

# 4276

AFFIDAVIT

STATE OF ALABAMA §

SHELBY COUNTY ...§

Before me, L. C. Walker, Judge of the Probate Court, in and for said County, in said State, personally appeared J. W. Hester, who, being first duly sworn deposes and says that he is eighty-one years of age, and that he has resided in the Town of Columbiana, Alabama, for the past fifty-three years; that for the past fifty-three years, he has been acquainted with the location, boundaries, use, ownership, and possession of the following described lands situated in the Town of Columbiana, in the County of Shelby, and in the State of Alabama, to wit:

Lots 11 and 12 in Block Number 4 according to the map and survey of J. W. Johnston's Addition to the Town of Columbiana, Alabama, as surveyed and certified by J. D. Moor, a Civil Engineer on July 18, 1924, as shown of record in the Probate Office of Shelby County, Alabama, and which said lots are more accurately described as follows: Commencing at the Northwest corner of Section 25, Township 21, South, Range 1 West, and run thence East along said Section line a distance of 645 feet to an iron pin marking the Southwest corner of the J. B. Turner lot; run thence South 7 degrees and 20 minutes East a distance of 426.2 feet to a point on the curb at the Northeast corner of the intersection of Thompson's Street, and Center Street; run thence South 13 degrees and 47 minutes East a distance of 337.5 feet to a point on the East curb of Thompson Street at the Northwest corner of the public school lot; run thence North 73 degrees and 14 minutes East a distance of 507 feet to the Southwest corner of Lot Number 12 in Block 4, at the intersection of an old ditch and a fence line for the point of beginning of the lot herein described; thence continuing North 73 degrees and 14 minutes East a distance of 16 feet to the Southeast corner of Lot Number 12 in said Block 4; run thence North 49 degrees and 30 minutes East a distance of 140 feet to a point on the East line of Lot 11 in Block 4; run thence North 46 feet to the Northwest corner of Lot 11, in Block 4; run thence West 140 feet to the Northwest corner of said Lot 11; run thence South along a fence a distance of 100 feet to the point of beginning at the Southwest corner of said Lot Number 12 in Block 4, and being a part of the Northwest Quarter of the Northwest Quarter of Section 25, Township 21, Range 1 West, and being a part of that



certain tract of land conveyed by J. R. White and wife, to John W. Johnston by deed dated August 13, 1890, and recorded in Deed Book 16, on page 209, in the office of the Judge of Probate of Shelby County, Alabama.

Affiant further says that when he moved to the Town of Columbiana, Alabama, in the year 1894, that John W. Johnston was in the possession of the above described lands and claiming to own the same, and from said date, as aforesaid, until the death of the said John W. Johnston, sometime during the year 1925, except for a period of several years during which Olive S. Roper was the owner and party in possession, the regularly cultivated said lands and used said lands for pasture purposes, and that after the death of said John W. Johnston, as aforesaid, his widow, Mary M. Johnston, continued in the possession and the use of said lands, as aforesaid, until the date of sale of same to the Town of Columbiana, Alabama, and the said Town of Columbiana remained in possession of the same until the sale of the lands to B. M. Isbell in the year 1934, and since the date of the sale from Buster M. Isbell to T. R. Walton, and by T. R. Walton to T. A. Blackerby, and by T. B. Blackerby to T. R. Walton, respectively, continued in the peaceable and adverse possession of said lands.

Affiant further says that the lands described in that certain deed from Olive Shelton Roper to John W. Johnston by deed dated May 9, 1923, and recorded in Deed Book 73, on page 53, in the office of the Judge of Probate of Shelby County, Alabama, constitutes the land included in the survey of J. W. Johnston's Addition to the Town of Columbiana, Alabama, and has been so known and designated since the date of said survey and filing on July 18, 1924.

Affiant further says that he knows that for more than fifty-three years, last past, that T. R. Walton and those through whom the said T. R. Walton holds title, respectively, T. A. Blackerby, Buster M. Isbell and wife, Lilla L. Isbell, The Town of Columbiana, Alabama, Mary M. Johnston, John W. Johnston, Olive Shelton Roper and J. W. Johnston, 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 assessed and paid taxes thereon, and regularly exercised acts of ownership over said lands, namely, cultivating the same in agricultural crops and at other times using the same for pasture purposes and in more recent years residing on and using the same as a house site; that affiant has never heard the title of the said T. R. Walton, or those through whom he holds title, as aforesaid, to be questioned in any way.

Affiant further says that he is not related to any of the parties hereto, neither is he interested in the above described lands.

J. W. Hester

Sworn to and subscribed before me on this the 17th day of May, 1947.

L. C. Walker

Judge of Probate, Shelby County, Alabama

Filed in the office of the Probate Judge on the 5th day of September, 1947 at 1 P. M. o'clock and duly recorded in Deed Record 130 page 325 on the 5th day of September, 1947.

L. C. Walker

Judge of Probate

NO TAX DUE ON THIS INSTRUMENT