

AFFIDAVIT

149

STATE OF ALABAMA)

SHELBY COUNTY)

Before me, the undersigned authority, personally appeared J. W. Moore and J. W. Lybrand, who being duly sworn depose and say that they live near Westover in Shelby County, Alabama; that for a period of more than thirty five years they have been acquainted with the following described tract of land, to-wit:

Beginning at the northeast corner of the Northwest Quarter of the Northwest Quarter of Section 27, Township 19, Range 1 East, and running thence south 160 feet, thence west 100 feet for a point of beginning; running thence south 210 feet, thence west 210 feet, thence north 210 feet, thence east 210 feet, to the point of beginning, containing one acre, more or less and being a part of a stip of land heretofore described as being in the northeast corner of the Northwest Quarter of the Northwest Quarter of Section 27, Township 19, Range 1 East, commencing at the northeast corner of said Northwest Quarter of the Northwest Quarter, and run thence West 300 yards, and thence south 81 1/3 yards, thence east 300 yards, thence north 81 1/3 yards to point of beginning, containing 5 acres and also a part of that tract described as beginning at the northwest corner of the Northwest Quarter of the Northwest Quarter of said Section 27, and run east 140 yards, thence south 81 1/3 yards for a point of beginning; run thence south 420 feet, thence running a southeasterly direction along a ditch 954 feet, thence north 568 feet, thence west 954 feet to point of beginning, which last described tract is described in a deed from J. W. Lybrand and wife Mary M. Lybrand, to John P. Lybrand dated January 17, 1938, containing 12 acres.

Affiants further says that they knew G. M. Edwards and G. H. Wesley in 1911, and that on and prior to said date G. M. Edwards owned the above described land which is described as being five acres, and that on or about the 31 st day of October, 1911, the said G. M. Edwards conveyed to G. H. Wesley, the five acres described as lying on the north side of the Northwest Quarter of the Northwest Quarter of Section 27, Township 19, Range 1 East said strip beginning at the northeast corner of said Northwest Quarter of the Northwest Quarter and run thence west 300 yards, thence south 81 1/3 yards, thence east 300 yards, thence north 81 1/3 yards, and containing five acres, together with other lands. Affiants further says that do know that Wesley purchased the above described lands from G. M. Edwards and immediately went into the possession of the five acres, described above, and that this tract had a fence around it and was in cultivation, and said G. H. Wesley cultivated the same so long as he owned this land.

Affiants further says they remember the occasion when George W. Wesley conveyed the above described lands to Arthur E. Tripp, and that Tripp moved upon said property and took possession and cultivated the same so long as he owned it; that about the year 1924 Arthur E. Tripp conveyed the same property to John P. Lybrand and John P. Lybrand conveyed a part of said lands to L. H. Lybrand in 1941.

Affiants being further duly sworn depose and say that, they know and have known for more than 35 years the tract of land above described as being the 12 acre tract, and that this particular tract was formerly known as the Van Phillips Place, and in 1917 the affiant J. W. Lybrand purchased said lands from C. H. Green, and that C. H. Green purchased the same from G. M. Edwards on or about the year 1906. Affiant further say that the east line of the above described 12 acres is a continuation of the east line of the one acre tract belonging to L. H. Lybrand, and that the north line of said 12 acre tract is the south line of the above described five acres.

Affiants further say that of their own personal knowledge they know that for the past 35 years that the said George M. Edwards, ^{C. H. Green} G. H. Wesley, Arthur E. Tripp and John P. Lybrand and L. H. Lybrand, have been, respectively, in the open, notorious, continuous, peaceful and adverse possession of the above described lands, claiming them as their own, respectively, against all the world and exercising acts of ownership over the same by cultivating and occupying the same for farming purposes during the periods named above; that affiants have never heard the title of the said L. H. Lybrand, or those through whom he holds title to said lands, to be questioned in any way. Affiants further says that they are familiar with the boundary lines described in the several deeds, and that they have ^{never} heard the boundary lines or the right of possession of the several owners named above, questioned in any way insofar as the tract of land described above as being one acre and as being the property of L. H. Lybrand.

Sworn to and subscribed before
me on this the 13th day of October, 1941

J. W. Moore,
J. W. Lybrand

L. C. Walker, Judge of Probate, Shelby County, Alabama.

Filed for record in this office the 13th day of October, 1941 at 9 AM and recorded in Deed Record #112 on page 263 and examined.

L. C. Walker, Judge of Probate, Shelby County, Alabama.