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STATE OF ALABAMA

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SHELBY COUNTY

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

Affiant is well acquainted with the ownership and possession of the following described lands in Shelby County, Alabama:

SE\(\frac{1}{4}\) of NE\(\frac{1}{4}\) and N\(\frac{1}{2}\) of SE\(\frac{1}{4}\) 226 yards south of the northeast corner of said forty, thence continuing south along said Section line 1.30 chains, thence south 67 degrees west 6.76 chains to Oxmore (or Oxmoor) road, thence north along said road 5.40 chains to an iron stake on east side of said road and on the east and west line dividing said forty acres into two equal parts said iron stake being east 10.40 chains from the west boundary line of said forty, thence east 6.80 chains, thence south 80 degrees east 3 chains to point of beginning, all of the above described ands lying and being in Section 11, Township 20 Range 3 West containing 62.44 acres, more or less.

Affiant has known of, and been intimately connected with said lands for the past forty years or more. When Affiant first knew of the 40 acre tract (SE<sup>1</sup><sub>4</sub> of NE<sup>1</sup><sub>4</sub> of Section 11) it was owned by W.C. Denson. The latter's estate sold the forty to P.W. Denson, and he sold it to Mary D. Lynch. Affiant's husband, Charles Dunaway, bought the forty from Mrs. Lynch in 1921.

Mrs. Lynch sold the timber on this forty during her ownership.

About the year 1930 affiant fenced in several acres in the southwest corner of the forty and cultivated that part. We raised corn and other farm produce there year after year for about ten years or more. The fence is a hog wire fence and still stands. For the past few years the fenced portion of the forty has not been cultivated, and has been allowed to grow up in underbrush and small trees.

Affiant's attention has been called to the fact that in 1927 Pearl V. Cost Smitherman and husband executed a deed to Homestead Savings and Mortgage Company purporting to convey this forty and other lands.

Also, that in 1929 American Realty & Finance Company executed a deed to J.M. Levine purporting to convey this forty and other lands. These two deeds must be stray deeds in which this forty was described in error. None of these people have ever owned or claimed to own this forty, nor have any of them ever had possession or done any act asserting ownership. Affiant has never known or heard of any of them in connection with these lands, although affiant did know a Mrs. Cost who at one time owned lands adjoining this forty on the west.

She never claimed to own this forty.

Now with reference to the 22.44 acres in the  $NE_4^1$   $SE_4^1$  of Section 11, Township 20, Range 3 West.

Affiant's father, Jason Powell, acquired all of the SE<sup>1</sup>/<sub>4</sub> of said Section 11 from Thomas B. Miller in 1883 and held title for many years until he sold various tracts to different people. Affiant bought from her father, Jason Powell, 20 acres off the north end of the NE<sup>1</sup>/<sub>4</sub> of SE<sup>1</sup>/<sub>4</sub> of said Section 11 (Except a 2.53 acre strip off the south side) on December 30, 1913. Affiant bought said 2.53 acre strip, and also the 2.44 acre tract above described, from the heirs of her father, as shown by deed from said heirs dated December 5, 1927, which deed is recorded in the Probate Office of Shelby County, Alabama, in deed book 105, page 310.

Said 20 acre tract was fenced and in cultivation when affiant bought it in 1913. It had been fenced and in cultivation by affiant's father each year for many years prior to 1913. Affiant built a new hog wire fence around the twenty acre tract, including said 2.53 acre tract, about 1930 or 1931, and hasmaintained said fence ever since. It is still standing. Also, affiant and her family cultivated said 20 acre tract (including the 2.53 acre tract) each year from 1913 to 1945 when affiant moved away from the property.

In 1929 affiant built a home on said 2.44 acre tract, which home still stands. Affiant and family lived there and on said forty and twenty as their homeplace continuously from the date said house was built in 1929 to the time affiant moved away in 1945. Affiant has rented the place to various tenants each year since 1945.

Affiant further states that her deed from her father's heirs (Volume 105, page 310) conveying the 2.53 acres and the 2.44 acres was executed and delivered to affiant in 1927. Affiant did not think it important to record the deed right away, and so held it off record until November 14, 1938. Long after its delivery the grantor H. Powell ran across the deed in affiant's possession one day, and ran two or three lines through his signature. However, he had already signed, acknowledged and delivered the deed. The said H. Powell is not now living. Affiant is advised that the non-composementis, Fred-Powell, who is named in said deed, and who was then in an Institution is also deceased.

Affiant states that she and her family, consisting since her husband's death of her son and daughter, have been in the open, notherious, continuous, peaceable and adverse possession of all of the above described lands for more than the past twenty years, and that during said period of more than twenty years no one has laid claim to said lands, or any part thereof, or disturbed affiant's possession thereof. On the contrary, affiant and family have been regarded as the owners througout the neighborhood, and have solely enjoyed the fruits of said land for more than the past twenty years.

Zora Dunaway

Subscribed and sworn to before me on this the 19 day of September, 1949.

Jno. P. Lee, J.P. (SEAL)

Filed in the office of the Probate Judge the 24th day of September, 1949 at 8 o'clock A.M. and recorded in the Deed Record 139 on page 295 on this the 19th day of October, 1949.

STATELER OF ALASTAN STATE OF PROBATE INDOE OF PROBATE

L.C. Walker,

Judge of Probate