

Affdavit

State of Alabama
Shelby County

Before me, Grace Carter, a Notary Public in and for said County in said State, personally appeared Clyde M. Gardner, 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, fifteen acres off the east side of the north west quarter of the south west quarter, and ten acres off the north side of the south east quarter of the south west quarter, all in section 6, Township 21 South Range one east, Shelby County, Alabama, and have known said land from about the year 1900, I lived within about one mile of said land for a number of years after 1900, and am familiar with it and the persons who owned it and had possession of it.

A.L. Moore was in possession of all of this land from January, 1908, until he deeded it to me, by deed dated October 21st, 1921, and recorded in the Probate Office of Shelby County, Alabama, in deed book 69 at page 415, and during all of said time he lived upon it continuously and cultivated portions of it each and every year, and immediately upon the execution of his deed to me I went into possession of the entire tract and lived upon it a number of years and cultivated portions of it each and every year, or had portions of it cultivated each and every year, and remained in such possession of it until I deeded it to my wife, Iris Gardner, on the 30th day of March, 1925, by deed which is recorded in the Probate office of Shelby County, Alabama, in deed book 73, at page 470.

Said A L Moore is also known as Allen L. Moore, and A.L. Moore and Allen L Moore are one and the same person.

My wife, Iris Gardner, went into possession of said land immediately upon the execution of the last mentioned deed and we lived upon it for some years thereafter, and cultivated portions of it, each and every year, and since we moved from it we have had it rented out and had tenants living upon it and cultivating portions of it each and every year.

My wife, Iris Gardner, and those through whom she claims title to said property have been in the actual possession of said property, either living upon it and cultivating portions of it each and every year, or having portions of it cultivated each and every year down to the present time by tenants, and for more than twenty years prior hereto.

There are about 50 acres in cultivation on this farm and some of it is in cultivation on each of the three tracts above outlined, and described. The entire farm, except that which is in cultivation, is under fence, and has been under fence for more than twenty years prior hereto. It was fenced up when Mr. Allen L. Moore first owned it and the fences have been kept up to the present time.

E. B. Nelson, who executed a deed to James R. Mitchell in March 1889 and recorded in the Probate Office of Shelby County Alabama, in deed book 11 at page 401, as well as James R. Mitchell, are both dead. Both of them have been dead twenty years or more and neither of them or anyone claiming under them, have exercised any acts of ownership or possession over the timber on the 15 acres off of the east side of the north west quarter of the south west quarter of said section 6, Township 21, Range 1 East, during that entire period. As a matter of fact there is little timber on this fifteen acres as a good portion of it is in pasture and the balance is in cultivation and the timber on it is nothing but scrub oak and of little or no value.

Shelby Iron Company in the last twenty years has had no possession of any portion of this fifteen acre tract of land and has exercised no acts of ownership or possession of it.

Clyde M. Gardner

Sworn and subscribed to before me
this the 10th day of April, 1940

Grace Carter,
Notary Public

Filed for record in this office April 15 1940 and recorded in deed record 108,
page 238 and examined L C Walker, Judge of Probate.