3 pm and recorded in Deed Record 107 on page 41 and examined.

L. C. Walker, Judge of Probate