

#1213

STATE OF ALABAMA,

SHELBY COUNTY

Before me, L.C. Walker, Judge of Probate, in and for said County, in said State, personally appeared J.W. Hester and Walter E. Morrow, who, being first duly sworn depose and say that they now reside in Columbiana, Alabama, and have so resided for a period of fifty years, last past; that for a period of fifty years, last past, they have been acquainted with the location, boundaries, use, possession and ownership of the following described lot, or parcel of land situated in the Town of Columbiana, Alabama, to-wit:

Commencing at the point of intersection of the South line of East College Street with the East line of Main Street and running thence North 85 degrees East a distance of 119 feet along the South margin of East College Street to the Northwest corner of the Dycus Garage Lot, and being the same point as the Northeast corner of the Harry Gordon Beauty Parlor, Lot; run thence South along the West line of the Dycus Garage Lot and the East line of said Beauty Parlor Lot a distance of 67 feet, more or less, to the Northwest corner of the lot known, occupied, and used as the C.R. Tinney Ice Plant Lot for a point of beginning: Continue thence South a distance of 128 feet, more or less, to an iron stob on the bank of the Big Ditch; run thence East along the bank of said ditch a distance of 73 feet, more or less, to the West line of the Dycus residence lot; run thence North 128 feet; run thence West 73 feet to the point of beginning, and being a part of Lots 5 and 6 according to the original Survey of the Town of Columbiana, Alabama, which said Survey and Map is recorded in Deed Book "K" on page 514 in the office of the Judge of Probate of Shelby County, Alabama, and also, being a part of the Southeast Quarter of the Northeast Quarter of Section 26, Township 21, Range 1 West, and situated in the Town of Columbiana, in Shelby County, Alabama.

Affiants further say that when they first knew the above described property, B.L. Moore was the owner and the person in possession and claiming to own the East thirty-six (36) feet of the above described property, and after his death, Sallie Moore, his wife, became the owner thereof under the Last Will and Testament of B.L. Moore, and in 1913 Sallie Moore conveyed the property to A.P. McGhee and C.C. Latta and in 1922 A.P. McGhee conveyed said lands to Sarah E. Finley who continued as owner thereof until 1924 at which time the said Sarah E. Finley conveyed all of the lands under examination and other lands to W.H. Mitchell.

Affiants further say that when they first knew the West Half of the above described lands that it was known as the Namon C. Curtis Livery Stable Lot, who later conveyed to J.W. Johnston, who later conveyed to W.B. Browne, who, in 1900 conveyed to W.A. Parker who conveyed to J.R. White and A.M. Elliott, who conveyed to W.G. Parker who conveyed to N.L. Evans who conveyed to R.F. Cox, E.S. Sawyer and S. and L. Friedberger who later conveyed to R.F. Cox, who conveyed to E.S. Sawyer, and E.S. Sawyer conveyed to Jesse M and Isaac Willis in 1912 who in 1912 conveyed said property to Sarah E. Finley as shown in Deed Book 51, page 620, the said Sarah E. Finley having acquired the East thirty-six (36) feet of said lot on July 25, 1922 as shown by Deed Book 73, page 380, and the said Sarah E. Finley on April 24, 1924, conveyed all of the said lands to W.H. Mitchell as shown in Deed Book 73, on page 225.

In 1924 W.H. Mitchell conveyed all lands under examination to C.R. Tinney who made several conveyances during the years from 1924 to 1928, but on July 27, 1928, W.E. Murray and others conveyed all of said lands to C.R. Tinney as shown by deeds recorded in Deed Book 86, on page 543, and Deed Book 87, on page 246.

Affiants further say that the lot known as the B.L. Moore Lot being the East half of the above described property, has been used for more than fifty years, last past, as a barn and lot; and later after the conveyances to Sarah E. Finley as a part of the livery stable lot, and that part of the lot known as the N.L. Evans Livery Stable Lot was used for a long time as a livery stable lot.

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119

Affiants further say that they know that for more than twenty years that C.R. Tinney, L.L. Saxon, W.L. and O.K. Murray have been, respectively, in the open, notorious, continuous, peaceable and adverse possession of the above described parcels or lots claiming them as their own, respectively, against all the world and exercising acts of ownership of said lands, and since the year 1926, the said C.R. Tinney and the parties above named have continuously used said parcels of lands as a site for an Ice Plant and that affiants have never heard the title of the said C.R. Tinney or those through whom he holds title to be questioned in any way.

Affiants further say that they know that for a period of fifty years, last past, that the several owners named above of the above described lands were respectively, in the open, notorious, continuous, peaceable, and adverse possession of said lands claiming the said lands as their own, respectively, and regularly using them, the said lands, as a barn lot, Livery Stable Lot, and in later years as an Ice Plant site, and that affiants have never heard the title of the several owners named in this affidavit to be questioned in any way, or their rights of possession or their possession to be questioned or disturbed by any person.

J.W. Rester

Walter E. Morrow

Sworn to and subscribed before me on this the 5th day of February, 1946.

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

PROBATE COURT SEAL

Filed in the office of the Probate Judge the 6th day of February, 1946 at 9 o'clock A.M. and recorded in the Deed Record 123 on page 408 on this the 11th day of February, 1946.

L.C. Walker,

NO TAX DUE ON THIS INSTRUMENT

Judge of Probate