

AFFIDAVIT

STATE OF ALABAMA

SHELBY COUNTY

Before me Mr. J. W. Donald, the undersigned authority in and for said county in said state personally appeared T. E. Darby, who, after being by me first duly sworn, deposes and says:

My name is T. E. Darby. I am 84 years of age and have lived in the Harpersville community for the past 48 years and have been familiar with the following described land and the persons in possession of it for the past sixty years. Said land being described as follows:

Start at the southeast corner of Section 28, Township 19 South, Range 2 East, and run thence west along the south boundary of Section 28 for a distance of 1066.7 feet for the point of beginning; thence 143° degrees 00 minutes to the left for a distance of 50 feet; thence 90 degrees to the left for a distance of 50 feet; thence 90 degrees to the left for a distance of 50 feet to the point of beginning; being situated in the $SE\frac{1}{4}$ of the $SE\frac{1}{4}$ of Section 28 and in the $NE\frac{1}{4}$ of the $NE\frac{1}{4}$ of Section 33, all in Township 19 South, Range 2 East, Shelby County, Alabama.

I have been informed that on September 8, 1911, Georgianna Kidd, widow of J. W. Kidd, deceased; D. W. Kidd, T. J. Kidd, Meeda T. Kidd, James M. Kidd, Lilla M. Kidd and Ella Kidd and John M. Kidd made a quit claim deed to T. P. Bonner, which deed is recorded in Deed Book 48 Page 141 in the Probate Office of Shelby County, Alabama. I knew the grantors mentioned in said deed at the time they made said deed; in fact, I am related to them. On said date Meeda T. Kidd was an unmarried woman and James M. Kidd was an unmarried man. The other grantors signing said deed are now dead and all of them have been dead for several years except for T. J. Kidd who died recently.

I recall when R. M. Borum conveyed the above described parcel of land, along with other land, to Lula Borum in February 1896, as shown by deed recorded in Deed Book 31 Page 149 in said Probate Office. I am informed that among other land said deed described the $E\frac{1}{2}$ of $NE\frac{1}{4}$ of Section 34, Township 19, Range 2 East. I know that the land intended to be conveyed was the $E\frac{1}{2}$ of the $NE\frac{1}{4}$ of Section 33, Township 19, Range 2 East, along with other land as therein described. Prior to the time the said R. M. Borum made said deed, he had owned and been in possession of said land for many years. The said Lula Borum went into immediate possession of said land and used the same as a pasture and hog lot each and every year until she sold the same to Wm. Looney and his wife in 1906, as shown

by deed recorded in Deed Book 37 Page 155 in said Probate Office. The said Wm. Looney and wife went into immediate possession of said land and used the same as a pasture and hog lot until they conveyed it back to Mrs. L. C. Borum, who is one and the same person as Lula Borum, as shown by deed recorded in Deed Book 43 Page 436 in said Probate Office. I have been informed that that said deed to Wm. Looney and wife did not describe that portion of the above described parcel of land lying in the NE $\frac{1}{2}$ of NE $\frac{1}{2}$ of said Section 33, but I know that the same was conveyed to Wm. Looney and his wife and that they went into possession of same. I am also informed that in the deed from William Looney and wife, N. J. Looney back to Mrs. L. C. Borum, that along with other land, the deed described the W $\frac{1}{2}$ of the NE $\frac{1}{2}$ of said Section 33, whereas, it should have described the E $\frac{1}{2}$ of the NE $\frac{1}{2}$ of Section 33, along with other land. I know that Mrs. L. C. Borum went into immediate possession of said land and used the same as a pasture and hog lot each and every year until she sold a portion of same, which includes the above described parcel of land, to T. P. Bonner in August, 1911, as shown by deed recorded in Deed Book 48 Page 139 in said Probate Office. The said T. P. Bonner went into immediate possession of said land and used the same as a pasture and hog lot each and every year until he sold the same to Olga Ray in December 1912, as shown by deed recorded in Deed Book 63 Page 482 in said Probate Office. The said Olga Ray went into immediate possession of said land and used the same as a pasture and hog lot each and every year until she sold the same to H. P. Kimbrough in March 1914, as shown by deed recorded in Deed Book 53 Page 487 in said Probate Office. The said H. P. Kimbrough went into immediate possession of said land and used the same as a pasture and hog lot until he sold the same to D. G. Kimbrough and B. T. Kimbrough in June 1937, as shown by deed recorded in Deed Book 100 Page 375 in said Probate Office. The said purchasers went into immediate possession of said land and used the same as farm land each and every year and cultivated it until B. T. Kimbrough sold his interest to D. G. Kimbrough in June 1940, as shown by deed recorded in Deed Book 111 Page 101 in said Probate Office. The said D. G. Kimbrough has continued in possession of said land and has used the same each and every year as a farm and has cultivated it each and every year until this very day.

Affiant further says that all through the years D. G. Kimbrough and his predecessors in title have owned and occupied said land continuously and he has never known of anyone contesting their possession or disputing

their title, to said land.

T. E. Darby
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State of Alabama

Shelby County

Sworn to and subscribed to before me this 3rd day of November, 1951.

Mr. J. W. Donald
Notary Public

Filed in the office of the Probate Judge on the 8 day of Nov 19 51 at 3 o'clock P M.
Rec'd 149 page 158

No Tax Due