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AFFIDAVIT

#316

STATE OF ALABAMA

SHELBY COUNTY

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

My father was R.A. Owen. He died on the 5th day of May, 1913. At the time of his death he owned the $E_{\overline{z}}^{\frac{1}{2}}$ of the NE $_{\overline{4}}^{\frac{1}{2}}$, Section 23, Township 21, Range 1 East, except that part which had been deeded Alabama Power Company on the 18th day of February, 1913. He also owned other lands north and northwest of that above described.

On the 10th day of November 1911, some of the heirs of said R.A. Owen executed a deed to J.P. McLeod , G.B. McLeod and T.A. McLeod, conveying the following portion of said property, viz: All that part of the SE. of NE., Section 23, Township 21, Range 1 East, that lies south of Weaver Spring Branch, and west of Alabama Power Company line of the west side of Bullies Creek. Those who executed the deed were as follows: B.J. Owen (affiant) and wife, J.I. Owen; J.D. Owen and wife, Mary Owen; Kate Thornton, a widow. The heirs at law of said R.A. Owen at the time were said E.J. Owen, J.D. Owen, Kate Thornton, Bettie Owen, Noah Owen, Nora Owen, and Archie Owen, and said R.A. Owen left surviving him, his widow, Mollie J. Owen, who later became Mollie J. Stough. I notice that in our deed to the McLeods a Belle Owen is mentioned but her name was Bettie and she did not sign the deed beacuse at that time she was under twenty-one years of age. It will beobserved that the interest of Milloe J. Stough, my stepmother.

In 1915 Noah Owen, Nora Owen, and Archie Owen filed a Bill in chancery court, in the Circuit Court of Shelby County, Alabama, to sell this land for division, and all the heirs at law and next of kin of my father were included, as well as his widow. In said chancery proceedings a sale went through and I became the purchaser. I did not made a new deed to the "cLeods because whatever title I acquired at the foreclosure sale passed to them under my former warranty deed dated November 10, 1941, which is recorded in the Probate Office of Shelby Wounty, Alabama, in Deed Book 58, at page 261.

In our deed to the McLeods some mention was made of Weaver Spring Branch. That branch comes down in a southeasterly direction to Bullies Creek and runs along the north line of the SE¹/₄ of the NE¹/₄, Section 23. Probably the spring and part of the branch in question was covered by Alabama Power Company water at the time. Anyway, the McLeods, under our deed to then went into possession of all that part of the SE¹/₄ of NE¹/₄, Section 23, Township 21, Range 1 East, that lies west of Bullies Creek. Most of the land at that time was in cultivation, probably all of it, and the McLeods went into possession of it immediately after the execution of our deed to them and cultivated the same or had it cultivated by tenants, each and every year untilthe death of Granville McLeod. Really, the heirsof said Granville McLeod, along with T.A. McLeod, cultivated ir in the manner above shown until the death of said T.A. McLeod. The possession during all that time was open, nototious, exclusive, adverse possession, under claim of title through our deed to them, and during that time I have not known of any other person, firm, or corpozation, claim any right or title in said property.

I was acquainted with S.C. Merrell, who on the wlst day of October, 1905, as shown by deed recorded in the Probate Office of Shelby County, Alabama, in Deed Book 27, at page 564, deeded certain lands to J.P. McLeod, G.B. McLeod, and T.A. McLeod. Among the lands deeded by Merrell to the McLeods was the No of the NE of the SE of Section 23, Township 21, Range 1 East, and also that part of Fractional Section 24 west of Coosa River which lies south of Bullies Creek. The McLeods went in to possession of the land deeded to them by Merrell as aforesaid immediately after the execution of said deed, and cultivated portions of it each and every year, or had it done by tenants as long as they lived. During all this time they were in possession of the entire premises, or lands, described in said deed, holding it under claim of right under the deed from S.C. Merrell.

J.P. McLeod, mentioned in said deed, is the same as John McLeod, and he died some years after the execution of the aforementioned deed but prior to the death of eigher Granville McLeod, or T.A.McLeod. When John McLeod died he Reft surviving him as his sole heirs at law and next of kin his brothers, Granville McLeod and T.A. McLeod.

B.J. Owen

Sworn and subscribed to before me on this the 11th day of October, 1950. Lilla Juzan, Notary Public

Filed in the office of the robate Judge on the 3 day of November, 1950 at 2:00 P.M. and recorded in Deed Record
143 on page 80 this the 27 day of November, 1950.

L.C. Walker, Judge of Probate

NO TAX DUE ON THIS INSTRUMENT.