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AFFIDAVIT

STATE OF ALABAMA
SHELBY COUNTY

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Before me, the undersigned authority in and for said County, in said State, personally appeared J. V. Vanderslice who, after first being by me duly sworn to speak the truth, deposes and says:

My name is J. V. Vanderslice, I am 32 years of age and have been familiar with the land described below since the year 1929. Said land is described as follows:

Begin at the northwest corner of the NW<sup>1</sup>/<sub>4</sub> of SE<sup>1</sup>/<sub>4</sub> of Section 12, Township 21, Mange 3 West, and run along said forty acre line north, 87 degrees east, 420 feet to the beginning point; thence continue north, 87 degrees east, 210 feet; thence South, 1 degree 40 minutes west, 630 feet to an iron pin; thence north, 71 degrees 20 minutes west, 218.9 feet; thence north, 1 degree 40 minutes east, 548.5 feet to the beginning point, containing 2.8 acres, situated in Shelby County, Alabama.

When I first remember the above described land, it belonged to C. P. McIane, With the exception of a year or two, when the land lay out, C. P. McIane cultivated it or rented it out to be cultivated during all of the time that he owned it. I understand that he purchased it from Saginaw Lime and Lumber Company in the year 1914, and that the Deed covering said Land, which is recorded in Deed Book 55, Page 192, in the Probate Office of Shelby County, Alabama, contained the following description:

 $N_{\overline{Z}}^{\frac{1}{2}}$  of  $SE_{4}^{\frac{1}{4}}$  Section 12, Township 21, Range 3 W, Less 10 acres in NE corner of  $N_{4}^{\frac{1}{4}}$  of  $SE_{4}^{\frac{1}{4}}$ , Also 1 acre in  $NW_{4}^{\frac{1}{4}}$  of  $SE_{4}^{\frac{1}{4}}$  - begin along land line between lands of Bowndon Lime works and Laginaw Lime and Lumber Company where the public road crosses the line; the dirt road being south boundary line and being 70 yards square, less right of way of L & N R R Co. and dirt road as road now runs, and being 65 acres, more or less,

I am familiar with the one acre parcel of land excepted from the above description. It is now owned by F. C. Cheney and it does not encroach upon the 2.8 acre parcel described in detail at the beginning of this affidavit. This one acre parcel now owned by F. C. Cheney was formerly owned by Shelby County Lime Works. G. W. Stagner owns a parcel of land approximately one acre in size which adjoins said parcel of F. C. Cheney and it also fronts on the Birmingham-Montgomery Highway. This is the same parcel of land as that shown to belong to G. H. Fulton in that certain deed recorded in Deed Book 84, Page 471, in the Probate Office of Shelby County, Alabama. It does not encroach upon the 2.8 acre parcel of land described in detail at the beginning of this affidavit.

On May 12, 1932, as shown by Deed recorded in Deed Book 84, Page 471, in the Probate Office of Shelby County, Alabama, C. P. McLane and his wife conveyed the 2.8 acre parcel described in detail at the beginning of this affidavit with other land to J. A. Fulton and wife, Earl Fulton, went into immediate possession of said land and during the time they owned it, they cultivated it one year and rented it out the balance of the time except for one or two years, when it was not cultivated. The deed from C. P. McLane and wife, Birdie McLane, to J. A. and Earl Fulton, mentioned above, contains the following description:

Begin at NW corner of NW4 ---- of SE4 of Section 12, Township 21, Range 3 West, Thence

East 210 yards, thence wouth about 280 yards to North boundary of Birmingham and Montgomery

Highway, thence in a Westerly direction along the North side of said highway 210 yards,

thence North about 85 yards to point of beginning. Except 2 acres fronting said highway

now owned by Shelby County Lime Works and G. H. Fulton, situated in Shelby County, Alabama.

The west line of said parcel of land is erroneously described as being 85 yards long. This line runs

from the north right of way line of the Birmingham-Montgomery Highway to the NW corner of NW4 of SE4 of

Section 12, Township 21, Mange 3 Mest, and is approximately 125 yards long.

At different times, the said J. A. Fulton and wife, Earl Fulton, sometimes known as E. E. Fulton, conveyed three acres off the west side of the land described in the next preceding paragraph to B. Whittington and Justina Whittington. The first deed was made December 20, 1939, and recorded in Deed Book 107, Page 343, in the Probate Office of Shelby County, Alabama. It covered one acre. The second deed was made May 17, 1941, and recorded in Deed Book 116, Page 29 in said Probate Office. It covered two acres. The said B. Whittington and wife, Justina "hittington, went into immediate possession of said land at the time they purchased it and during the year 1940, they built a dwelling house on said one acre parcel of land. This house was rented out continuously until B. "hittington and wife, Justina Whittington, sold said land on August 15, 1943, to J. V. Vanderslice, affianct, and affiant's wife, Mary Alice Vanderslice, who has sometimes been erroneously called Mary Lee Vanderslice, as shown by deed recorded in Deed Book 116, Page 31, in the Probate Office of Shelby County, Alabama. Said deed erroneously described the following three acre parcel of land:

Start at the NW corner of the NW<sup>1</sup>/<sub>4</sub> of SE<sup>1</sup>/<sub>4</sub> of Section 12, Township 21, mange 3 West, and run 140 yards east for beginning; thence 70 yards east; thence south about 140 yards; thence west 70 yards; thence north 140 yards to beginning, containing 2 acres, more or less.

Also the following lands: Beginning at the NW Corner of the NW of SE4 of Section 12, Township 21, Range 3 West, and run east 210 yards along section line; thence south 210 yards to point of beginning; thence west 70 yards; thence north 70 yards; thence east 70 yards; thence south 70 yards to point of beginning. Situated in Shelby County, Alabama. whereas, it was intended to describe the 2.8 acre parcel of land described at the beginning of this affidavit. The said Mary Alice Vanderslice and I went into immediate possession of said 2.8 acre parcel of land and have lived on the same continuously until this very day.

I have never heard of Webb-Slack Realty Company, "gents, or Omer Brasher, or their assigns, claiming any interest in said 2.8 acre parcel described in detail at the beginning of this affidavit.

I knew both J. A. Fulton and his wife, Mrs. Parl Fulton, He died November 16, 1943 and she died on October 31, 1945. Neither of them left a will. They left surviving them two adult children, John Edward Fulton and Justina Fulton Whittington, more frequently shown as Justina Whittington.

Affiant further says that during all the years he has known the 2.8 acre parcel of land described in detail at the beginning of this affidavit, it has been in open, continuous, exclusive, notorious and hostile possession of J. V. Vanderslice and Mary Alice Vanderslice and their predecessors in title and he has never known of anyone's disputing thetitle or contesting the possession of J. V. Vanderslice and Mary Alice Vanderslice or their predecessors in title.

J. V. Vanderslice

State of Alabama

Shelby County

Sworn to and subscribed to before me this 7 day of Oct., 1946.

Jessie Evans Notary Public

NOTARIAL SEAL

Filed for registration in this office on the 12th day of October, 1946 at 10 o'clock A. M. and was recorded in Volume 126, Record of Deeds, Page 459 on this the 17th day of October, 1946.

The Day Due

L. C. Walker

Judge of Probate