

AFFIDAVIT

BOOK 149 PAGE 489

STATE OF ALABAMA
JEFFERSON COUNTY

BEFORE ME, the undersigned authority, a Notary Public in and for said County, in said State, personally appeared _____, who is known to me, and who, being duly sworn, deposes and says, to wit: This affidavit relates to the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ and the W $\frac{1}{2}$ of the NE $\frac{1}{4}$, Section 35, Township 17, Range 1 East, Shelby County, Alabama.

I am 58 years of age, and have been familiar with the ownership of the aforesaid described property for the past 25 years. ~~My present address is:~~

I remember when H.M. Isbell acquired title to the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$, as aforesaid, in 1917, from the Alabama State Land Company, and I remember that during the same year, the said H.M. Isbell, erected a house on said property and moved himself and his family therein. From some time during the year 1917 until some time during the year 1932, the said H.M. Isbell occupied the house erected on said land as a residence for himself and his family; cultivated all or part of said land; had all or a part thereof under fence; and generally exercised open, notorious, continuous, hostile, peaceful, exclusive adverse possession of said property, claiming the same by virtue of his purchase of same from the Alabama State Land Company, as aforesaid.

Some time during the year 1932, the said H.M. Isbell conveyed the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ as aforesaid, to G.E. Spencer, and I remember that the said G.E. Spencer, immediately upon acquiring said property, moved into the house on said land, and from some time during the year 1933 when he acquired said property until some time during the year 1935, the said G.E. Spencer occupied the house on said land as a residence for himself and his family, cultivated all or part of the land; had all or part of the same under fence, and generally exercised open, notorious, continuous, hostile, peaceful, exclusive adverse possession of same, claiming same under his deed from H.M. Isbell as aforesaid. Some time during the year 1935, the said G.E. Spencer lost title to said property by foreclosure of a mortgage by J.H. Dorough, and I remember that the said J.H. Dorough, immediately upon foreclosing said mortgage, and bidding the same in himself, immediately took possession of said SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ by renting the same to a tenant who attorned to him as landlord and from said time until March 11, 1937, when he sold all that part of said SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ lying east of the Columbiana-Ashville Road to W.T. Alexander, rented the same continuously to persons who acknowledged him as their landlord; had all or part of the same under fence and in cultivation, and generally exercised open, notorious continuous, hostile, peaceful, exclusive, adverse possession of said property.

I remember that the said W.T. Alexander immediately upon his acquisition of that part of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ lying east of the Columbiana-Ashville Road on March 11, 1937, immediately moved into the house erected on said land, and has lived there ever since. I know that from March 11, 1937, until the present time, the said W.T. Alexander has lived in the house erected on said property; has had all or part of the same under fence; in cultivation; and has generally exercised open, notorious, hostile, continuous, exclusive, peaceful, adverse possession of said property, claiming to own the same under the deed by which he acquired same from J.H. Dorough on March 11, 1937.

I further state that I know E.D. Holliday, who acquired title to the W $\frac{1}{2}$ of the NE $\frac{1}{4}$ on February 4, 1925 by Warranty Deed from Fannie V. Hare & S.J. Hare, recorded in Deed Book 73, Page 453, in the Probate Office of Shelby County, Alabama, and I know that immediately upon his acquisition of said property, the said E.D. Holliday took possession of said property, and from February 4, 1925, until March 26, 1931, when he conveyed the same to his wife, C.G. Holliday, held possession of said property; cultivated a part thereof; constructed a saw mill thereon, and removed merchantable timber at various times, and generally exercised open, notorious, continuous,

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hostile, peaceful, exclusive, adverse possession of same, claiming same under his deed recorded in Deed Book 73, Page 453.

I remember that E.D. Holliday's wife, C.G. Holliday, upon acquisition of said property on March 26, 1931, immediately took possession thereof, and from that time until December 8, 1937, when she sold the same to W.T. Alexander and wife, Della Alexander, continued to exercise the same kind and character of possession that her husband did as stated in the preceding paragraph.

I further state that W.T. Alexander and wife, Della Alexander, immediately upon acquiring title of said property on December 8, 1937, went into possession of same and has ever since and still does hold possession of same. From December 8, 1937, until the present, W.T. Alexander and wife, Della Alexander have had all or part of said land in cultivation and under fence, and have generally exercised open, notorious, hostile, continuous, exclusive, peaceful, adverse possession of said property, claiming to own the same by virtue of their deed, ~~dated December 8, 1937~~, dated December 8, 1937, recorded in Deed Book 144, Page 223, in the Probate Office of Shelby County, Alabama, with the exception of a two acre tract sold by them to W.E. Brannon and wife, by Warranty Deed, March 21, 1942, and recorded in Deed Book 120, Page 131, in the Probate Office of Shelby County, Alabama.

Witness my hand this 26 day, November, 1951.

Maggie Davis

Sworn to and subscribed before
me this 26 day of November, 1951.

Victor S. Chamberlee (NOTARY PUBLIC)

Filed in the Office of the Probate Judge on the 4 day of Dec 1951 at 9 o'clock PM.
and recorded in Deed Book 149 Page 481 this 4 day of Dec 1951.
Deed Tax Mortgage Tax has been paid.

L.C. Walker, Judge of Probate