

BOOK 158 PAGE 260

STATE OF ALABAMA,  
SHELBY COUNTY.

Before the undersigned authority personally appeared Isaac L. Gould, who is known to me and who being by me first duly sworn does depose and say as follows:

I am almost 72 years of age and I have lived in Shelby County, near Summer Hill community all of my life. I knew a colored man named Burton Hayes during my lifetime and I knew his family. Burton Hayes also lived in the vicinity of the Summer Hill community and he raised his family there. He, during his lifetime, owned three forty acre tracts of land, which land is described as being the E 1/2 of the SW 1/4, Section 33, Township 21, Range 1 West, and the NE 1/4 of the NW 1/4, Section 4, Township 22, Range 1 West. His home was situated on the north forty. That is to say, the NE 1/4 of SW 1/4 of said Section 33. My recollection as to his possession of this property extends back to the time when I was a young boy and I would say to the year 1887. Burton Hayes had possession of the above described land which lies north of the Columbiana - Shelby Springs road from 1887 until shortly after his wife died, at which time he got sick and joined some of his children. I am told by his son, Fred Hayes, that his mother died in the year 1916. During this period of time aforesaid Burton Hayes cultivated portions of this land each and every year and he had said land under fence and his possession thereof was open, continuous, exclusive, peaceable, adverse, notorious, actual, <sup>visible,</sup> and hostile against all persons and I never heard his title thereto or claim of ownership disputed by any person either during said period of time or on down to the present time.

With reference to the lands heretofore described which lies south of the Columbiana - Shelby Springs road, I have known this land also since 1887. The land was owned by B. L. Moore and a Frost family lived thereon for many as Mr. Moore's tenants. years, Mr. Frost was living on it at the time of my earliest recollection, which I would say was 1887. The entire tract, which includes the NE 1/4 of NW 1/4 of said Section 4 and a portion of the SE 1/4 of SW 1/4 of said Section 33 south of the Columbiana - Shelby Springs road was under fence and Mr. Frost, a tenant of Mr. Moore, cultivated portions of this land each and every year from 1887 until the time he moved off which was about the year 1897 and a man named Echols moved on to this property and lived there until about the year 1902 and Echols had possession of this property during this period of time and I recall that his

children went to school nearby for several years. Some of the people were dissatisfied with Mr. Echols living there and he did move away but came back about two weeks later and then moved again and shortly after that the woods burned there and the house was destroyed by fire. I know that shortly after this that title to the land came into the Hayes family and that it was and it was farmed by Burton Hayes considered a part of the Hayes property/and that the fence remained all around this forty up to the Shelby Springs road. I have personal knowledge of this because I farmed the land adjoining it and plowed right up to the fence. I know that for twenty years after 1887 that this land was in possession of tenants of B. L. Moore or the Hayes family, during which time the property was entirely surrounded by a fence and the parties owning same were either themselves, or visible, their tenants, in actual, open, peaceable, continuous, adverse, hostile, exclusive, and notorious possession thereof, claiming to own same against all the world and I did not at that time, nor have I to the present time heard their title to said property disputed by any person.

Isaac L. Gould  
Isaac L. Gould

Sworn to and subscribed before me on this  
the 29th day of November, 1952.

Conrad M. Toller  
Notary Public State at Large for Alabama.

Filed in the office of the Probate Judge on the 27 day of Feb 1953 at 9 o'clock  
A M. and recorded in Deed Book 158 Page 260 this 6 day of Mar 1953.  
Deed Tax \_\_\_\_\_ Mortgage Tax \_\_\_\_\_ has been paid.  
L.C. Walker, Judge of Probate