

## AFFIDAVIT

# 2897

State of Alabama, }

Shelby County. }

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

My father, F. P. Cater died in 1884 and left surviving him as his sole heirs at law and next of kin the children named in deed of C. H. Florey, as Administrator of the Estate of H. E. Florey, deceased, to Augustus W. Cater and others, dated December 25, 1889, and recorded in the Probate Office of Shelby County, Alabama, in deed book 12 at page 358; the name of Augustus W. Cater is wrong in the deed. His name was really William Augustus Cater, and my brother William Augustus Cater is the person really meant to be made a grantee therein.

My father was living on the land described in said deed, when he died, with his family, and was claiming to own the property described in the deed.

I have before me deed of S. M. Cater and J. H. Cater to R. B. Cater, and others, dated May 2, 1896, and recorded in the Probate Office of Shelby County, Ala., in deed book 82 at page 257. The grantors as shown by the original deed are S. M. Cater and J. H. Cater. There seems to be some confusion on the record as to the name S. M. Cater. The original deed, as I have stated, shows the name S. M. Cater signed to the deed and not the name S. W. Cater. J. H. Cater was the wife of S. M. Cater.

Mary E. Hitchcock's husband was A. P. Hitchcock and they together executed a deed of April the 10th, 1901, to my mother, Mrs. F. P. Cater, which is recorded in the Probate Office of Shelby County, Alabama, in deed book 82 at page 260. After my father's death my mother continued to reside on the property described in the aforementioned deed until she died on September 6, 1923. After my father died my brother, E. S. Cater and myself, and some of the other heirs who owned an interest in the land, moved upon it and cultivated portions of it until I left Alabama in 1926, and after that my brother E. S. Cater and some of the other heirs lived upon the property, cultivated portions of it and claimed title thereto as shown by the several deeds by which they acquired that title and by inheritance from my father, F. P. Cater. My brother, E. S. Cater died on June 6th, 1931. I have before me the original deed of J. T. D. Cater and wife, A. M. Cater, to Mrs. A. C. Cater and others, dated August 13, 1897 and recorded in the Probate Office of Shelby County, Alabama, in deed book 82 at page 259. My brother's name is signed to that deed as J. T. D. Cater, which was his correct name, and not I. T. D. Cater. I know that his wife's name was A. M. Cater.

I have known the land described in the deed of C. H. Florey, as Administrator to Augustus W. Cater, dated December 25th, 1889, and recorded in the Probate Office of Shelby County, Alabama, in deed book 12 at page 358, ever since the execution of said deed and prior thereto, and from the time I first knew this land down to the present time, and subsequent to the execution of said deed last above referred to, and subsequent to the execution of the bond for title, made by H. E. Florey to F. P. Cater on December 5, 1883, and recorded in deed book 12 at page 358, has any person other than my father and my father's heirs been in possession of said property, or any portion thereof, and none other than the Cater heirs have exercised any acts of ownership over said property, or claimed the same at any time since the execution of the aforementioned instruments, down to the present time.

Sworn and subscribed to before me  
this the 14th day of July, 1941.

Grace Carter

DeWitt A. Cater

Filed for record in this office on the 15th day of July, 1941, at 9:30 o'clock A. M. and recorded in Deed Record #111, pg. 619 and examined.

L. C. Walker, Judge of Probate.