

947
Thornton Realty Co - Kendrick

STATE OF ALABAMA,
SHELBY COUNTY.

Before the undersigned authority personally appeared Lexie M. Kendrick, who is known to me and who being by me first duly sworn deposes and says:

I am acquainted with the SE 1/4 of SE 1/4, Section 6, Township 20, Range 1 West, Shelby County, Alabama. On December 20, 1929, my father, J. M. Shirley and his wife, Zona A. Shirley deeded to me that portion of said forty lying north of Straight Ridge. The property conveyed in said deed is more particularly described as follows:

That portion of the SE 1/4 of SE 1/4, Section 6, Township 20, Range 1 West, located on the North side of Straight Ridge, Shelby County, Alabama.

Containing 30 acres, more or less.

About ten acres in the Southeast corner of said forty is located on the South side of Straight Ridge.

Immediately upon the execution of the last mentioned deed I went into possession of said property conveyed by my father and mother to me and each and every year thereafter down to the present time I have had actual, open, notorious, exclusive, continuous, adverse possession of it, cultivating portions of it or having it done each and every year. About twenty acres of this thirty acre tract is in cultivation.

I am also acquainted with Frank Kendrick to whom A. J. Kendrick and C. A. Kendrick, on the 6th day of January, 1911, conveyed the following land in Shelby County, Alabama, which deed is recorded in the Probate Office of Shelby County, Alabama, in Deed Book 70, at page 497, viz:

All that part of the SE 1/4 of SE 1/4 of Section 6, Township 20, Range 1 West, described as follows: Commence at the SE corner and running from thence North to top of Straight Ridge, thence in a SW direction to where South boundary line crosses said ridge, thence East to starting point, containing ten acres.

Immediately after execution of the last mentioned deed said Frank Kendrick went into possession of said ten acre tract of land and had actual, open, notorious, exclusive, continuous, adverse possession of it, cultivating portions of it or having portions of it cultivated each and every year until he deeded it to L. W. Kendrick, my husband.

On April 11, 1898, Saginaw Lumber Company deeded to Nipper C. Shirley the W 1/2 of SW 1/4 of Section 5, Township 20, Range 1 West, Shelby County,

-2-

Alabama. This deed is recorded in the Probate Office of Shelby County, Alabama, in Deed Book 22, at page 515. After said deed was executed all of the pine timber measuring twelve inches or more was cut and removed from the land. All this was done long ago. Said Nipper C. Shirley, also known as N. C. Shirley, and wife, L. M. Shirley deeded the SW 1/4 of SW 1/4 of said Section to N. W. Shirley by deed dated the 28th day of January, 1902. N. W. Shirley was a son of Nipper C. Shirley and when the property was deeded to L. W. Kendrick in 1932 said N. W. Shirley, who was my uncle, turned over this deed to L. W. Kendrick. It has not been recorded but it is now being filed for record. Said N. C. Shirley and wife, L. M. Shirley are both dead and have been dead approximately twenty years, or more.

When this forty acre tract of land was deeded to L. W. Kendrick as shown by deed recorded in the Probate Office of Shelby County, Alabama, in Deed Book 128, page 414, a considerable portion of it was in cultivation, approximately twenty or twenty-five acres. The four acres in the Southeast corner of the forty which L. W. Kendrick later sold was not in cultivation. L. W. Kendrick, my husband, went into possession of that forty immediately after he received deed from N. W. Shirley and wife and remained in the actual, open, notorious, exclusive, continuous, adverse possession of it, cultivating portions of it each and every year or having portions of it cultivated each and every year down to the present time, except four acres in the Southeast corner which L. W. Kendrick sold and deeded to J. M. Shirley but the deed ~~apparently has not been recorded.~~ J. M. Shirley sold the property to T. L. Kendrick, that is, the four acre tract last above described and T. L. Kendrick deeded it to Wilton Furney. None of these deeds apparently are of record but L. W. Kendrick does not own that four acres.

I am acquainted with the four acre tract of land situated in the Northwest corner of the NW 1/4 of NW 1/4, Section 8, Township 20, Range 1 West, which was deeded to Lawrence W. Kendrick in 1931 by J. M. Shirley and Zona A. Shirley, my father and mother. Right after execution of said deed, which is recorded in the Probate Office of Shelby County, Alabama, in Deed Book 128, page 417, we built a house on this four acres and have had tenants in it and have lived upon it part of the time ourselves and the balance of the time we have had it in the hands of tenants and we have had actual, open, notorious, exclusive, continuous, adverse possession of said property, living upon it or having tenants

upon it each and every year down to the present time. The balance of the NW 1/4 of NW 1/4 of Section 8 was deeded by J. M. Shirley and Zona A. Shirley to T. L. Kendrick and he sold it and deeded it to Wilton Furney. J. M. Shirley and Zona A. Shirley deeded this property to T. L. Kendrick about 1939 and he gave a mortgage back on it. The mortgage is dated June 22, 1939, and recorded in the Probate Office of Shelby County, Alabama, in Mortgage Book 168, at page 561.

The deed from the Shirleys to T. L. Kendrick does not appear to be of record.

T. L. Kendrick in turn deeded the land to Wilton Furney in 1942, with certain exceptions therein recited but these exception do not affect the triangular strip north of the K Spring and Simsville Road and east of and adjoining the four acre tract in the Northwest corner of said forty. This triangular strip has been cultivated continuously since Kendrick owned it and since he deeded it to Furney and there is no dispute about the title to that triangle.

Lexie M. Kendrick
Lexie M. Kendrick

Sworn to and subscribed before me on this
the 18th day of December, 1951.

Lilla J. J. J.
Notary Public

STATE OF ALABAMA,
SHELBY COUNTY.

Before the undersigned authority personally appeared J. M. Shirley and L. W. Kendrick, who are known to me and who being by me first duly sworn depose and say that they have read over the affidavit made by Lexie M. Kendrick, as hereinabove set out, and that they have personal knowledge of the facts therein recited and those facts are true.

J. M. Shirley
J. M. Shirley
L. W. Kendrick
L. W. Kendrick

Sworn to and subscribed before me on this
the 18th day of December, 1951.

Lilla J. J. J.
Notary Public

Filed in the Office of the Probate Judge on the 19 day of Dec 1951 at 10 o'clock PM M.
and recorded in Deed Book 150 Page 76 this 20 day of Dec 1951.
Deed Tax Mortgage Tax has been paid.

L.C. Walker, Judge of Probate