

AFFIDAVIT

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STATE OF ALABAMA

SHELBY COUNTY

Personally came and appeared before, me, L. C. Walker, Judge of Probate in and for said county and said State, L. M. Templin, who after being first by me duly sworn according to law to speak the truth, deposes and says:

"I am well acquainted with the following described land and those who have been in possession of it for more than fifty years to-wit:

The SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 16, Township 21, Range 1 East, the NE $\frac{1}{4}$ of NE $\frac{1}{4}$ and the N $\frac{1}{2}$ of SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 21, Township 21, Range 1 East, Shelby County, Alabama.

My father moved to Shelby County when I was a small child and settled near the above described land. When I can first remember, this land was part of a large farm owned by Michael Quinn. Michael Guinn lived on this farm and cultivated it and used it in every way as a home and farm. He died when I was still a small boy, but large enough to remember very well him and his family. He left surviving him the following children who were his sole heirs at law: Loftin Quinn, Phebe Anderson, wife of John Anderson, Marthey Mitchell, wife of W. J. Mitchell, Polly Quinn, who never married, Mahaley Quinn, who never married, and Elizabeth Quinn, who never married.

Soon after the death of the said Michael Quinn his heirs divided his property, and each took charge and possession of his or her respective parcel, except that Polly, Mahaley, and Elizabeth took their share jointly. Soon thereafter the said Loftin Quinn moved to Arkansas and the said Phebe Anderson and her husband, John, moved to Texas or some other Western state and they have not returned to live in this community since. Before moving west the said Phebe Anderson, and her husband, John, deeded their part of the property to William Mitchell.

Of the caption land the NE $\frac{1}{4}$ of the NE $\frac{1}{2}$ of Section 21 was allotted to Polly, Mahaley, and Elizabeth Quinn, but they soon thereafter deeded the said NE $\frac{1}{4}$ of the NE $\frac{1}{2}$ of Section 21 to Mattie E. Mitchell and M. E. Mitchell, daughters of W. J. Mitchell and Marthey Mitchell.

The rest of the caption lands were conveyed by said Polly, Mahaley, and Elizabeth Quinn to W. J. Mitchell and his wife, Marthey Mitchell. The said W. J. Mitchell and wife, Marthey Mitchell took possession of all the caption lands and lived thereon with their said minor children, the said Mattie E. Mitchell and the said M. E. Mitchell, and lived thereon, cultivating parts, cutting wood and timber from parts, fencing parts and in every way using said land as a farm and homestead until the death of the said W. J. Mitchell about the year 1916. After the death of the said W. J. Mitchell, the said Marthey Mitchell continued to live on said lands and cultivating it by the agency of her tenants and servants, and in every way used it as a homestead and farm until her death about the year 1924.

The said W. J. Mitchell and Marthey Mitchell left surviving them two daughters, Mattie E. Porter and Mary E. Almon, who were their sole heirs. The said Mattie E. Porter, is one and the same person as the Mattie E. Mitchell, one of the grantee's in deed from Polly, Mahaley, and Elizabeth Quinn dated February 26, 1896, and recorded in the office of the Judge of Probate of Shelby County, Alabama, in deed book 35 at page 388. The said Mary E. Almon is one and the same person as the M. E. Mitchell, the other grantee in said deed, and they were the only children of W. J. Mitchell and Marthey Mitchell.

After the death of the said Marthey Mitchell about the year 1924, the said Mary E. Almon took possession of the caption lands and by the agency of her tenants, who lived on and cultivated said land.

she remained in possession of said lands continuously until the spring of 1930 when she sold said land to Sally M. Lipsey.

The said Mattie E. Porter after the death of her mother, the said Marthey Mitchell, went into possession of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 21 and that part of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 21 lying north and west of the Montgomery public road, and the S $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 21, all in Township 21, Range 1 East. and thus did the said Mary E. Almon and Mattie E. Porter divide their common inheritance, and each one has since recognized the other's title as sole owner to their respective tracts as above described, and they have each been in possession of their respective tracts, claiming adverse as to each other as well as to the rest of the world, claiming to be sole and exclusive owners of their said respective lands.

After her purchase from the said Mary E. Almon in the spring of 1930, the said Sally M. Lipsey by the agency of her tenants, went into immediate possession of the caption lands, and remained in possession cultivating the said land until the fall of 1935, when she sold said land to W. J. Strickland. The said W. J. Strickland went into possession of said land and cultivated part of it and used it all as part of his farm and homestead until his death in the fall of 1938. Since the death of the said W. J. Strickland, no one has lived on said land or been in active possession thereof.

I am sixty-seven years of age and I have lived in the vicinity of said land practically all of my life. I was executor of the estate of the said W. J. Mitchell, deceased, and I am unusually familiar with the facts related in this affidavit.

I was well acquainted with James T. Leepier during his lifetime. I was also well acquainted with J. P. Christian during his lifetime, and I was also acquainted with B. W. Brand during the time he lived in Shelby County. I am familiar with the lands known as the Leepier land, which the said J. P. Christian bought at a Sheriff's sale and which B. W. Brand later claimed to own. These lands are in the mountain to the north and west of the caption lands. I know that for the past fifty years neither of these mentioned in this paragraph have at any time been in possession of any part of the caption lands, but on the other hand, I know that the said Quinn family and the said Mitchell family and their successors in title as above related have been in continuous adverse possession of all parts of the caption lands, holding them adversely to each one of the persons above named in this paragraph, as well as the rest of the world. The possession of the above named owners as above related has been opened notoriously, exclusive, peaceful, quiet, adversity and hostile, and under color of title and claim of ownership, and at no time have I known of any one being in possession of any part of said land claiming adversity to said owners, nor have I ever known of their titles being questioned or disputed by any person."

L. M. Templin

Sworn to and subscribed before me on this, the 10th day of December, 1941.

L. C. Walker,
Judge of Probate

Filed in the office of the Probate Judge the 15th day of December, 1941 and recorded in the Deed Record 112 on page 526.

L. C. Walker,
Judge of Probate