

-----m-----

AFFIDAVIT

3164

STATE OF ALABAMA

SHELBY COUNTY

Before me, R.C. Henderson, the undersigned authority in and for said County, in said State, personally appeared Ed Herrain, who, after being by me first duly sworn to speak the truth, deposes and says:

My name is Ed Herran, I am 68 years of age. I moved to Maylene, Alabama, when I was a boy and lived there some thirty years and after I moved away from Maylene, I have never lived over eight miles away from there and have gone there quite frequently. I have all along been familiar with the following described land and the persons in possession of it. Said land is described as follows:

S $\frac{1}{2}$ of Section 16, Township 21, Range 3 West,
Shelby County, Alabama

When I first remember said land, it belonged to C.C. Vandergrift. This was some three years before he sold it to G.F. Peter in the year 1899. It was common knowledge in the community where I lived that C.C. Vandergrift had owned said land for several years prior to the date he sold it and that he purchased the same from the heir of Thomas Harrison, deceased. C.C. Vandergrift did not live on said land, but rented it out to tenants each and every year. I recall that Joe Harkins lived on said land for several years. There was no railroad connecting the mine with the Main line of the Southern Railway running through Maylene and it was necessary to haul coal in wagons to the railroad. The wagon road from the mine to the railroad ran through Joe Harkins's yards. My father hauled coal on a wagon. As a small boy, I recall riding with my father through Mr. Harkins's yard on the coal wagon. Joe Harkins lived on said land described above and farmed parts of said land and obtained fire wood, fence rails and building timber from the remainder of said land each and every year during the years he rented same from C.C. Vandergrift. In fact Joe Harkins moved away from said land at the time George F. Peter Purchased it in the year 1899. At that time, George F. Peter went into immediate possession of it and began erecting homes, offices, a store and other buildings, and had parts of said land farmed until some seven or eight years ago. He also obtained building timbers and mining timber from the wooded portions of said land during each and every year he owned said land until the 26th day of March, 1947, when he sold the same to R.E. Whaley. R.E. Whaley went into immediate possession of said land and owns the same at this time, except for some lots he has sold in Maylene, Alabama.

Affiant further says he has worked most of his life for George F. Peter, as a woodsman and as such was very familiar with the lines of the above described land. In fact affiant marked the lines of the above described land. In fact affiant marked the lines of said land by repainting line trees some eight

years ago. At that time said lines were well marked and appeared to have been so for many years. Affiant again repainted the trees along said lines approximately four years ago.

Affiant further says as far back as affiant can remember that R.E. Whaley and his successors in title and the persons through whom they claim have owned said land openly, notoriously and adversely, and that he has never known of any one disputing their title or claiming adversely to them.

EddHerran

STATE OF ALABAMA
SHELBY COUNTY

Sworn to and subscribed to before me this 12th day of April, 1948.

R.C. Henderson
Notary Public
My commission expires Feb. 19, 1951

Filed in the office of the Probate Judge on the 4th day of May, 1948 at 4 o'clock P.M. and recorded in the Deed Record 133 on page 554 on this the 6th day of May, 1948.

STATE OF ALABAMA L. C. Waker,
SHELBY COUNTY
I hereby certify that
\$ None Property Tax
has been paid on the within-
in instrument as required
by law.

Judge of Probate

L. C. WALKER
JUDGE OF PROBATE