

AFFIDAVIT

#1893

STATE OF ALABAMA, §
 §
SHELBY COUNTY..... §

Before me, Dixon B. Jones, a Notary Public and Ex Officio, Justice of the Peace, in and for said County, in said State, personally appeared R.E. Bowdon, who, being duly sworn, deposes and says that he is now 69 years of age; that he was born and reared and now resides in the town of Calera, Alabama; that he knew James D. Hardy, sometimes known as J.D. Hardy, during his lifetime, and that affiant knew Mrs. Hannah Oliver who was the wife of Henry L. Oliver, both now deceased; affiant further says that he remembers when Mrs. Hannah Oliver purchased a lot or parcel of land lying East of and along the side of the ten-acre tract of land which James D. Hardy conveyed to Theresa Weil and which said ten acres is more accurately described in that certain deed from J.R. Keenan and M.L. Keenan to Theresa Loeb Weil dated December 7, 1880, and recorded in Deed book 5 on page 351, on December 29, 1882, in the office of the Judge of Probate of Shelby County, Alabama, the said lot conveyed to Mrs. Oliver containing two acres, more or less, and better described in the deed from James D. Hardy to Mrs. Hannah Oliver dated July 6, 1885, and recorded in Deed Book 7, on page 182; affiant further says that he, at that time, resided less than two city blocks from the above described two acres so purchased by Mrs. Hannah Oliver, and that Mrs. Hannah Oliver and her husband and family moved thereon immediately after the date of said purchase and made the same their home continuously up and until the death of Mrs. Hannah Oliver some seven years last past; that said two acre tract was enclosed by a fence and the residence of the said Mrs. Hannah Oliver was situated thereon, and that there was never any dispute as to the ownership, boundaries, and right of possession by any one adverse to Mrs. Hannah Oliver during said period.

Affiant further says that for a period of sixty years, last past, he has been acquainted with the owners, parties in possession location, boundaries and use of the following described tract of land to-wit:

One tract or parcel of land comprising ten acres of land former known as Shelby Orchards Company, the said ten acres being next Easterly and adjoining the tract of land deed to David Adams by Shelby Lime Company on April 28, 1873, which deed is recorded in Deed Book "S" on page 88 in the office of the Judge of Probate of Shelby County, Alabama, and bounded on the westerly side by the Easterly line of said Adams tract, as aforesaid, and on the Southerly side by the Government line known as the Base Line between Township 22 North Range 2 West, and Township 24 South, Range 13 East, and on the North side by a line parallel with the center line of the Southern Railroad and 50 feet Southerly therefrom; and on the East side by a line or lines parallel with the center line or lines forming the boundary between the said Adams tracts as aforesaid, and the said tract of ten acres hereby conveyed; said last mentioned boundary line to be established by survey and measurement at such distance from the East boundary line of said Adams tract to comprise the lot hereby described, containing ten acres, the same being the Southern portion of Sections 20, and 21, Township 22, Range 2 West.

Affiant further says that it is his best recollection and he has also been so informed that James D. Hardy conveyed to Theresa Loeb Weil the above described ten-acre tract, and that later J.R. Keenan and M.L. Keenan and R.M. Patton and Jane L. Patton conveyed the said ten acres to the said Theresa Loeb Weil; affiant further says that Mrs. Theresa Loeb Weil was in possession of said ten acre tract until the date of her death and that said tract of land was enclosed by a fence and was used and cultivated in crops from year to year; affiant further says that after the death of the said Theresa Loeb Weil, her heirs-at-law and next of kin as set forth in that certain deed from Alexander Fish and others to Mrs. Hannah Oliver, dated August 26, 1912, and recorded in Deed Book 77, on page 97, in the office of the Judge of Probate of Shelby County, Alabama, conveyed this tract of land to Mrs. Hannah Oliver, as shown of record, as aforesaid.

Affiant further says that upon the purchase by Mrs. Hannah Oliver of the above described tract of land on August 26, 1912, that she immediately took possession of said tract and used said land in connection with her homestead site contiguous thereto and had the same cultivated in agricultural crops and kept the fence built around said premises continuously up until the time of her death; affiant further says that after the death of the said Hannah Oliver that Arthur Alford Oliver, sometimes known as A.A. Oliver, and who sold said lands

to Z.S. Cowart, has respectively continued in the possession of said lands until the present time; affiant further says that for the past thirty-two years the two tracts heretofore described have been used and known as the HANNAH OLIVER HOME PLACE in the town of Calera, Alabama.

Affiant further says that he knows of his own personal knowledge that for more than fifty-five years, last past, neither Calera Land Company, Joseph Goetter, H.C. Tompkins, Alex Troy, nor J.W. Dimmick, or either have been in the possession of either of the above described tracts of land, nor has affiant ever heard either of the above named make any claim to said lands or any interest therein.

Affiant further says that the ten acre tract and the two acre tract, more or less, have been recently surveyed and the tracts as a whole are more accurately described as follows:

Begin at a point four feet East of the Southwest corner of Section 21, Township 22, Range 2 West, and run thence North 86 degrees and 28 minutes East along the Base line 797.6 feet to an iron corner; run thence North 0 degrees and 30 minutes West 208 feet to an iron stob; run thence North 89 degrees West 68.7 feet to an iron stob; run thence North 12 degrees and 15 minutes West a distance of 706.7 feet to an iron stob on the South right of way line of the Calera and Montevallo Highway, Number 25; run thence South 63 degrees and 15 minutes West a distance of 794.8 feet along the South margin of the right of way line of said Highway Number 25 to an iron stob; run thence South 27 degrees East along the middle of a ditch a distance of 288.6 feet; run thence South 2 degrees East along the middle of the ditch, a distance of 335.4 feet to the point of beginning and containing 12.94 acres, more or less, and situated in Shelby County, Alabama.

Affiant further says that of his own personal knowledge that he knows that for more than fifty-five years, last past, Theresa Loeb Weil and her heirs, as set forth in the deed heretofore described, Hannah Oliver, Arthur Alford Oliver, and Z.S. Cowart have been, respectively, in the open, notorious, continuous, peaceful, and adverse possession of both tracts of said lands, claiming said lands as their own, respectively, against all the world, and exercising acts of ownership over said tracts of land as heretofore given; that the affiant has never heard the title of the said Z.S. Cowart or those through whom he holds title, as heretofore set forth to said lands to be questioned in anyway.

R.E. Bowdon, Sr.

Sworn to and subscribed to before me on this the 23 day of June, 1944.

Dixon B. Jones
Notary Public, and Ex Officio, Justice of
the Peace, Shelby County, Alabama.

STATE OF ALABAMA, X
 X
SHELBY COUNTY.... X

Before me, Dixon B. Jones, a Notary Public and Ex Officio Justice of the Peace in and for said County, in said State, personally appeared W.A. Crim, who, being duly sworn, deposes and says that he resides at Calera, Alabama, and that he is of 77 years of age, and that he has known the above described tracts of land set forth in the above and foregoing affidavit made by R.E. Bowdon, for more than 65 years; and that the facts set forth in said affidavit as to the owners, parties in possession, location, boundaries and use of said lands are true and correct to the best of affiant's knowledge and recollection.

W.A. Crim

Sworn to and subscribed before me on this the 23 day of June, 1944.

Dixon B. Jones
Notary Public and Ex Officio, Justice of
the Peace, Shelby County, Alabama.

Filed in the office of the Probate Judge the 3rd day of July, 1944 at 9 o'clock A.M. and recorded in the Deed Record 118 on page 523 on this the 3rd day of July, 1944.

L.C. Walker,

NO TAX DUE ON THIS INSTRUMENT

Judge of Probate