

## AFFIDAVIT

#189

STATE OF ALABAMA |

SHELBY COUNTY |

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

I am acquainted with the north east quarter of the south west quarter of Section 29, Township 19 Range 2 East, Shelby County, Alabama, and have known said land for fifty five years or more. J. T. Gallups owns all of said forty north of what is known as the Harpersville and Weldon public road. About  $37\frac{1}{2}$  acres of this land lies north of said road and  $2\frac{1}{2}$  acres south of said road.

I bought a portion of this forty from Nancy J. Looney, the widow of W. M. Looney, and her minor son, DuBose Looney, on the 23rd day of October, 1920; they executed me a deed to said land on that date, and it is recorded in the Probate Office of Shelby County, Alabama, in deed book 70 at page 15. My attention has just been called to the fact that there is an error in the description of the land in the last mentioned deed, in that the deed recites that the land I was buying from the Looneys was situated in the south east quarter of the south west quarter of said Section 29. I do not presently know what the original deed does describe but the abstract shows that the deed as recorded describes the land as being in the south east quarter of the south west quarter of said Section 29, whereas, it should describe it as being in the north east quarter of the south west quarter of said Section 29. I do know that when I bought the land from the Looneys in 1920 I went in possession of ten acres on the north side of said road, and cultivated the whole of it until I sold it to J. T. Gallups in 1931, by deed which is recorded in the Probate Office of Shelby County, Alabama, in deed book 96 at page 574. The land I bought from the Looneys and of which they were in possession at the time I purchased it is more correctly described as follows:

Commence at a point 41 yards north of the south east corner of the north east quarter of the south west quarter of Section 29, Township 19 Range 2 East, being the point where the eastern line of said forty intersects the northern line of the right of way of what is known as the Harpersville and Weldon public road, and thence run north 399 yards, more or less, along the eastern line of said forty to the north east corner thereof, thence west along the northern line of said forty 126 yards, thence south parallel with the east line of said forty 369 yards more or less to the north margin or line of the right of way of said Harpersville and Weldon public road, thence east along the north margin of the right of way of said Harpersville and Weldon Road 126 yards, more or less to the point of beginning.

In other words, I purchased from the Looneys the ten acres off the east side of that portion of the forty in question lying north of said Harpersville and Weldon public road, and when I purchased it J. A. Gallups was in possession of that part of the forty north of said Harpersville and Weldon road, and west of the land I bought and said J. A. Gallups later sold and deeded his portion of the land to the present owner, Mr. J. T. Gallups. So J. T. Gallups now owns the entire forty except that south of the Harpersville and Weldon road.

The present owner and his predecessors in title have been in the actual, open, notorious, continuous, exclusive, adverse possession of said land, that is, said forty north of said public road, for the last forty five years or more to my knowledge, living upon it and cultivating portion of it or having portions of it cultivated each and every year down to the present time.

As a matter of fact the ten acres of land I purchased from Mrs. Nancy J. Looney and DuBose Looney, is situated as above described in the north east quarter of the south west quarter, and they did not own any land in the south east quarter of the south west quarter of said Section 29, as I owned that entire forty myself. Mr. W. M. Looney did own the south east quarter of the south west quarter of said Section but sold it to me and deeded it to me prior to the time of his death and also deeded me that part of the north east quarter of the south west quarter of said Section 29 up to the Harpersville and Weldon road. So that when I bought from Nancy J. Looney and her son, DuBose Looney, I owned all that part of the north east quarter of the south west quarter of said Section 29, south of the Harpersville and Weldon public road, and I also owned the forty immediately south of it, being the south east quarter of the south west quarter

of said Section 29.

J. H. Stone

Sworn and subscribed to before me this the 9th day of November, 1939.

Grace Carter, Notary Public

Filed in this office November 10, 1939 at 3 pm and recorded in Deed Record 107 on page 97 and examined.

L. C. Walker, Judge of Probate

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