

STATE OF ALABAMA

BOOK 150 PAGE 399

SHELBY COUNTY

Personally came and appeared before me, S.A. Lokey, a notary public in and for the State of Alabama at Large, Mr. E.D. Herron, who, after being first by me duly sworn according to law to speak the truth deposes and says:

My name is E.D. Herron. I am 72 years of age. I have lived in Shelby County, Alabama, practically all of my life. I have lived on what is known as Peeridge in the western part of Shelby County since 1905. During that time I have lived near and have been well acquainted with the following described land:

Beginning at a point on the west line of the Northeast Quarter of Southeast Quarter, Section 30, Township 21 South, Range 4 West, 104.64 feet south of the Northwest corner of said Northeast Quarter of Southeast Quarter, said point being on the south edge of the Tuscaloosa public road, thence south along said west line for 285.0 feet, thence left 64° 30' for 372.9 feet, thence left 115° 30' for 276.03 feet to the south side of said public road, thence left 57° 30' for 73.62 feet along said road, thence left 7° 00' for 299.83 feet to the point of beginning, subject to right of way granted Alabama Power Co., dated March 17, 1948, being the same tract of land conveyed by W.C. Wooten and wife Fannie, to Southern Coal and Coke Company by deed dated December 30, 1919, and recorded in Deed Book 66, page 448, in the office of Probate Judge, Shelby County, Alabama, in Section 30, Township 21 South, Range 4 West.

About the year 1904, Mr. Robert S. Marshall purchased above described tract of land. My recollection is not clear as to who he bought it from. Soon after then, he built a store house on this lot in which he conducted a general mercantile business until about the year 1911, when he sold said store, lot, building and stock of goods to Sam Lit and F.R. Lubright. Lit and Lubright took possession of said property and placed a store keeper in possession as their agent who operated said store. Soon thereafter Lit and Lubright built a house in the Southeast corner of above described lot as a residence for their said agent, being known as Rip Thomas. The said Rip Thomas lived in the house on said place and operated the store and had all of above described land under his possession as agent of Sam Lit and F.R. Lubright until about the year 1919 when the said Sam Lit and F.R. Lubright sold said property to W.C. Wooten. The said Wooten sold said property to the Southern Coal & Coke Company and that Company has had actual possession of said property since 1919. The Southern Coal & Coke Company ~~took down the store building and the Southern Coal & Coke Company~~ made the old store building into a residence and

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rented it and the other building in the Southeast corner of the lot to various of their employees, who lived in said houses as their tenants and said company has exercised possession of said property in this manner since 1919 until 1944 when said Southern Coal & Coke Company was dissolved and the property was conveyed to Ada H. Peter, Eleanor P. Matheson, Margaret P. Fritz, Thomas J. Peter, Margaret P. Frody, Emma F. Hunter and George F. Peter. Immediately thereafter, above named grantees conveyed to Boothton Coal Mining Company, which Company continued to rent the houses on said land to employees working at the Company mines and this continued until about the year 1950 when said company was dissolved and the property was conveyed to Mr. D.A. Thomas and his associates by deed which is recorded in the Office of the Judge of Probate of Shelby County, Alabama, in Deed Book 143 at page 101 with other property.

For more than thirty years, it is my personal knowledge that D.A. Thomas and his associates and predecessors in title have been in possession of above described lot of land and said possession ~~property~~ has been actual, continuous, exclusive, peaceful, quite, open, notorious, adverse, hostile, undercolor of title and claim of ownership and no one has ~~known or has~~ been in possession of any part of said land claiming adverse to them. Buster Eooth owns the land immediately South of above described land and I know that he has never claimed any of the land North of the Southern boundary of the above described lot as described in this affidavit.

Ed H.

Ed H. Thomas

Sworn to and subscribed before me on this 7th day of January, 1952.

J. A. Loxey
Notary Public