

Affidavit

State of Alabama,
Shelby County

Before me Grace Carter, a Notary Public in and for said County, in said State personally appeared Max Lefkovits, who is known to me, and who, being first duly sworn, deposes and says:

I am acquainted with the following lot or parcel of land situated in the Town of Columbiana, Alabama, and more particularly described as follows:

Commence at the north east corner of Section 26, Township 21, Range 1 West, and run thence in a westerly direction along the section line 491 feet to its point of intersection with the western margin of Main Street in the Town of ^{said} Columbiana, Alabama, thence left 91 degrees 30 minutes 161 feet along the western margin of Main Street to the north east corner of the Dr J.H. Crawford lot, which is the point of beginning of the lot herein described, and from said point of beginning, run thence north along the west margin of said Main Street 75 feet, thence left 90 degrees 414 feet to an alley between the property herein described and the Ben Owens property, thence left 90 degrees along the east margin of said alley 75 feet, thence left 90 degrees along the north line of the J. H. Crawford lot 414 feet to the point of beginning, and situated in the Town of Columbiana, Alabama.

I have been acquainted with the above described parcel of land for more than forty years, which is a part of the lot constituting the home place of W.W. Albright, deceased.

W.W. Albright acquired this property from Ella H. Nelson and husband, E. B. Nelson by deed dated June 6th 1894, and which is recorded in the Probate Office of Shelby County, Alabama, in deed book 18 at page 128. Immediately after the execution of the aforementioned deed Mr Albright moved upon the property conveyed in said deed, put his dwelling house thereon, and lived in it continuously until his death. His house is not situated on the south seventy five feet of said lot. W.W. Albright's house is not situated on the lot herein specifically described, but is situated on the northern portion of the lot he acquired from Ella H. Nelson above referred to. While I have said that W.W. Albright lived on the land until the time of his death, yet it is a fact that he deeded to his wife, Emma J. Albright, also known as Mrs. E. J. Albright, the land he acquired from said Ella H. Nelson through the deed aforesaid, and this deed of W.W. Albright to his wife is dated July 8, 1915, and is recorded in the Probate Office of Shelby County, Alabama, in deed book 56 at page 497. Mrs. Emma J. Albright has lived upon said property as a homestead from the time she took possession thereof in 1915 under the aforementioned deed from her husband.

While this property was sold under a foreclosure proceeding for a sewer assessment due the Town of Columbiana, Alabama, on September 1, 1936, which foreclosure deed is recorded in the Probate Office of Shelby County, Alabama, in deed book 101 at page 443, yet the Town of Columbiana Alabama, who was the purchaser at said foreclosure proceeding, never did disturb Mrs. Albright's possession of the property, and Mrs. E. J. Albright on the 3rd day of April, 1941 deeded the south portion of this lot, as in this affidavit described, to Mr. Homer H. Bearden, which deed is recorded in the Probate Office of Shelby County, Alabama, in deed book 108 at page 198. The property herein specifically described and which constitutes a portion off of the south side of the original W.W. Albright lot is bounded on the south by the property of Dr. J. H. Crawford, on the east by Main Street in the Town of Columbiana, Alabama.

For the past forty years or more Mrs. Emma J. Albright and W.W. Albright, from whom she derived title to the property hereinabove specifically have been in the actual, open, notorious, continuous, exclusive, adverse possession of it, living it as hereinbefore delineated and set out.

During the last forty years I have lived in the Town of Columbiana, Alabama.

Max Lefkovits

Sworn and subscribed to before me this
the 21st day of February, 1941.

Grace Carter, Notary Public

Filed for record in this office February 21st 1941 at 9:30 AM and
recorded in deed record 111, page 199 and examined L C Walker, Judge of Probate