AFFIDAVIT

# 3926

STATE OF ALABAMA

SHELBY COUNTY

Before me Mildred White Wallace, a Notary Public in and for said County in said State, personally appeared J.W. Hester who being duly sworn deposes and says that he is one and the same person who executed the deed to J.M. Baldwin conveying the  $S_2^1$  of NW<sub>2</sub> of Section 10, Township 20 Range 1 East in Shelby County, Alabama, the same being dated March 4th 1900 and recorded in the Probate Office of Shelby County, Ala., in Deed Book No. 23 on page 377. That on said date affiant owned and was in the adverse possession of said lands and that immediately upon the execution and delivery of said deed the said J.M. Baldwin took possession of said lands and lived upon, cultivated, claimed and exercised adverse possession in and over said lands from said date named up to and until the date that he conveyed the same to C.J. Falkner and on said date the said C.J. Falkner took possession and held the same as had affiant and J.M. Baldwin until he conveyed the same to his wife, Ethel B. Falkner and that she took possession of said lands and held the same as had the parties above named before up to and until the lst day of June 1934 when she conveyed the same to M.A. Russell. I have near heard the title tr right of possession q estioneimiand to the persons above named.

J.W. Hester

Sworn to and subscribed before me this 1st day of June, 1934.

Mildred White Wallace Notary Public

State of Alabama Shelby County

Before me, the undersigned authority, personally appeared J.W. Hester who being duly sworn deposes and says the above and foregoing facts set forth in the above affidavit are true and correct as stated and that several years previous to selling the  $S_{\overline{2}}^1$  of  $NW_{\overline{4}}^1$  of Sec. 10 Tp 20 R 1 East to J.M. Baldwin, he sold and attempted to convey to Berry F. Swindale the  $N_{\overline{2}}^1$  of  $NW_{\overline{4}}^1$  of same section but the deed was made to read the  $W_{\overline{2}}^1$  of  $NW_{\overline{4}}^1$  of said Section, but it was the intention of affiant and his wife to convey to the said Swindale the  $N_{\overline{2}}^1$  of  $NW_{\overline{4}}^1$  of said Section, who took possession of said  $N_{\overline{2}}^1$  of  $NW_{\overline{4}}^1$  and that said Swindale never did claim or attempt to hold possession of said  $S_{\overline{2}}^1$  of  $NW_{\overline{4}}^1$  of said section and never has been in possession of same or claimed the same.

J.W. Hester

Swhom to and subscribed before me on this the 7th day of July, 1948.

W. J. Horsley Notary Public

Filed in the office of the Probate Judge the 7th day of July, 1948 at 3 o'clock A.M. and recorded in the Deed Record 134 on page 250 on this the 7th day of July, 1948.

L.C. Walker,

Judge of Probate