

Affidavit

State of Alabama)
Shelby County

Before me, the undersigned authority, personally appeared L.C. Walker, who being first duly sworn, doth depose and say, that he is a resident of Shelby County, Alabama, and that for a period of more than forty years, last past, he has been acquainted with the ownership, possession, and use of the following described real estate situated in Shelby County, Alabama, to-wit:

All that part of the southeast quarter of the Northeast quarter of Section 35, Township 20, Range 3 West, lying between the Louisville and Nashville Railroad Company right of way and Buck Creek and described as follows: Commence at a point where the old Helena dirt road formerly crossed the Louisville & Nashville Railroad right of way and heretofore known as the Penn Cost Crossing, and run thence north along the west margin of the Louisville and Nashville Railroad right of way a distance of 107 yards to a point, being the northeast corner of what is now known as the John Swiney or Kate Swiney tract of land, and being also known as the southeast corner of the tract of land known as the Whatley tract of land which is described in Deed Book 78 on page 19, in the office of the Judge of Probate of Shelby County, Alabama, for a point of beginning of the tract of land herein described, from said point of beginning run thence west a distance of 119 yards, more or less, to the center of Buck Creek at low water mark, thence up Buck Creek along the meanderings of the same in a southerly direction to where the same intersects the west line of the Southeast quarter of the Northeast quarter of said Section 35, thence south to the southeast corner of said Southeast quarter of Northeast quarter of said Section 35, thence east along the south line of said last named forty acre tract to the west margin of the right of way of the Louisville and Nashville Railroad Company, thence in a northerly direction along the west margin of said right of way line of the Louisville and Nashville Railroad Company to the point of beginning, and containing 9 acres, more or less

Affiant further says that when he was a very small boy this tract of land was owned, occupied and known as the Penn Cost tract of land, and that at that time the said Penn Cost resided upon said land. Affiant further says that he knew the wife of the said Penn Cost and she was generally known as Bettie Cost, but affiant does not know whether her initials were M. E. or not. Affiant further says that both Penn Cost and Bettie Cost have been dead for a number of years, and it is your affiant's recollection that Penn Cost was survived by his wife, Bettie Cost. Affiant further says that there was borned to Penn Cost and Bettie Cost two children, namely: Hattie Cost and Coy Cost, both of whom are dead, having died without issue. Affiant further says that the said Hattie Cost was a cripple girl, and that it is affiant's information that the said Hattie Cost conveyed the property described above to Mrs. M. A. Meshaw in consideration of her care and support of the said Hattie Cost.

Affiant further says that he remembers the occasion when this property was owned and in the possession of Ed Payne, and that he later sold the same to Mrs. M. A. Meshaw, and Mrs. M. A. Meshaw conveyed the same to R. E. Bowdon, and that R. E. Bowdon owned and was in possession of the property only a very short time and he conveyed the same to a negro by the name of Louis Niblet, and that Louis Niblet resided thereon for several years, in fact until he conveyed the property to James Patterson, being the one and same person as J.P. Patterson, along about the year 1915. That James Patterson owned the property for a very short time and then sold the same to W. H. Cofer, and that W. H. Cofer owned and occupied the same for several years and re-conveyed to Jim Patterson and Jim Patterson so thereafter conveyed the same to John R. Swiney.

Affiant further says that he knew Kate Swiney during her life time and she was the wife of John R. Swiney, and that after the conveyance from Patterson to John R. Swiney, John R. Swiney

conveyed to his wife, Kate Swiney, and that the said Kate Swiney, together with her family, moved upon said property during the year 1919, and resided thereon until the death of the said Kate Swiney, and since the death of the said Kate Swiney, her husband, together with the children of Kate Swiney, have resided on said property continuously to this date.

Affiant further says that he is familiar with the boundaries of said tract of land, and that he has never heard or known of the boundaries to this tract of land being questioned in any way.

Affiant further says that the facts set forth are applicable to all the above described tract of land except the lot sold to Eddie Lee Blass by Carson W Swiney and others, and is applicable to said last named lot except since the date of said sale.

Affiant further says that he known of his own personal knowledge that for more than forty years, last past, that the heirs at law of Kate Swiney and those through whom said heirs at law now hold title to the above described land, 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 lands by residing thereon and using the same as a home and cultivating said lands in agricultural crops; affiant further says that he has never heard the title of the said Swiney heirs questioned or disputed in any way.

Affiant further says that John R Swiney is now deceased.

L. C. Walker

Sworn to and subscribed before me on this the 23
day of July, 1940

L. G. Fulton,
Clerk of the Circuit Court of Shelby County
Alabama

Filed for record in this office August 3rd 1940 at 2 PM and
recorded in deed record 109, page 14 and examined L C Walker, Judge of Probate