AFFIDAVIT

# 401

STATE OF ALABAMA

JEFFERSON COUNTY

Before me, the undersigned authority, in and for said County and State, this day personally appeared Zora Dunnaway who, being by me first duly sworn, deposes and says as follows:

Affiant is well acquainted with, and for a long number of years was the owner of an undivided interest in the following described lands lying and being in Shelby County, Alabama, to-wit:

Beginning at the southwest corner of the southeast quarter of section 11, township 20,
Range 3 West, and run thence north along the western boundary line of said quarter section north
3 degrees west 1915.4 feet, thence north 22 degrees 30' east 826 feet to the north line of
said quarter section, thence along the line of said quarter section north 88 degrees 50' east
972 feet to the northeast corner of the northwest quarter of the southeast quarter of said
Section 11, thence south along the quarter line south 3 degrees east 660 feet, thence south
89 degrees 50' east 693.5 feet, thence along south 89 degrees 50' east 693.5 feet; thence
along Oxmoor Road south 47 degrees 55' east 215 feet, thence south along said Oxmoor Road
south 37 degrees 55' east 1114 feet, thence north 66 degrees 5' east 1111 feet to the eastern
boundary line of said quarter section, thence along the eastern boundary line of said quarter
Section south 2 degrees 50' east 1171.6 feet to creek, thence north 67 degrees 50' west 277.5
feet, thence south 79 degrees 40' west 157.5 feet to Oxmoor Road, thence along Oxmoor Road north

20 degrees 50' west 85.8 feet, thence south 84 degrees 35' west 1704.5 feet thence south 915.4 feet to the south line of said quarter section, thence along the south line of said quarter section south 88 degrees 50' west 479 feet to the point of beginning and containing and containing 92 acres, more or less, and all being in the Southeast quarter of Section 11, Township 20, Range 3 West.

Affiant states that the photostat copy of a survey made by J.R. McMillen, surveyor, in October, 1942, hereto attached, is a correct plat of said lands.

Affiant further states that affiant's father, Jason Powell owned and was in the actual occupancy of the above described lands and other adjoining lands for more than thirty-five yearsprior to his death in the year 1918, he having acquired said lands from Thos. B. Miller and wife in 1883, as shown by deed recorded in the Probate Office of Shelby County, Alabama, in deed book 13, page 416; that when he acquired said lands he began farming the cultivable portions thereof, including the bottom field on the west side of old Oxmoor Road running thru the place, and in the year 1893, he built a small tenant house near the east section line, which house has been kept up and rented ever since, and is still occupied by tenant. In the year 1934 another tenant house was built on said lands, fronting on and being on the west side of said Oxmoor Road, which house is still there and has been occupied by tenants ever since it was built, except for short periods when tenants would change, or there was no tenant available.

Affiant further states that the cultivated portions of the above described lands have been fenced on the west side of Oxmoor Road running thru same, for more than the past sixty (60) years, a rail fence having been there when my father bought the place, and he fenced the east side in 1893. The fences were kept up and in repair, and the lands fenced have been regularly cultivated or used for pasturage each year by my father until his death, and since his death by the heirs of my father and by Ola Wallace and the heirs of Ola Wallace; that during all that period of time of more than 60 years, no one ever asserted any title to said lands adverse to my father's title, or after his death, adverse to his heirs or to Ola Wallace and her heirs during their respective ownership. On the contrary, my father, during his lifetime, and his heirs after his death and until they conveyed to Ola Wallace in the year 1931, and thereafter, OlaWallace and after her death her heirs, have been in the open, notorious, peaceable continuous and adverse possession of said lands, maintaing fences, farming, pasturing, living on and otherwise using the same as their own, claiming the same against all the world, assessing the same for taxation each year and paying taxes thereon. No one, to affiant's knowledge, has ever during that time, disturbed, or attempted to disturb, their respective possession.

Affiant further states that her father, Jason Powell, died, on to-wit: July 9, 1918, without leaving a will, and left as his sole heirs at law, the following:

Affiant, Zora Dunnaway, a daughter

Della Smith, a duaghter

H. Powell, a son

G. C. Powell, a son

E. L. Powell, a son

Ola Wallace, a daughter

R. H. Powell, a son, died in 1926, unmarried and left no children.

There was also another child of my father, whose name was Granberry Powell, the oldest son, and who died in the year 1895 without leaving a will, and leaving the following named heirs:

Jessie Carvin (born 1890)

Hazel Hopkins (born 1895)

Fannie Sharrett (widow of Granberry Powell, she having died in 1943)

Fred Powell (born 1891)

Each surviving child of my father was over 21 years of age at his death, and each inherited from him an undivided 1/8th interest in said lands, except the three children and widow above named of said

deceased child, who inherited together an undivided 1/8th interest. My mother died February 22, 1930, without having remairied. My father owed no debts, except small current items which have long since been paid. There was never any administration on his estate. There were no other children of my father living at his death, and there were no children of a deceased child living at his death other than those above named.

The above named children and grantichildren were in life, and all were over 21 years of age and of sound mind in March, 1931, when said lands were sold for division of proceeds among said joint owners by order of the Probate Court of Shelby County, Alabama, and were purchased at the sale by my sister, Ola Wallace except said Fred Powell was and is a non compus mentis.

Affiant further states that the said Ola Wallace died on to-wit: November 18, 1933, without leaving a will, and without ever having had any children. She left as her sole heirs at law the following named brothers and sisters and their descendants:

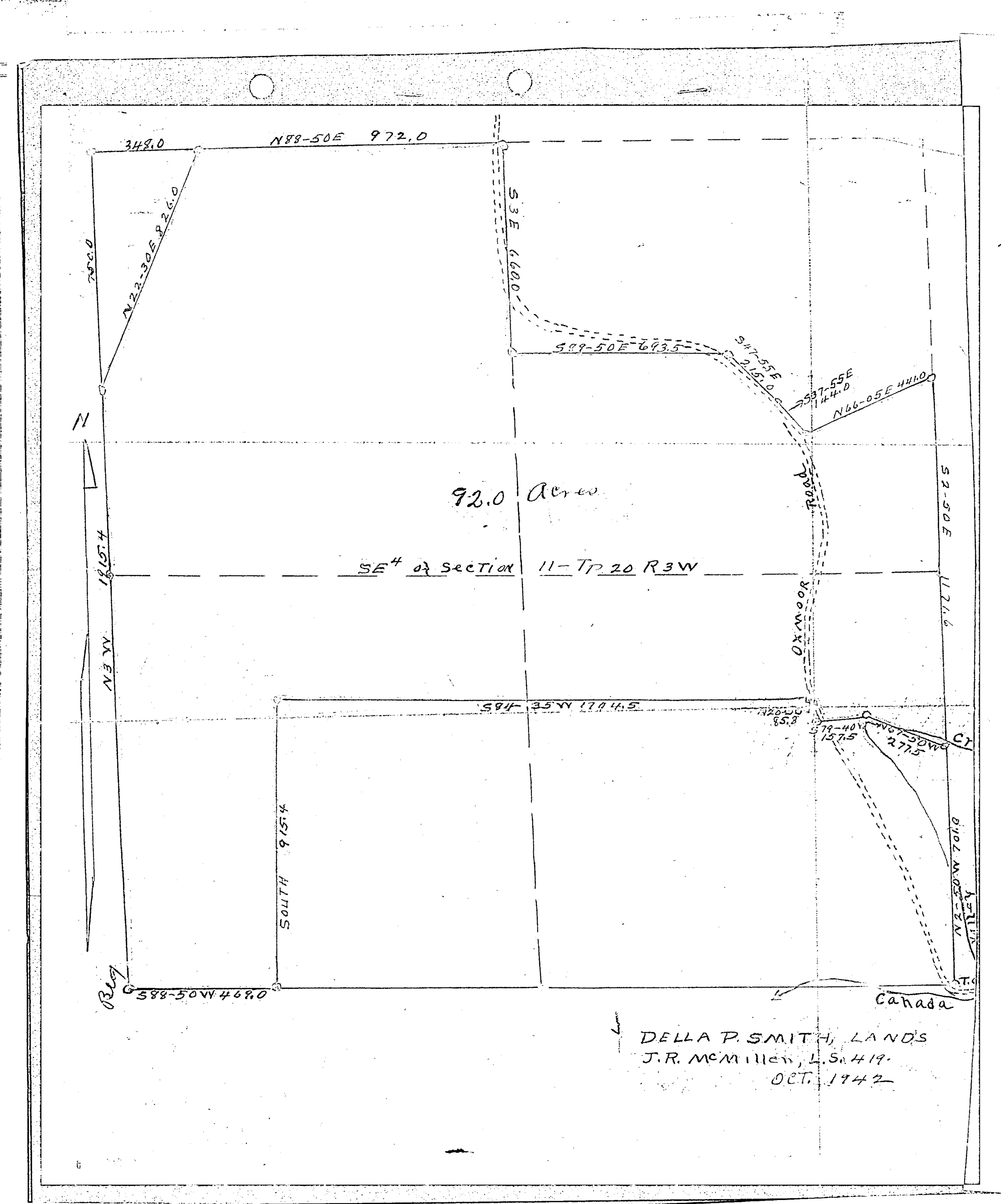
- 1. Affiant, Zora Dunaway, a sister
- 2. T. L. Wallace, the surviving husband, who died in November, 1935.
- 3. Eli L. Powell, a brother, who died intestate in December 1946, without leaving any children he having never married. He devised his interest in this property to : —the said Jessie Carvin, and made her Executrix of his will.
- 4.H. Powell, a brother, who died intestate March 9, 1943, being at that time a widower (his divorced wife since died). The said H. Powell never had any children
- 5. N. W. Powell, abrother, who died intestate on October 18, 1937, and left his widow and sole heirs, the following: Minnie Myrtle Powell, the widow, Charlie Lee Powell, a son born in 1900; Mrs. Dolly Boiswell, a daughter born in 1905. There were no other children, or child of a deceased child of N.W. Powell, The said Minnie Myrtle Powell died in 1944.
- 6. Grover C. Powell, a brother, who died intestate July 15, 1936, leaving his widow and sole heirs the following: Amanda Myrtle Powell, the widow, Cleveland Thomas Powell, born in 1919; Lewis Powell, born in 1922; Louise Powell Hughes, born in 1925; Annie Powell, born in 1927.
- 7.Della P. Smith, a sister, who died intestate in 1943, leaving as her sole heirs the following Mabel Owens, born in 1903; Jessie Tucker, born in 1911; Nellie Roland, born in 1913; Ina Turrentine, born in 1915; Richmond Smith, born in 1919. The husband of Della P. Smith predeceased her, and she never remarried.
  - 8. Jessie Carvin, a niece, a child of Granberry Powell, deceased.
  - 9. Hazel Hopkins, a niece, a child of Granberry Powell, deceased.
  - 10. Fred Powell, a nephew, a child of Granberry Powell, who is non compus mentis.

All of the above named heirs of Ola Wallace, deceased, were made parties to the pending suit to sell the above described lands for division of proceeds, There are no other persons, heirs of said Ola Wallace, having an interest in said lands or entitled to share in the proceeds of sale.

Zora Dunaway

Subscribed and sworn to before me on this the 23 day of September, 1947.

S. A. Lokey, Notary Public



Filed in the office of the Probate Judge the 29th day of October, 1947 at 8 o'clock A.M. andrecorded in the Deed Record 130 on page 515 on this the 10th day of November, 1947.

NO TAX DUE ON THIS INSTRUMENT

L.C. Walker,

Judge of Probate