

AFFIDAVIT

#4111

STATE OF ALABAMA }
 SHELBY COUNTY }

Before me, Paul O. Luck, a Notary Public, in and for said County in said State, personally appeared Burton Lucas, who being first duly sworn, deposes and says that he resides in the Enon Community at Route 1, Montevallo, Alabama; that he is 70 of years of age and that for a period of more than 50 years last past has resided in close proximity of the hereinafter described lands and has been acquainted with the location, boundaries, use, owners, and parties in possession of the following described lands situated in Shelby County, Alabama, to-wit:

PARCEL "A": All that part of Fractional Section ONE Township 24, Range 12 East, situated South of the old Calera and Montevallo Public Road, EXCEPT the South Half of the South Half of Fractional Section 1; and also, EXCEPT that certain tract of land described as beginning where Rural Route #2 intersects the South margin of the right of way of the Calera and Montevallo paved Highway, at a point on the East margin of said right of way of said Enon Public Road and running thence in a Southerly direction along the East right of way line of said Enon Public Road a distance of 1035 feet to a point; thence West a distance of 225 feet, more or less, to the West line of said Fractional Section 1, Township 24, Range 12 East; run thence North along said Section line a distance of 1047 feet to the South right of way line of the Calera and Montevallo paved Highway; run thence in an Easterly direction along the South right of way line of said paved Highway, a distance of 175 feet, more or less, to the point of beginning, and containing ⁱⁿ 5 acres, more or less; also, EXCEPT that parcel of land situated in Fractional Section 1, Township 24, Range 12 East, beginning at the point of intersection of the public road known as Montevallo Rural Route Number 2, and sometimes known as the Enon public road with the Montevallo and Calera State Highway and running thence in an Easterly direction along the old Montgomery and Calera Public Road a distance of 135 yards; thence Southerly a distance of 100 yards; thence Westerly a distance of 80 yards to a point ^{on} said Rural Route Road Number 2 which point is 100 yards South from the point of beginning, measuring along said Rural Route ^{Road}; run thence in a Northerly direction along ~~said~~ Rural Route Road Number 2, 100 yards to the point of beginning, and being known as the Kirk Lucas Residence lot.

Also, the East Half of the East Half of Section 2, Township 24, Range 12 East, situated South of the new paved Calera and Montevallo Highway, EXCEPT 15 acres in the Southeast corner sold to William M. Sessions by P. L. Lucas, which said EXCEPTION is described as beginning at the Southeast corner of said Section 2, and run thence West a distance of 1020 feet, run thence North 510 feet; run thence Northeasterly to a point on the East Section line of said Section 2, which is 300 feet South of the Northeast corner of the Southeast Quarter of the Southeast Quarter of said Section 2; run thence South along the East line of said Section 2, to the point of beginning.

PARCEL "B": All that part of the Southwest Quarter of the Northwest Quarter, and the Northwest Quarter of the Southwest Quarter of Section 6, Township 24, Range 13 East, situated South of the Calera and Montevallo old Highway. Also, a five-acre tract of land described as beginning where Rural Route Number 2 Road, sometimes known as Enon Public Road, intersects the South margin of the right of way of the Calera and Montevallo paved Highway, at a point on the Eastern margin of said Enon road, and running thence Southerly along the Eastern right of way line of said Enon or Rural Route 2 Road, a distance of 1035 feet to a point; run thence West a distance of 225 feet, more or less, to the West line of said Fractional Section 1, Township 24, Range 12 East; run thence North a distance of 1047 feet along the Section line to the South right of way line of Calera and Montevallo paved Highway; run thence in an Easterly direction along the South right of way line

of said Calera and Montevallo Highway a distance of 175 feet, more or less, to the point of beginning.

Affiant further says that he is familiar with the location of the 5 acres of land in the North west corner conveyed by Payton L. Lucas and wife, Rebecca V. Lucas to J. E. Spencer, April 1, 1886, as shown of record and recorded in Deed Book 8, on page 103, wherein said lands were described as beginning at the Northwest corner of the South Half of Section 1, Township 24, Range 12 East, and running south 220 yards thence east 110 yards; thence north 220 yards; thence east 110 yards to the point of beginning and being the same lands conveyed by J. E. Spencer and wife, to P. L. Lucas and wife, on January 28, 1887 as shown of record in Deed Book 108 on page 234, and being the same lands that P. L. Lucas and his wife, went into possession of upon said purchase and each continued in the said possession thereof until the dates of their deaths.

Affiant further says that P. L. Lucas, Payton L. Lucas, and Payton Lucas was the one and same person and that Rebecca Lucas and Rebecca V. Lucas and Mrs. R. V. Lucas was the one and same person; that Payton L. Lucas died intestate in Shelby County, Alabama on or about the 8th day of September, 1913; that Rebecca Lucas departed this life in Shelby County, Alabama intestate on or about the 12 day of March, 1944; and that there has been no Letters of Administration granted upon the estates of either of said decedents; Affiant further says that Rebecca Lucas was the wife of P. L. Lucas and the only wife the said P. L. Lucas ever had and that the said Rebecca Lucas was the mother of the joint owners of the above described lands.

Affiant further says that Herbert C. Lucas, Claude D. Lucas, Roy E. Lucas, Kirk S. Lucas, Marie Lucas Owans, Walter M. Lucas and Minnie Lee Lucas Thompson are the sole heirs-at-law and next of kin of Payton L. Lucas and Rebecca Lucas, both now deceased.

Affiant further says that he is familiar with the location and boundaries of the 15 acres of land in the Southeast corner of the Southeast corner of Section 2, Township 24, Range 12 East sold by Payton L. Lucas to William M. Sessions, as shown by deed recorded in Deed Book 23, on Page 365 which said 15 acres is accurately described as beginning at the Southeast corner of said Section 2, and run thence west 1020 feet; run thence north 510 feet; run thence northeasterly to a point on the west line of said Section 2, which point is 300 feet south of the north east corner of the southeast quarter of the Southeast quarter of said Section 2; thence run south along the east line of said Section 2 to the point of beginning.

Affiant further says that he remembers the occasion when P. L. Lucas purchased from the heirs-at-law of Gabe Trenholm, the Northeast quarter of the southeast quarter of Section 2, Township 24, Range 12 East, and was placed into the immediate possession of said lands, and paid the purchase price thereof to said heirs and that the said P. L. Lucas built a dwelling upon said lands and cultivated part and was in the continuous, adverse possession of same until the date of his death and that since the date of the death of the said P. L. Lucas, his widow, during her life and since her death the heirs-at-law and next of kin of P. L. Lucas and Rebecca Lucas have been respectively in the open, notorious, continuous, peaceable, and adverse possession of said lands claiming the entire interest in and to said lands as their own respectively against all the world, and have continuously exercised acts of ownership of said lands by cultivating part, using the other parts for homesite, barn-yard site, for pasture and other parts for the cultivating of crops; that Affiant has never heard the title of the said Payton L. Lucas and Rebecca Lucas, their heirs-at-law and next of kin, as aforesaid, to be questioned in anyway.

Affiant further says that he knows of his own personal knowledge that he knows for more than 50 years last past, that the heirs-at-law and next of kin of Payton L. Lucas and his wife, Rebecca Lucas, and those through whom the said heirs-at-law hold title namely, Payton L. Lucas and Rebecca Lucas have been in the adverse possession of the lands situated in Section 1, Township 24, Township 24, Range 12 East, and the lands situated in Section 6, Township 24, Range 13 East as described above; Affiant further says that for more than 40 years last past the heirs-at-law and next of kin of Payton L. Lucas and Rebecca Lucas, and Rebecca Lucas and Payton Lucas respectively have been in the adverse possession of the Northeast quarter of the southeast quarter of Section 2, Township 24, Range 12 East; Affiant further says that he knows of his own personal knowledge that for more than 46 years last past that the heirs-at-law and next of kin of P. L. Lucas and his wife, Rebecca Lucas, and Rebecca Lucas and Payton Lucas, respectively have been in the continuous, adverse possession of the southeast quarter of the southeast quarter of Section 2, Township 24, Range 12 East, the 15 acres sold by P. L. Lucas to

William Sessions in the Southeast corner thereof.

Affiant further says that he knows of his own personal knowledge that from the date of the several purchases of the several tracts of land described above by the said Payton L. Lucas, that the said Payton L. Lucas entered into the immediate possession of the above described lands and used the same for a home-site and for farming purposes, continuously up until the date of his death and that after the death of the said Payton L. Lucas, the said Rebecca Lucas, and the said heirs-at-law continued to reside upon the above described lands and used the same as a home stead and for farming purposes until the date of the death of the said Rebecca Lucas sometime during the year 1944, and that since the death of said Rebecca Lucas, the heirs-at-law and next of kin of the said P. L. Lucas and the said Rebecca Lucas have occupied and used the premises for agricultural purposes and have continued in the continuous, adverse possession of the same until this date.

Affiant further says that he knows of his own personal knowledge that he knows that for the periods of time as heretofore named, as to the several tracts of land composing the description given in a proceeding paragraph of this Affidavit that Herbert C. Lucas, Claude D. Lucas, Roy E. Lucas, Kirk S. Lucas, Marie Lucas Owens, Walter M. Lucas, and Minnie Lee Lucas Thompson, who are the sole heirs-at-law and next of kin of the Payton L. Lucas and Rebecca Lucas, both now deceased, and those through whom the sole heirs-at-law hold title, namely, Rebecca Lucas and Payton L. Lucas, to the above described lands have been respectively in the open, notorious, continuous, peaceable, and adverse possession of said lands claiming said lands as their own respectively against all the world and regularly assessing and paying taxes thereon, continuously exercising acts of ownership of said lands by the continuous occupancy thereof either in personal or by tenant, and regularly using said farm as a residence and for the cultivation of agricultural crops and by inclosing other parts for pasture purposes and and using other parts for farming purposes and cutting timber from the other lands; that Affiant has never heard the title, the right of occupancy, the boundaries or the right of possession of the said heirs-at-law as named above or those through whom said heirs hold title, namely, their father and the mother, namedly, Payton L. Lucas and Rebecca Lucas to be questioned in anyway.

Burton Lucas

Sworn to and subscribed to before me on this 13 day of August, 1947.

Paul O. Luck

Notary Public, Shelby County, Alabama.

Filed in the office of the Probate Judge on the 18th day of August, 1947 at 10:44 A.M. o'clock and duly recorded in Deed Record 130 page 261 on the 19th day of August, 1947.

L. C. Walker

Judge of Probate

NO TAX DUE ON THIS INSTRUMENT.