

## AFFIDAVIT

STATE OF ALABAMA |

COUNTY OF SHELBY |

Personally appeared before me, E. H. Payne, a Notary Public for said County in said State, C. T. Weldon, who being first by me duly sworn deposes and says that he is 56 years of age and has resided in Wilsonville, Shelby County, Alabama, 52 years, and that he was acquainted with N. H. Self during his lifetime. That the said N. H. Self died sometime around the year 1906 and that the said N. H. Self owned the following property at the time of his death.

Part of the SE $\frac{1}{4}$  of the NE $\frac{1}{4}$  of Section 1, Township 21, Range 1 East, commencing at north west corner of said SE $\frac{1}{4}$  of the NE $\frac{1}{4}$  and running south 20 rods, thence east 24 rods, thence north 20 rods, thence west 24 rods to the place of beginning, containing 4 acres more or less and known as the N. H. Self house and lot in the Town of Wilsonville, Alabama, and situated in Shelby County Alabama.

Also lot in Wilsonville, Alabama, described as beginning at the south east corner of the N. H. Self dwelling house lot and run south to lot of Wm. Gwin, thence west to a point south of south west corner of N. H. Self lot, thence north to said south west corner and east to place of beginning, being in SE $\frac{1}{4}$  of NE $\frac{1}{4}$  of Section 1, Township 21, Range 1 East, Shelby County, Alabama, except a lot within this lot described as follows: Begin at southeast corner of the above described lot and run north 80 feet, thence west 200 feet, thence south 80 feet, thence east 200 feet to starting point of this excepted lot.

The lot excepted in the last described plot was sold by N. H. Self and wife to W. R. Self on August 25, 1890, and W. R. Self sold the same to my father, R. G. Weldon, on November 14, 1899, and my father deeded the lot to me later, the lot still being known as the C. T. Weldon dwelling house lot.

In November, 1906, Mrs. H. A. Niven, one of the N. H. Self heirs, filed a petition in the Probate Court of Shelby County, Alabama, to have the N. H. Self property sold for division among the heirs of N. H. Self. I remember all of the heirs agreed to the procedure and were glad that there was going to be an equitable division. At the public auction held in accordance with the court's decree, the property was offered for sale and P. B. Niven and one of his brothers, J. N. Niven, bought the land in for their mother, Mrs. H. A. Niven, and E. W. Holland, the commissioner conducting said sale, made a deed to her. The deed contained only a description of the first above described lot, but the purchase money was paid on the whole of the N. H. Self Estate real property and Mrs. H. A. Niven was put in possession of the same. At the time of the property being knocked off to Mrs. H. A. Niven, P. B. Niven and his brother, J. N. Niven, paid the purchase money to said E. W. Holland, Mrs. H. A. Niven then went into possession of all of the above described N. H. Self Estate property. I heard her express several time the fact of her happiness over her boys buying the old place for her, since all of the property adjoined.

All of the N. H. Self heirs that I talked to about the matter told me that P. B. Niven and his brother, J. N. Niven, had bought all of the N. H. Self Estate real property for their mother and that they were paid, and the said Mrs. H. A. Niven had been put in possession of the property.

Only a few years later Mrs. H. A. Niven died, and the property was bought from all of her heirs by P. B. Niven, and he went into possession of the same after having paid the purchase money. Again only the first above described property was included in the deed, but the facts were that all of the N. H. Self Estate real property was conveyed, P. B. Niven paying the purchase money and being put into possession of all of the N. H. Self real estate property. I remember that all of the heirs joined in the conveyance and it was on January 29, 1913, and as shown by the deed from them to P. B. Niven, which deed is on record in the Probate Office of Shelby County, Alabama.



Again it was generally talked that all of the N. H. Self Estate real property had been sold, and P. B. Niven told everyone that he had bought all of the N. H. Self Estate property from his mother's heirs.

P. B. Niven and his wife, Maude Niven, have been in the optn, notorious, peaceable, adverse, and continuous possession of all of the above described property since January 29, 1913, when P. B. Niven purchased the same and was put in possession. They have not been disturbed in their possession by anyone within my knowledge. They have claimed the above described property against any and all parties and have occupied the same as a homestead and assessed and paid taxes on the same since the date of purchase. An examination of the plat book in the Tax Assessor's office in Shelby County, Alabama, reveals that the said P. B. Niven or Maude Niven Property is drawn in accordance with the above description without variation since 1913.

I have made this affidavit without any compensation being offered or paid me, and I have no interest whatsoever in the matter, pecuniary or otherwise.

Witness my hand and seal this 16 day of August, 1940.

C. T. Weldon

L. S.

Subscribed and sworn to before me the 16 day of August, 1940.

E. H. Payne, Notary Public

We, the undersigned hereby certify that the foregoing affidavit is true and correct to the best of our knowledge, information, and belief.

J. N. Niven

P. B. Niven

C. E. Niven

Subscribed and sworn to before me this 19 day of August, 1940.

E. H. Payne, Notary Public

