

Affidavit

State of Alabama
Shelby County

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

I was acquainted with J. T. Davis in his life time; he was my father.

I was also acquainted with C. C. Elliott and the other heirs of James L. Elliott, who executed a deed to my father on the 14th day of January, 1899, which is recorded in the Probate office of Shelby County, Alabama, in deed book 108 at page 201.

Immediately upon the execution of the last mentioned deed, my father went in possession of the land therein meant to be conveyed, being all that part of the west half of the north east quarter of Section 16, Township 19, Range 2 East, lying east of what is known as the Harpersville road and south of what is known as the Vincent road, except the cemetery lot.

My father moved upon said land immediately upon the execution of said deed above described and lived upon it and cultivated portions of it each and every year until he died about the year 1922, and thereafter his heirs at law remained in possession of it, cultivated portions of it, or had it cultivated by tenants each and every year, until they deeded it to me on the 6th day of May, 1925, by deed which is recorded in the Probate Office of Shelby County, Alabama, in deed book 108 at page 202.

The lime spring referred to in said deeds hereinbefore alluded to was at or near the north west corner of said land and the Harpersville road at that time was further west than it is presently located, so that this spring is now about 50 yards west of the Harpersville road as it is now presently located.

That portion of said land east of the Harpersville road, as presently located, and south of the Vincent road, is described as follows: Begin at the south east corner of the west half of the north east quarter of Section 16, Township 19, Range 2 East, thence run north 4 degrees west 2093.4 feet to Vincent road, thence along the south side of said road South 36 degrees west 322.9 feet, thence south 66 degrees west 54 feet, thence south 17 degrees 30 minutes 191 feet; thence south 62 degrees 30 minutes east 100 feet; thence south one degree 30 minutes west 210 feet; thence north 62 degrees 30 minutes west 210 feet, thence north one degree 30 minutes east 210 feet, thence south 62 degrees 30 minutes east 80 feet, thence north 17 degrees 30 minutes east 170 feet, to the south side of said road, thence continue along the south margin of said Vincent road south 84 degrees 30 minutes west 429 feet, thence continue along the south margin of said road North 85 degrees west 179.7 feet thence continue along the south margin of said road North 68 degrees west 166.7 feet to the east margin of the Harpersville road; thence along the east margin of the Harpersville road south 12 degrees 30 minutes west 296 feet, thence along the east margin of said Harpersville road south 2 degrees 30 minutes west 328 feet; thence along the east margin of said Harpersville road south 7 degrees 30 minutes west 642 feet, thence along the east margin of said Harpersville road south 9 degrees 30 minutes east 314 feet; thence along the east margin of said Harpersville road south 10 degrees 55 minutes east 326 feet to the point of intersection with the south boundary line of the south west quarter of the northeast quarter of Section 16, Township 19, Range 2 East, Shelby County, Alabama, thence east to point of beginning, and being a part of the west half of the northeast quarter of said Section 16, Township, 19, Range 2 East, containing 50 acres, more or less.

The land as last above described lying east of said Harpersville road as presently located and south of the Vincent road, is the land I propose to sell to M. G. Elliott, but I am not conveying and do not propose to convey to him, and it is not my intention to convey to him, any of the original tract of land deeded to my father and by his heirs deeded to me lying west of the Harpersville road as it is presently located.

Further deposing affiant says that when my father, J. T. Davis, died in 1922, he left surviving him his widow, my mother, Mrs. J. T. Davis, and the following, who were children and the sole heirs at law of said J. T. Davis, viz:

- a. Bertha Parsons, a daughter, whose husband was O. W. Parsons,
- b. W. E. Davis, a son, whose wife was Mary E. Davis

- c.Homer Chandler Davis, a son,who was not married on May 6, 1925,
but whose wife is now named Jewel Davis,
- d.Albert M. Davis,a son,whose wife is Bessie Davis
- e.Mildred Davis, a daughter, who on May the 6th, 1925 was not married,
but whose husband is now John Martin,
- f.Etta Bernice Davis Campbell,a daughter,whose husband is Horace Gordon
Campbell
- g.J.E.Davis,a son(myself) and whose wife is named Willie Davis.

I purchased this land from my mother,brothers and sisters on the 6th day of May, 1925, which land includes all that portion of the west half of the north east quarter of Section 16,Township 19 Range 2 East, lying east of the old Harpersville road and south of the Vincent road,the cemetery lot excepted, and went in possession of said land and lived on it and cultivated portions of it each and every year down to the present time.

My attention is called to a tax sale,shown in Tax Sale record 6 at page 345 in the Probate Court of Shelby County,Alabama, showing a sale of the Northwest quarter of the north east quarter o Section 16,Township 19 Range 2 East to the State for 1918 taxes, the sale having been made on the 23rd day of June 1919. I am quite sure that this tax sale is an error and this tax sale evidently refers to some part of that forty lying north of my land and the land owned by my father.

Sworn and subscribed to before me

J. E. Davis

this the 29th day of July, 1940

Grace Carter,Notary Public

Filed for record inthis office August 2nd 1940 at 3;30 PM and recorded in deed record 108, page 2 and 3 and examined L C Walker,Judge of Probate