

1447

BOOK 158 PAGE 301

STATE OF ALABAMA,

SHELBY COUNTY.

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

I am 77 years of age and I have lived in Shelby County, Alabama, near Summer Hill Community all my life. I knew a colored man named Burton Hayes during his lifetime and I knew his family. Burton Hayes 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 the E 1/2 of SW 1/4, Section 33, Township 21, and the NE 1/4 of NW 1/4, Section 4, Township 22, all in Range 1 West, Shelby County, Alabama. A portion of the SE 1/4 of SW 1/4 of said Section 33 lies south of the Columbiana-Calera Highway. This portion, together with the NE 1/4 of NW 1/4 of said Section 4, in years gone by was known as the "Frost Forty." I have known said land since 1887. At that time the land was owned by B. L. Moore and it was occupied by a man named Frost and his family as a tenant of Mr. Moore. The entire tract was under fence and Mr. Frost cultivated portions of it each and every year from 1887 until he moved off. It is my recollection that he moved from this property in the year 1897 and that a man named Echols moved thereon immediately after Frost departed and Mr. Echols had possession of this property as a tenant of Mr. Moore until about the year 1902. Mr. Echols and his family were a disturbance in this community. I know that the people of the community were glad when he left and within a period of two weeks after he left the house in which he resided was destroyed by fire. Shortly thereafter, in my judgment within a matter of several months, B. L. Moore conveyed this property to Burton Hayes. Burton Hayes went into possession of this property immediately and I remember that he and his children repaired the rail fence which marked the boundaries and I remember that Burton Hayes and his children cultivated portions of this "Frost Forty" each and every year so long as Burton Hayes continued to live there. I know that about two years after the death of the wife of Burton Hayes, he moved to Columbiana and lived there until he died.

I know that from 1887 until the year 1915 or 1916 B. L. Moore through his tenants, and Burton Hayes, as aforesaid, had open, actual, peaceable, continuous, adverse, hostile, exclusive and notorious possession of said "Frost Forty", claiming to own the same against all the world and I have not at any time heard of their claim of ownership to said land being disputed by any person or corporation.

Since the death of Burton Hayes the land has been owned by his heirs and I have known of no person or corporation disputing their claim thereto.

Lofton Gould
Lofton Gould

Sworn to and subscribed before me on
this the 3 day of March, 1953.

Handy Ellis
Notary Public State of Georgia
for Alabama

Filed in the office of the Probate Judge on the 3 day of Mar 1953 at 8 o'clock A M.
and recorded in Deed Book 158 Page 301 this 6 day of Mar 1953.
Deed Tax _____ Mortgage Tax _____ has been paid.

L.C. Walker, Judge of Probate