

## AFFIDAVIT

STATE OF ALABAMA

SHELBY COUNTY

Personally came and appeared before me, S. A. Lokey, a Notary Public for the State of Alabama at Large, J. T. Niven, who after being by me first duly sworn according to law to speak the truth deposeth as follows:

My name is, J.T. Niven, and I am a resident of Shelby County. I am 64 years of age and have lived in Shelby County all of my life and have known the hereinafter described land as far back as I can remember.

The  $S\frac{1}{2}$  of  $SW\frac{1}{4}$  of Section 3 Tp 20 Range 1 West. Also that part of the  $SE\frac{1}{4}$  of  $SE\frac{1}{4}$  of Section 4 Tp 20 Range 1 West described as beginning at the NE corner of said  $SE\frac{1}{4}$  of  $SE\frac{1}{4}$  of Section 4 and run West 100 yards to the point of beginning, from said point of beginning run South 70 yards, thence West 140 yards thence North 70 yards, thence East 140 yards to the point of beginning and containing 2 acres more or less.

Situated in Shelby County, Alabama.

The two acres above described situated in the Southeast Quarter of the Southeast Quarter of Section 4 Township 20 Range 1 West is a house site, which was sold to Mrs. O.W. Jewell by me in 1941. She built a house thereon and has since lived in and occupied said house. Prior to selling to Mrs. Jewell I owned all of the Southeast Quarter of the Southeast Quarter, Section 4 Township 20, Range 1 West, since the 4th. day of January 1907 and had lived on said land since that date, claiming to own the land under color of title by deed from Sibina J. Eubanks, the said Sibina J. Eubanks, was formerly Sibina J. Martin and was the widow of E. S. Martin, deceased. The said Sibina J. Martin having lived on and cultivated said lands by agencies of hired servants and tenants since the death of her husband E. S. Martin, in 1902. I was well acquainted with the said E. S. Martin, during his life time and I know that the following named grantor in the deed to the said, Sibina J. Martin were all the heirs of the said E. S. Martin to-wit: James D. Martin, Nancy Adams, the wife of W. F. Adams, M. J. Ray, the wife of J.R. Ray, E.M. Martin, J. H. Martin, R. F. Martin and Frank Martin.

The South half of the Southwest Quarter of Section 3 Township 20 South Range 1 West belonging to my father, S. L. Niven. He was in possession claiming to own this land when I can first remember and he stayed in possession cultivating it by the agencies of servants and tenants until his death about the year 1916 or 1917. He left surviving him his widow my mother, Mrs. Sarah S. Niven who died about the year 1934. My mother lived with me and I had possession of the above described land for her, myself and other heirs from the time of my father's death until we sold the above described property to Reginal Jewell in the year 1943. I had cultivated the land each year after my father's death as tennant and agent for my mother, myself and other heirs of my father. The grantor in the deeds recorded in the Office of the Probate Court in Deed Book 117 at page 511, Deed Book 116 Page 227, Deed Book 216 at page 228, Deed Book 116 at page 229 are all the heirs of my father the said, S.L. Niven.

I am well acquainted with Mrs. O.W. Jewell, above mentioned and knowshe is one and the same person as Gladys O. Jewell, Grantee in that deed from Reginal Jewell and wife, recorded in Deed Book 116 at Page 20 in the office of the Judge of Probate for this county. She is the wife of O.W. Jewell

The possession of the above described land by the above named owners as far back as I can remember has been actual, open, notorious, peaceful, quite, exclusive, direct adverse, hostile and under color of title claiming ownership. No one at any time has been in possession of any part of said land claiming adverse to said owners.

There is a road leading from the old Columbiana-Birmingham road from a point near the North boundry of the Southeast Quarter of the Southeast Quarter of Section 4 Township 20 South, Range 1 West and running in an easterly direction to my father's old home place, situated in the Southeast Quarter of the Southwest Quarter of Section 3, Township 20 South Range 1 West. The road has been in actual and constant use by my father, his



heirs and the general public wishing to visit his place since I can remember. This was a settlement road and it has never been closed nor the free use of it denied to any person by any person since I can remember.

J. T. Niven

Sworn to and subscribed before me this the 19th day of October, 1944.

S. A. Lokey

Notary Public

Filed in the office of the Probate Judge the 20th day of October, 1944 at 4 o'clock P.M. and recorded in the Deed Record 119 on page 179 on this the 21st day of October, 1944.

L.C. Walker,  
Judge of Probate

NO TAX DUE ON THIS INSTRUMENT