

1980

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STATE OF ALABAMA)

SHELBY COUNTY *)

Before me the undersigned authority in and for said State and County, personally appeared D. A. Thomas who, being known to me and being first duly sworn, deposes and says as follows:

That he is sixty-five years of age and resides at Boothton, Shelby County, Alabama; that he is and will be at all times willing and available to testify to the following facts in the event the title to the hereinafter described real property shall at any time become involved in litigation:

That the affiant has been familiar and acquainted with the following described real property continuously since June, 1905:

SW $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 12, Township 22, South, Range 4, West
Shelby County, Alabama.

That in the year 1905 the affiant was living in Shelby County, Alabama, near the said described property, and in June 1905 the affiant's father, Mr. P. B. Thomas, and Mr. T. H. Aldrich, purchased all the capital stock of the Montevallo Coal Mining Company, a corporation. That in about that year the affiant commenced working at the Aldrich Mine of said Company.

That in June 1905, the Montevallo Coal Mining Company, a Corporation, claimed ownership of said property and was in actual, open, continuous, exclusive, notorious, adverse possession of said property; that in about the year 1916, the said property was transferred to the Montevallo Mining Company, a New Jersey corporation. That in the year 1922, the said Montevallo Mining Company was adjudicated a bankrupt, and on March 3, 1925, the Montevallo Coal Mining Company, an Alabama Corporation, was organized by the affiant, together with V. J. Nesbit and W. H. Sadler, at which time the said property was purchased by said new corporation from the Trustee in Bankruptcy of the Montevallo Mining Company; that the said Montevallo Coal Mining Company continued to own said property until August 31, 1943, when said Company was dissolved and at which time the said property was sold and transferred by the said Company to the affiant and W. C. Scott, as Trustees for the former stockholders of the Montevallo Coal Mining Company. On June 30, 1944, the said trustees for the said former stockholders sold and transferred said property to the affiant, and on the same date the affiant transferred title to said property to the Boothton Coal Mining Company, a Corporation. That on November 9, 1950, following the dissolution of the Boothton Coal Mining Company, said property was transferred to the affiant, Ella Mae Thomas, Dorothy Thomas Morrow, Gardner Morrow Schneider, Hugh Morrow, Jr., Mary Elizabeth Stokes, and H. W. Stokes, as joint owners.

That the affiant has knowledge of the fact that mine timbers for use in the Aldrich mine and in the Boothton mine, were frequently cut from the said property since the year 1905; that the Aldrich mine and Boothton mines were owned and operated in turn by each of the above named successive owners to the said property; that the surface of said property is not suitable for any purpose other than plant life and that it has no value for agricultural or other purposes.

That the ad valorem taxes on the said property have been assessed and paid in the names of the above named successive owners, in turn, for the past forty-seven years.

That the affiant is informed that on March 12, 1909, the Circuit Court of Shelby County, Alabama, in equity sitting, in the case of Southern Mineral Co. vs. Montevallo Coal & Transportation Co., entered a final decree which placed title to the said described land in the Southern Mineral Land Company. That for the past forty years the said Southern Mineral Land Co. has paid no ad valorem taxes on the said property and to the affiant's knowledge has exercised none of the other incidents of possession or ownership of said property.

That each named successive owner, in turn, claimed title and ownership to said property and each, in turn, was in actual, open, continuous, exclusive, notorious, adverse possession of said property.

D. A. Thomas
D. A. THOMAS

Sworn to and subscribed before me,
this 22nd day of February, 1952.

Emory L. Hard
Notary Public
My Commission Expires January 17, 1953

Filed in the office of the Probate Judge on the 25 day of Feb 1952 at 8 o'clock A
and recorded in Deed Book 151 Page 313 this 26 day of Feb 1952.
Deed Tax Mortgage Tax has been paid.

L.C. Walker, Judge of Probate