AFFIVAVIT

STATE OF ALABAMA

SHELBY COUNTY

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

My name is J. N. Niven. I am 74 years of age. I have lived in the Wilsonville Community all of my life and have all along seen familiar with the land described below and the persons in possession of it. Said land is described as follows:

Parcel 1: Begin at the northwest corner of NW4 of SE4 of Section 1, Township 21, Range 1 East, and run east along said forty acre line 420 feet to the east side of the cut-off road connecting Blue Springs Road with Alabama Highway Number 25, to the beginning point; thence south, 456 feet to the northwesterly right of way line of said Alabama Highway Number 25; thence along said right of way line north, 53 degrees east, 550 feet to a point on said right of way line; thence continue along said right of way line, following the curve of same, in a northeasterly direction 430 feet to the south line of Blue Springs Road; thence north, 85 degrees west, 800 feet to the east side of said cut-off road; thence south along said cut-off road 165 feet to the point of beginning, being situated in the SW4 of NE2 and the NW4 of SE4 of Section 1, Township 21, Range 1 East;

Parcel 2: Begin at the northwest corner of NW¹/₄ of SE¹/₅ of Section 1, Township 21, Range 1 East, and run southalong said forty acre line 225 feet; thence run east 260 feet to the beginning point; thence continue east, passing through the center of a well, 160 feet to thewest line of cut-off road connecting Blue Springs Road and Alabama Highway Number 25; thence south along said cut-off road 231 feet tothenorthwesterly right of way line of said Alabama Highway Number 25; thence along said right of way line south, 53 degrees west, 100 feet; thence north, 13 degrees 30 minutes west, 310 feet to beginning point, being part of Lots 6 and 7 as shown by Plat filed in the Probate Office of Shelby County, Alabama, by Jackson Brothers Lumber Company, and being in the NW¹/₄ of SE¹/₂ of Section 1, Township 21, Range 1 East;

parcel 3: Begin at a point where the north right of way line of the Southern Railroad crosses the west line of the NW2 of the SE2 of Section 1, Township 21, Range 1 East, and run in a northeasterly direction 345 feet along said right of way line to the beginning point; thence run north, 37 degrees west, 117 feet to the south right of way line of Alabama Highway Number 25; thence along said highway line north, 53 degrees east, 65 feet; thence south, 37 degrees east, 138 feet to the right of way line of said railroad; thence south, 71 degrees west, 68.5 feet to the beginning point, being part of Lot Number 9 as shown by Plat filed in the Probate Office of Shelby County, Alabama, by Jackson Brothers Lumber Company, and being in the NW2 of SE2 of Section 1, Township 21, Range 1 East;

All being situated in Shelby County, Alabama.

The land described above, designated as Parcel 1, was purchased by J. R. Black in the year 1910 as shown by Deed recorded in Deed Book 46, Page 151, in the Probate Office of Shelby County, Alabama, He went into immediate possession of said land and cultivated it each and every year while he owned it. I remember his farming it vividly because ! he used a stiff legged mule with which to plow the land. He sold said land in August, 1913, to S. F. Seale, who cultivated said land and had it clutivated each and every year until he sold it to H. P. McKey in May, 1919. The said H. P. McKey went into immediate possession of said land and farmed it each and every year until he sold it on November 16, 1922, to E. H. Payne as shown by Dead recorded in Dead Book 70, page 558, in the Probate Office of Shelby County, Alabama. The said E. H. Payne owned said land for only a short time and on November 18, 1922, sold it to J. R. and M. A. Taylor, as shown by Deed recorded in Deed Book 70, Page 559, in the Probate Office of Shelby County, Alabama. The said J. R. and M. A. Taylor went into immediate possession of said land and rented it out to tenants who farmed it each and every year until it was sold to E. B. Lyon in February, 1927, as shown by Deed recorded in Deed Book 79, Page 335, in the Probate Office of Shelby County, Alabama. Said Deed erroneously describes said land as "All that part of the SWA of NWA and of the NWA of SEA of Section 1, Township 21, Range 1 East, lying north of the right of way of the Southern Railroad and south of Blue Springs Road, except a strip 250 feet wide off the east side and also except a strip 420 feet wide off the west side of said tract", which Deed also excepts one acre in the southwest corner of said tract, when it should have described the following land: "All that part of the SW of NE and of the NW of SE of Section 1, Township 21,

Range 1 East, lying north of the right of way of the Southern Railroad and south of Blue Springs Road, exc.pt a strip 250 feet wide off the east side and also except a strip 420 feet wide off the west side of said tract," which Deed corre thy excepts one acre in the SW corner of said tract. E. B. Lyon went into immediate possession of said land and farmed it during the time he owned it. He sold it to Tint Merrell and Thurman Merrell in October, 1927. They went into immediate possession of said land and cultivated it each and every year until Thurman Merrell sold it to Tint Merrell in May, 1929, as shown by Deed recorded in Deed-recorded in Deed Book 89, Page 247, in the Probate Office of Shelby County, Alabama.

The description shown in said Desa was as foldows:

Our undivided one-half interest in that part of the SWL of NEL and of the NWL of SEL of Section 1, Township 21, Range 1 East that lies north of the right of way of the Southern Railroad and south of Blue Springs Road except a strip 250 feet wide off the west side of said tract; and also one acre in the SW corner of said tract and described as follows: Beginning at the south corner of Lot 9, which is also the SW corner of the above described tract of land, and running east along the railroad right of way 70 yarus; thence north 70 yards to a stake; thence west 70 years; thence south 70 yards to the point of beginning, and containing in the remainder 11 acres, more or less.

The above description was not correct and should be; All that part of the SW of NE and of the NW of SE of Section 1, Township 21, Range 1 East, lying north of the right of way of the Southern Railroad and south of Blue Spring road, except a strip 250 feet wide off theeast side and also a strip 420 feet wide off thewest side of said tract; and also one acre off the SW corner of said tract described as follows: Beginning at the south corner of Lot 9, which is also the SW corner of above tract of land, running east along the railroad right of way 70 yeads; thence north 70 yards to a stake; thence west 70 yards to a stake; thence south 70 yards to the point of beginning, containing in the remainder 11 acres, more or less, in Shelby County, Alabama.

Tint Merrell went into immediate possession of said land and ahs cultivated it each and every year until this very day.

As I look back through the years, I cannot remember a single year which this land has not been cultivated.

The land described above, designated as Parcel 2, is a part of Lots 6 and 7 in the plat filed by Jackson Brothers Lumber Company, Ind. in the Probate Office of Shelby County, Alabama. Said Lots 6 and 7 which included the above Parcel 2 were purchased by J. R. Black from Jackson Brothers Lumber Company, a corporation, in January, 1909, as shown by Deed recorded in Deed Book 25, Page 301, in the Probate Office of Shelby County, Alabama. Said J. R. Black lived in the house on Lot 6 continuously until he sold it to S. F. Seale in August, 1913. Said J. R. Black owned Lot 7 for only a few weeks as he sold it to J. H. Mason on February 13, 1909, as shown by Deed recorded in Deed Book 35, Page 366, in the Probate Office of Shelby County, Alabama. The said J. J. Mason lived in the house on said Lot 7 for a few months and then sold it to Mrs. L. R. Blackerby in Navember, 1909, as shown by Deed recorded in Deed Book 35, Page 463, in the Probate Office of Shelby County, Alabama. The said Mrs. L. R. Blackerby went into immediate possession of said house, but never lived in it. She sold it in November, 1910, to Coley Butler and Lena Butler, as shown by Deed recorded in Deed Book 43, Page 546. in the Probate Office of Shelby County, Alabama. Coley Butler and Lena Butler went into emmediate possession of Lot 7 and lived on it until January, 1914, when they sold it & Emma Eliza Adams, who went into immediate possession of said land and lived on it until March, 1926, when she sold it to I R. Taylor. J. R. Taylor never lived on said land, but he rented the house out until it burned a short time after he pruchased said land. Said land lay vacant from that time until he sold a part of said Lot 7 to Tint Merrell in February, 1927, as shown by Deed recorded in Deed Book 75, Page 471, in the Probate Office of Shelby County, Alabama. Said Tint Merrell has used the land for a pasture and chicken yard continuously until this very day. The said J. R. Taylor sold the remainder of said Lot 7 to Cyntha Merrell in January, 1930, as shown by Deed recorded in Deed Book 84, Page 313, in the Probate Office of Snelby County, Alabama, As shown by sai Deed, the said Cyntha Merrell also purchased parts of Lots 6 and 5 according to said Jackson Brothers Lumber Company, Inc. plat and said Cyntha Merrell used a part of Lot 7 as a pasture and chicken yard until she married J. B. Knight and moved away, after which she rented out said land continuously until she sold it to Thurman L. Merrell in December, 1938, rented the same to tenats continuously until his death. After his death, his widow, in December, 1940, conveyed her interest in a part of said Lot 7 to T. Merrell, being one and the same person as Tint Merrell, and Lillie Merrell. Tint Merrell and his wife, Lillie Merrell, then owned the entire Lot 7, mentioned above, and they have used the same for a pasture and chicken yard continuously until this very day.

I have explained above that J. R. Black owned and occupied said Lot 6 in said plat of Jackson Brothers Lumber Company

Inc., and that he sold the same to S. F. Seale in Angust, 1913, as shown by Deed recorded in Deed Book 53, Page 212, in the Probate Office of Shelby County, Alabama. There was situated on said Lot 6 a dwelling house known as the old Henry Jackson home. S. F. Seale lived in the house continuously and occupied said was provided in Lend continuously from Angust, 1913 until May, 1919, when he sold said Lot to H. P. McKey, who went into immediate possession of thelend and lived in it and occupied it continuously until he sold it to E. E. Peyne on November 16, 1922, as shown by Deed recorded in Deed Book 70, Page 558, in the Probate Office of Shelby County, Alabama. E. H. Payne owned said lot for only a few days and on November 18, 1922, he sold the same to J. R. and M. A. Taylor. The said Taylors took immediate possession of said house and lot and lived in it until the house burned several months before the said J. R. Taylor sold part of said Lots 6, 5 and 7 to Cyntha Merrell in January, 1930, as shown by deed recorded in Deed Book 84, Page 313, in the Probate Office of Smelby County, Alabama. M.A. Taylor who purchased said Lot 6 jointly with J. R. Taylor, as mentioned above, died intestable on June 1924. J. R. Taylor married again, his second wife being Fannie Taylor. The sais Cyntha Merrell continuously in January, 1930, which said land is described as follows:

One lot of land beginning at the intersection of the cutoff road connecting the Columbiana-Wilsonville Highway with the Blue Springs road and running north 360 feet to the line of the Arlin Jackson lot, which is now owned by J. R. Taylor, and purchased by him from Talladega Grocery Company; thence west along the line of said lot centering and dividing well for a distance of 240 feet; thence south 360 feet; thence east 240 feet to the point of beginning containing 2 acres, more or less, and being a part of Lot 6 in the Jackson Brothers survey in the town of Wilsonville, 'Alabama, which is also a part of the "Wid of Sel of Section 1, Township 21, Range 1 East, situated in Shelby County, Alabama after Cyntha Merrell took possession of said land, she rolled a house from another location and put in on said Lot 6. The said Cyntha Merrell lived in this house until she married J. B. Knight and moved away, after which she rented out said house continuously until she sold it and parts of Lots 5 and 7, as described immediatedly above, to Thurman L. Merrell in December, 1938, as explained above. He rented the same to tenants until his death. After his death, his widow, in 1940, conveyed her interest in said land to T. Merrell, being one and the same person as Tint Merrell, and Lillie Merrell. The said Tint Merrell and Lillie Merrell went into immediate possession of said land of which said Lot 6 is a part and have occupied same and rented the house out to tenants continuously until this very day.

The land described above, designated a Parcel 3, is a part of Lot 9 in the plat filed by Jackson Brothers
Lumber Company, Inc., in the Probate Office of Shelby County, Alabama. When afficint first remembers said Lot 9,
Jackson Brothers Lumber Company, had a commissary situated on it, which they operated for many years and until said
Lot 9 was sold to J. F. Pope in November, 1908, as shown by Dead recorded in Dead Book 39, Page 428, in the Probate
Office of Shelby County, Alabama. The said J. F. Pope rented said Lot 9 to tenants each and every year, during
which time said commissary building was used as a dwelling, until said Lot 9 was sold to Emma E. Adams in April, 1918.

Dame E. Adams went into immediate possession of said Land and used said commissary building for a storage house
continuously until she sold said lot to J. R. Taylor in March, 1926. J. R. Reylor rented said lot to tenants and
said commissary building was used as a dwelling house until it was burned. In February, 1927, the said J. R. Taylor
sold said Lot 9 to Tint Merrell, who went into immediate possession of said lot and erected a new store building
thereon in the year 1929, which building is situated, to the best of affiant's recollection in the same location,
as was the said commissary building. Tint Merrell has personally operated a store or has rented said building our
to his son and daughter for the operation of a store continuously since it was built. The land described as said
Lot 9 has been in cultivation each and every year since affiant can remember.

Affiant has examined the description contained in that certain deed from J. K. Taylor and wife, Fannie Taylor, to Tint Merrell, dated December 6, 1928, and recorded in Deed Book 89, Page 246, in the Probate Office of Shelby County, Alabama, which said description is as follows:

Beginning at the NW corner of the garden belonging to Tint Merrell and running north 212 feet; thence west 652 feet; thence south 212 feet; thence east 652 feet to the point of beginning, containing 4 acres, more or less, and being in the SW4 of NE4 and NW4 of

SE of Section 1, Township 21, Range 1 East, Shelby County, Alabama.

Affiant is familiar with the land described immediateely above and he knows of his own knowledge that it does not

conflict with or encroach upon Parcels of land 1, 2 or 3 described at the beginning of this Affidavit.

Affiant further says that said Tint Merrell and wife, Lillie Merrell, and their predecessors in title have owned and occupied the above described land being Parcels 1, 2 and 3, openly, notoriously, continuously and adversely during all the years affiant has known it and that he has never known of anyones disputing their title or contesting their possession.

J. N. Niven

STATE OF ALABAMA

SHELBY COUNTY

Sworn to and subscribed to before me this 21 day of September, 1946.

Kytle Lindsey '

NOTARIAL SEAL

My Commission expires Feb. 12, 1947

Notary Public

Filed in the office of Probate Judge on the 21st day of October, 1946 at 8 A. M. and recorded in Deed Record 126 on page 519 on this the 25th day of October, 1946.

L. C. Walker

Judge of Probate

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