

AFFIDAVIT

STATE OF ALABAMA

SHELBY & BIBB COUNTY

Before me, Karl C. Harrison, the undersigned authority in and for said County, in said State, personally appeared Rosa Underwood, who after being by me first duly sworn to speak the truth, deposes and says:

My name is Rosa Underwood. I am 74 years of age and was born within a few miles of the following described land. Said land being described as follows:

Parcel A: All that part of the $W\frac{1}{2}$ of $SW\frac{1}{4}$ lying south and east of old Montevallo and Centerville dirt road and being situated in Section 18, Township 24, Range 12 East, Shelby County, Alabama;

Also $NW\frac{1}{4}$ of $NW\frac{1}{4}$ except that part lying east of Mahan Creek;

Also All that part of the $SW\frac{1}{4}$ of $NW\frac{1}{4}$ lying north and west of Mahan Creek;
all being situated in Section 19, Township 24, North, Range 12 East, Bibb County, Alabama.

Said land described above being known as "The C. C. Walker Place" and formerly called and known as "The Gaylord Place".

Parcel B: $W\frac{1}{2}$ of $SE\frac{1}{4}$ except that part lying southeast of the right of way of the Southern Railway Company;
Also all that part of $E\frac{1}{2}$ of the $SW\frac{1}{4}$ lying south and east of Old Montevallo and Centerville dirt road;
Also all that part of $SE\frac{1}{4}$ of $NW\frac{1}{4}$ lying south and east of old Montevallo and Centerville dirt road,
all being in Section 18, Township 24, Range 12 East;
Also all that part of the $NE\frac{1}{4}$ of $SE\frac{1}{4}$ of Section 13, Township 24, Range 11 East lying south and east of old Montevallo and Centerville dirt road;
all being situated in Shelby County, Alabama.

Also all that part of the $SE\frac{1}{4}$ of the $SE\frac{1}{4}$ lying south of the old Montevallo and Centerville dirt road;
Also all that part of $SW\frac{1}{4}$ of $SE\frac{1}{4}$ lying south of the old Montevallo and Centerville dirt road except a strip of land of uniform width being $338\frac{1}{4}$ feet wide off the west side of said forty acres;
all being situated in Section 13, Township 24 North, Range 11 East, Bibb County, Alabama.

Said above described land in Parcel B, being all the lands belonging to the P. H. Fancher Estate.

I remember the above described land designated as "Parcel A" when it was owned by and in the possession of T. J. Gaylord who lived on it for several years and died sometime prior to the year 1896. His widow died in the year 1896. William E. Walker went into possession of each and every foot of said land after her death, claiming to own the same and he occupied it as owner. The said William E. Walker cultivated parts of said land and obtained building timber and fire wood from the remainder of it each and every year until the year 1914. The said William E. Walker died without leaving a Will in the year 1914, and his sole and surviving heirs at law were: Robert G. Walker, Oscar K. Walker, Lesta V. Walker, Joseph W. Walker and W. E. Walker, sometimes heretofore known

as William E. Walker. Said heirs went into immediate possession of said land upon their father's death and occupied it and either lived on it or rented it out each and every year until they sold the same to M. N. Fancher on April 26, 1929, as shown by deed recorded in Deed Book 88 Page 253 in the Probate Office of Shelby County, Alabama. M. N. Fancher went into immediate possession of said land as the owner thereof and farmed parts of it and obtained building timber and fire wood from the remainder of it each and every year until his death on the 12th day of February, 1950, at which time he willed the same to his widow, Johnnie Fancher, being one and the same person as Jonnie C. Fancher, who went into immediate possession of said land and who has occupied it continuously from said date until this very day.

When I first remember "Parcel B", which was in the year 1886 or 1887, the land was owned by and in the possession of Noah Fancher, along with other lands. Said Noah Fancher and his wife and his children lived on said land and farmed parts of it and obtained fire wood and building timber from the wooded parts of it and used parts of it for pasture purposes each and every year until his death sometime prior to 1915. After his death, his heirs continued in possession of said land and obtained fire wood, building timber from it and part of used/the same for pasture purposes each and every year until the year 1915 when the heirs of Noah Fancher and his wife conveyed to John M. Fancher and P. H. Fancher, being also heirs, their interest in said land, as shown by deed recorded in Deed Book 76 Page 142 in said Probate Office. The purchasers went into immediate possession of said land, along with other lands, and obtained fire wood and building timber from it and used the same for pasture purposes each and every year until John M. Fancher conveyed his undivided one-half interest in said land to his wife, Sallie O. Fancher in February, 1916, as shown by deed recorded in Deed Book 59 Page 179 in said Probate Office. Sallie O. Fancher and P. H. Fancher continued in the possession of said land continuously and used the same as mentioned above until their death, after which their heirs divided said land so that all of "Parcel B" was conveyed to M. N. Fancher, Sallie F. Strong, Burr B. Fancher, P. D. Fancher, the only surviving children of said P. H. Fancher, and to N. R. Newman and Archie W. Vineyard, grandchildren of P. H. Fancher, on May 23, 1924, as shown by deed recorded in Deed Book 77 Page 436 in the Probate Office of Shelby County, Alabama. Said purchasers went into immediate possession of said land and obtained fire wood and building timber from it and used parts of same for pasture purposes each and every year until N. R. Newman sold his undivided interest in same to M. N. Fancher on June 9, 1924, as shown by Deed recorded in Deed Book 77 Page 440

in the Probate Office of Shelby County, Alabama. After which, the said M. N. Fancher continued, along with the other joint owners, in possession of the same using the same as aforesaid until his death on February 12, 1950, when he willed his portion of said land to his widow, Johnnie Fancher, being one and the same person as Jonnie C. Fancher. She went into immediate possession of said land and occupied the same, along with the other joint owners, and used the same as aforesaid. Said joint owners' ownership and possession of said land has continued uninterrupted until this very day.

Affiant further says that Jonnie C. Fancher, Sallie F. Strong, Burr B. Fancher, P. D. Fancher and Archie W. Vineyard and their ancestors and their predecessors in title have, during all the years she has known said land, owned it and occupied it openly, adversely, continuously and notoriously and she has never known of anyone contesting their possession or disputing their title.

Affiant further says that on August 28, 1950, she and her sister, Sallie Moreland made affidavits before Karl C. Harrison, a Notary Public, pertaining to certain land adjoining the above described "Parcel B" in which on the first page of said affidavits, it was stated that a certain deed from Zoe E. Huckabee, Cecil D. Huckabee and Kathleen Huckabee to G. B. Crowe in the year 1902 was recorded in Deed Book 7 Page 404 in the Probate Office of Shelby County, Alabama. This should have been Bibb County, Alabama.

Affiant further says that in said affidavits made by her and the said Sallie Moreland, a part of said land under "Parcel B" therein was described as the NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 13, Township 24, Range 11 East, Shelby County, Alabama; whereas, the same should have been described as "All that part of the NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 13, Township 24, Range 11 East, lying northwest of the old Montevallo and Centerville dirt road, being situated in Shelby County, Alabama." The remainder of said land described in said Parcels A and Parcel B in said affidavits were correct.

Rosa Underwood
Rosa Underwood

State of Alabama

Shelby County

Sworn to and subscribed to before me this 4 day of February, 1952.

Karl C. Harrison
Notary Public for State
of Alabama

Filed in the office of the Probate Judge on the 4 day of Feb 1952 at 4 o'clock P M
and recorded in Deed Book 151 Page 145 this 6 day of Feb 1952
Deed Tax Mortgage Tax has been paid. L.C. Walker, Judge of Probate