

AFFIDAVIT

3513

STATE OF ALABAMA)

SHELBY COUNTY...)

Before me, the undersigned authority, in and for said County, in said State, personally appeared R. L. Attaway who, after being by me duly sworn to speak the truth, deposes and says;

My name is R. L. Attaway. I am 68 years of age and have been familiar with the land now owned by Mrs. Ruth Stewart on the Florida Short Route all my life. This land is correctly described in that certain deed executed by George Huddleston and wife, Bertha H. Huddleston, to Ruth Stewart, dated August 5, 1946, which land is described as follows:

Begin at a point where the south line of SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 5, Township 19, Range 1 West, crosses the west right-of-way line of Florida Short Route Highway, and run west along said 40-acre line 268 feet to the southwest corner of said SW $\frac{1}{4}$ of NE $\frac{1}{4}$; thence north along the west line of said SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of NE $\frac{1}{4}$, ~~thence north along the west line of said SW $\frac{1}{4}$ of NE $\frac{1}{4}$~~ 990 feet; thence east 150 feet to the west right-of-way line of said Highway; thence in a southerly direction along said line 990 feet to the point of beginning, situated in Shelby County, Alabama.

When I first remember said land, it belonged to Alabama Mineral Land Company. They owned it and were in possession of it for many years. Several years ago, I don't recall what year, prior to March 3, 1927, when said land was sold to George Huddleston, Alabama Mineral Land Company cut the timber on said land. I recall that an oil well was drilled near the Narrows, not far from said Land, before it was sold by Alabama Mineral Land Company, but no oil or gas was ever produced from said land or from any other land in that section of the County. After George Huddleston purchased said land on March 3, 1927, he went into immediate possession of it and I saw him on said land looking over it many times while he owned it. On June 4, 1940, Mrs. Ruth Stewart purchased the north 550-~~feet~~

of said land and went into immediate possession of it. Said 550-foot strip, to the best of my knowledge, is more particularly described as follows:

Begin at a point where the south line of $SW\frac{1}{4}$ of $NE\frac{1}{4}$ of Section 5, Township 19, Range 1 West, crosses the west right-of-way line of Florida Short Route Highway, and run west along said 40-acre line 268 feet to the southwest corner of said $SW\frac{1}{4}$ of $NE\frac{1}{4}$; thence north along the west line of said $SW\frac{1}{4}$ of $NE\frac{1}{4}$ 440 feet to the beginning point; thence continue north along said line 550 feet; thence east 150 feet to the west right-of-way line of said Highway; thence in a southerly direction along said line 550 feet; thence west to the point of beginning; being in the $SW\frac{1}{4}$ of $NE\frac{1}{4}$ of said Section 5, Township 19, Range 1 West, Shelby County, Alabama.

I am informed that the deed from George Huddleston to Mrs. Ruth Stewart failed to describe the above land, but erroneously described the following land:

All lying west of the Florida Short Route right-of-way and southerly of the old dirt road of $N\frac{1}{2}$ of $SW\frac{1}{4}$ of $NW\frac{1}{4}$, Section 5, Township 19, Range 1 West, Shelby County, Alabama,

and that said deed was never recorded, but was returned to the maker and destroyed on September 30, 1944, when George Huddleston executed a deed to Mrs. Ruth Stewart, as shown by Deed Book 120, Page 73, in the Probate Office of Shelby County, Alabama, to the following described property:

All lying west of the Florida Short Route Highway right-of-way of the south 990 feet of $SW\frac{1}{4}$ of $NE\frac{1}{4}$ Section 5, Township 19, Range 1 West in Shelby County, Alabama,

The warranties of this deed do not apply to the fraction of such land lying northerly of the old dirt road running from the Highway southwesterly.

Under this last mentioned deed, it was the intention to convey the 550-foot strip described above plus an additional 440-foot strip, all of which, is correctly described at the beginning of this Affidavit and as shown in a Quit Claim Deed from George Huddleston and wife, Bertha Huddleston, to Ruth Stewart, dated August, 5, 1946.

Immediately after Mrs. Ruth Stewart purchased said north 550-foot strip of land, she began erecting a stand on it and has operated it continuously since it was built. About a year later, she built a garage apartment on it, which she and her husband have lived in continuously since that date. Approximately six months ago, she erected a repair garage on said land. On September 30, 1944, when Mrs. Stewart purchased the additional 440-foot strip of land from George Huddleston and wife, Bertha Huddleston, which is correctly described at the beginning of this Affidavit, she went into immediate possession of said 440-foot strip and shortly after, she erected a dwelling house and barn on it, which she has rented out to G. G. Stewart continuously since it was built.

Affiant further states that Ruth Stewart and predecessors in title have owned and occupied said land openly, adversely, notoriously and continuously. Affiant further says that he has never known of anyone's claiming adversely to said owners.

Affiant further says that he has known the land described below all his life and that when he first remembers it, it was in the possession of Alabama Mineral Land Company, and was sold to George Huddleston at the same time and under the same deed as the land described above. Said deed being the one dated March 3, 1927, and recorded in Deed Book 81, Page 417, in the Probate Office of Shelby County, Alabama. Affiant further says that all that he said regarding the above described land down through the time it was owned by George Huddleston applies equally and with the same effect to the land described next below. Affiant further states that said George Huddleston and wife, Bertha Huddleston, conveyed said land described next below to John Walter Attaway and Mrs. Gladys Beatrice Attaway on July 25, 1944, as shown by Deed Book 120, Page 72, in the Probate Office of Shelby County, Alabama, said John Walter Attaway and Mrs. Gladys Attaway went into immediate possession of said land and in March, 1946, they cut the timber on same and have occupied it continuously since they purchased it. Said land being described as follows:

Begin at a point on the west line of $SE\frac{1}{4}$, Section 5, Township 19, Range 1 West, which point is 170 feet south of the NW corner of said $SE\frac{1}{4}$, Section 5, run thence south along such quarter-section line 210 feet; thence east at a right angle to the Florida Short Route Highway right-of-way; thence north along such right-of-way to a point which is 170 feet south of the north line of such $SE\frac{1}{4}$, Section 5, thence west to the point of beginning, situated in $NW\frac{1}{4}$ of $SE\frac{1}{4}$, Section 5, Township 19, Range 1 West in Shelby County, Alabama.

Affiant further says that he has been familiar with the land described below all of his life, said land being described as follows:

The NE¹/₄ of SW¹/₄ of Section 5, Township 19, Range 1 West, Shelby County, Alabama.

When I first remember said land, it was in the possession of William N. Lacey and was a part of his farm. His dwelling house was on said land and it was under fence and it has been under fence all through the years. Said William N. Lacey cultivated said land each and every year until his death, after which time his wife and and children cultivated said land each and every year until his wife's death. In 1938, William N. Lacey's heirs divided his Estate at which time the above described land was conveyed to Mary Lacey Lee as her part of the Estate as shown by Deed dated April 1, 1938, and recorded in Deed Book 105, Page 287, in the Probate Office of Shelby County, Alabama. She occupied it and farmed it until March 13, 1940, when she sold it to John Walter Attaway and wife, Gladys Attaway, as shown by deed recorded in Deed Book 108, Page 145, in the Probate Office of Shelby County, Alabama. John Walter Attaway and wife, Gladys Attaway, went into immediate possession of said land and have lived on it and farmed it continuously until this date.

Affiant further states that John Walter Attaway and wife, Gladys Attaway, sometimes known as Gladys Beatrice Attaway, and their predecessors in title have owned and occupied said land openly, adversely, notoriously and continuously. Affiant further says that he has never known of anyone's claiming adversely to said owners.

R. L. ATTAWAY

STATE OF ALABAMA)
SHELBY COUNTY...)

Sworn to and subscribed to before me this 15th day of August, 1946.

MARIE COLLINS

Filed in this office for record on the 15th day of August 1946 at 9 a.m. and duly recorded in Deed Record 126, Page 209 on the 16th day of August 1946.

NO TAX DUE ON THIS INSTRUMENT

L. C. WALKER, JUDGE OF PROBATE
