AFFIDAVIT

#1441

STATE OF ALABAMA

SHELBY COUNTY

Personally came and appeared before me Dixon B. Jones a Notary Public Ex. Off. Justice Peace in and for said County in said State Richard Roebuck who after being first by me duly sworn according to law to speak the truth deposeth and says:

I am 67 years of age and have lived at Newala in Shelby County for more than 50 years and during this time lived near the following described property and have been well accuainted with those in possession of said land, to-wit:

All that part of the Southeast quarter of Northwest quarter Section 5 Township 24 Range 13 East which lies South of the Old C alera and Montevallo Road.

When I first new this land it was the homestead of John Boyle who died about 53 years ago. After John's death, his widow and 3 of her children namely Henry Graham, John Boyle and Jake Boyle lived on and cultivated said land untilthe widows death a few years afterwards. Henry, Jake and John continued to live on and cultivated the land each year. They cultivated practically all of the land that was not under fence for pasture, garden, lots and etc. Henry Graham and Jake and John Boyle claimed to own this land claiming to have bought from the other heirs of John Boyles Sr. None of the other heirs were ever in possession of, or made any claim to, any part of this land, that I ever heard of.

About the year 1925, Henry Graham, Jake Boyle and John Boyle and their wives sold all of the above described land except about an acre which included the house to R.E. Bowden Jr. Mr. Bowden rented this land each year to tenants who cultivated it until the year 1930 when R.E. Bowden Jr. and wife sold the above de cribed land to E.S. Lyman Jr. This deed conveyed all of the Southeast quarter of the Northwest quarter of Section 5 Township 24 Range 13 East lying South of the Columbiane and Montevallo Highway less one acre of land owned by John Boyles and being the same acre upon which he now resides. The location of the Columbiane Montevallo Highway is a little North of the old Columbiana Montevallo Road and under this deed Mr. Lyman went into possession of this small strip upon which is located three houses. Mr. Lyman rented this land to a Mr. Edwards who put tenants in the three houses North of the old road and cultivated the above described land which lies South of the old road. Thus taking possession of all of the above described land and in addition thereto that part of said forty which lies South of the Calera Montevallo Highway and North of the old Foad. Lyman continued to hold possession of all this forty south of the Highway except the acre where John Boyle's house stands, renting it to tenants who occupied said houses and cultivated said lands each year until 1937 when he sold all of said land including that North of old road to F.H. Hardy.

Mr. Hardy went into immediate possession and rented said houses to tenants who worked at his Lime Plant and cultivated said lands. Mr. Hardy remained in possession until his death about October 1940, and Mr. Hohn Hardy, executor of his estate, has since in and now is in possession of said land.

The possession of said owners has been peaceful, quiet, exclusive, continuous, direct, adverse, hostile, and under claim of ownership and since 1925 under color of title except that part between the old road an new highway, which has been since 1930 under color of title and no one else has been in possession of any part of said land claiming adverse to said owners.

At no time since I have known the above described land has Samuel M. Pickler, or any one claiming under him, heen in possession of any part of said land, nor has any one holding for or under the Standard Lime Company been in possession of any part of said land, nor has Minnie K. Randall, nor William M. Johnson, nor A.L. Taylor, nor any one else claiming under either of them been in possession of any part of the above described land.

The N_{2}^{1} of the N_{2}^{1} of the NE_{4}^{1} of the SW_{4}^{1} of Section 5, Township 24 North Range 13 East.

I remember when I was a boy about 10 years old Alex Nichols moved on the above described land and he lived there cultivating it each year until about the year 1926, claiming to own it. About 1926 he sold it to Mr. F.H. Hardy. Mr. Hardy has tenants living in the house and cultivating the land each year since until about 1940, when Mr. Hardy died. Mr. John Hardy has had charge of the property and had tenants cultivating it each year through 1942. There is no one living in the house, or cultivating the land this year.

Alex Nichols possession up to 1926 and that of Mr. F.H. Hardy and Mr. John Hardy since, has been actual, exclusive, continuous, open, notorious, peaceful, quiet, adverse and hostile and under claim of ownership, and Mr. F.H. Hardy and his administrator, has been in addition under color of title.

The No of the No of the SE of the SE of the SW of Section 5 Township 24 North Range 13 East.

James Clifford and his wife Peggy Clifford, who were also known as James Cliff and Peggy Cliff lived on the above described land and cultivated it for more than twenty years prior to 1916, when James Clifford died nd his wife had the above described land set aside to her as a homestead. Soon thereafter she sold the above described land to L.H. Ellis. There has been no actual possession of this land since. The house is gone and the fields have grown up.

I am acquainted with the lands owned by Mr. L.B. Moody which he acquired from Mr. E.J. Reynolds. It lies to the South of the above described land an there is a ten acre strip between them Mr. Moody's land being the S_2^1 of S_4^1 of S_4^1 of said Section 5. Neither Mr. Pickler, nor E.J. Reynolds, or Mr. L.B. Moody have ever at any time since I have known the above described land been in possession of any part of the N_2^1 of the S_4^1 of the S_4^2 of said Section 5, Township 24 North, Range 13 East.

Richard Roebuck

Sworn to and subscribed before me this the 13 day of May, 1943.

NOTARY SEAL

Dixon B. Jones Notary Public Ex. Off. Justice Peace

Filed in the office of the Probate Judge the 14th day of May, 1943 at 12 o'clock Noon and recorded in the Deed Record/117 on page 3 on this the 14th day of May, 1943.

L.C.Walker,

Judge of Probate

NO TAX DUE ON THIS INSTRUMENT