STATE OF ALABAMA,

SHELBY COUNTY

Before the undersigned authority personally appeared A.B. Baxley, who is known to me and who being by me first duly sworn deposes and says:

I am acquainted with the  $SE_{4}^{\perp}$ , the  $S_{2}^{\perp}$  of the  $NE_{4}^{\perp}$ , the  $E_{2}^{\perp}$  of the  $SW_{4}^{\perp}$  of Section 24, all in Township 22, Range 3 West, Shelby County, Alabama.

I have known this property twenty-five years. This land was conveyed to F.H. Hardy by John H. Wallace, Trustee of John B. Randall, Bankrupt, by deed dated April 18, 1905, and recorded in the Probate Office of Shelby County, Alabama in Deed Book 32 at page 176. The stone, timber, and mineral rights had been previously severed, however, as to part of the land but not as to the  $E_2^1$  of the  $E_2^1$  of  $SE_2^1$  of said Section and in 1927 the stone, timber, and mineral rights above referred to were acquired by  $E_*L_*$  Bowdon, and in 1927,  $E_*L_*$  Bowdon and husband, R.E. Bowdon mortgaged these stone, timber and mineral rights to W.R. Taylor, These were mineral operations on the land either by Taylor or others under him.

F.H. Hardy, as far back as I rember had possession to the land described in the beginning of this affidavit, with the execution of the stone, timber, and mineral rights which were in others as above set out.

At the time of his death F.H. Hardy owned the  $SE_{4}^{1}$  of Section 24, with the exception of the stone, timber, and mineral rights in that portion described as follows:

Begin at the SW corner of the  $SE_{4}^{1}$  of Section 24, and run thence East 280 yards, thence North 3653.24. feet, thence East 1982.32 feet to the East line of the  $NE_{4}^{1}$  of said Section 24; thence South 1322.15 feet to the NE corner of the  $SE_{4}^{1}$  of said Section 24; thence West 220 yards, thence South 2235.16 feet, to the south line of said  $SE_{4}^{1}$  of Section 24; thence West along the south line of said  $SE_{4}^{1}$ , 1320 feet to the point of beginning.

The stone, timber, and mineral rights of E.L. Bowdon, in the land hast specifically described above was mortgaged by her to W.R. Taylor and the mortgage was later foreclosed and Taylor became the purchaser, and by subsequent conveyances, it became the property of Southern Cement Company. At least it is my understanding that Southern Cement Company is now the owner of the said stone, timber, and mineral rights on said property.

All the time that F.H. Hardy had owned the  $E_2^{\perp}$  of the  $E_2^{\perp}$  of  $SE_4^{\perp}$  of said Section 24 he had been in peaceable possession of it and claiming it as far back as I have known the land. At his death the F.H. Hardy heirs deeded it and other land to William I, Capps and Luise Capps, who in turn deeded it to me.

After the death of said F.H. Hardy, which occurred some six or eight years ago, his heirs at law went in possession of it, claiming to own it until they deeded it to William I. Capps and Luise Capps as above stated.

The F.H. Hardy heirs deeded to W.I. Capps and Luise Capps the surface rights in that portion of Section 24, hereinbefore specifically described to which W.R. Taylor had held the stone, timber, and mineral rights and by mesne conveyances the stone, timber, and mineral rights passed to Southern Cement Company. At least it is my understanding that it was so conveyed and that the stone, timber, and mineral rights is now owned by Southern Cement Company.

A.B. Baxley

Sworn and subscribed to before me on this the 17 day of November, 1949.

Handy Ellis Notary Public State at Large

Filedin the office of the Probate Judge the 19th day of November, 1949 at 11 o'clock A.M. and recorded in the Deed Record 139 on page 512 on this the 5th day of December, 1949.

L.C. Walker,

NO TAX DUE ON THIS INSTRUMENT

Judge of Probate