

## AFFIDAVIT

STATE OF ALABAMA |

SHELBY COUNTY |

Before the undersigned authority personally appeared C. F. Carden who being duly sworn deposes and says as follows:

I am personally acquainted with the family of C. M. L. Fancher and Annie H. Fancher. I have lived within a few miles of their former home for more than 50 years. C. M. L. Fancher died in about the year 1928 and his widow died in about the years 1933. Their only children and heirs were J. R. G. Fancher, and wife, Bell Fancher, S. P. M. Fancher and wife, Idella Fancher, C. W. Fancher and wife, Lanors Fancher, Eliza Mooney and her husband, B. A. Mooney, Ora Wheeler and her husband, Joe Wheeler, Ina Swint and her husband, A. L. Swint, Florence Gardner and her husband, John H. Gardner. All of their heirs were over 21 years of age on August 11th, 1933. To the best of my knowledge there was no administration held upon the estates of either C. M. L. Fancher or Annie H. Fancher and there were no outstanding debts against either of them at the time of their deaths, and neither of them left wills.

I know that C. M. L. Fancher and Annie H. Fancher and the heirs named above were in open, adverse, continuous, and notorious possession of 114 acres more or less located on Yellow Leaf Creek which I understand to be more particularly described as follows:

The SE $\frac{1}{4}$  of NW $\frac{1}{4}$ . The NW $\frac{1}{4}$  of SE $\frac{1}{4}$ . 5 acres in the SW corner of the SW $\frac{1}{4}$  of NE $\frac{1}{4}$ , described as beginning at the SW corner and running east 660 feet, thence north to Powell Branch, thence west along Powell Branch to the west line of said forty acres, thence south to the point of beginning. Also the surface right to all that part of the SW $\frac{1}{4}$  of SE $\frac{1}{4}$  and of the SE $\frac{1}{4}$  of SW $\frac{1}{4}$  lying north of the south bank of Yellow Leaf Creek. all in section 4, township 20, range 1 east. Except 1 $\frac{1}{2}$  acres in the SW corner of the SE $\frac{1}{4}$  of SW $\frac{1}{4}$  sold to J. R. Nance by deed recorded in book 53 at page 301, in Shelby County.

It is <sup>my</sup> further understanding that Florence Gardner and her husband John H. Gardner supported and cared for the said Annie H. Fancher from August 11, 1933, until the time of her death.

C. F. Carden

Sworn to and subscribed before me this 22 day of May, 1940.

J. W. Moore, Justice of Peace

Filed in this office May 25, 1940 at 8 am and recorded in Deed Record 108 at page 404 and examined.

L. C. Walker, Judge of Probate