

4032

BOOK 161 PAGE 194

STATE OF ALABAMA,)
SHELBY COUNTY.)

Before me, a Notary Public in and for said County and said State, personally appeared J. P. Lee of Shelby County, Alabama, who, being first duly sworn, deposes and says as follows:

That he is a heir of James H. Lee, who died in about 1920, and who was the owner of the property described in that certain mortgage dated December 24, 1940, and recorded in Mortgage Book 184 at page 425 in the Probate Office of Shelby County, Alabama; that in said mortgage above described, mention is made of a certain timber deed from the heirs of James H. Lee to one C. T. Daniel, which said timber deed appeared to be dated September 23, 1940, but which said timber deed was never recorded; that he had said property in charge prior to the execution of said timber deed to said C. T. Daniel, who is also known as Cecil T. Daniel, and continued to have it in charge until the present time, and was one of the grantors in said timber deed mentioned in the mortgage above referred to; that he has for the past 20 or more years lived within one mile of the property, and has had it rented out during said period, and during part of the period has used said property for farming or pasturage purposes; that the last of said timber was removed by the said C. T. Daniel and his agents at least 10 years ago, and that said property was turned over to the heirs of James H. Lee and has been used for pasturage and rental purposes since, and no one has ever claimed or reputed to claim that said timber deed or any rights thereunder is still in force and effect.

Affiant says that about September 23, 1940, the heirs of James H. Lee, who was the father, conveyed the timber by deed to C. T. Daniel, and as hereinabove set out, said timber deed was never recorded; although mention is made of same in the mortgage appearing from Cecil T. Daniel to J. E. Daniel, as recorded in Mortgage Book 184, page 425, in the Probate Office of Shelby County, Alabama; that he knows of his own knowledge that the timber conveyed by said timber deed has been cut and removed many years ago, soon after said deed was executed and delivered in 1940, ^(he had only 2 years in which to cut and remove said timber) and that the time within which said C. T. Daniel was given to remove the timber has long since expired, and that said timber deed and all rights thereunder are now void and of no effect; that this affidavit is given for the purpose of explaining

the reference to said timber deed contained in the mortgage hereinabove set forth.

J. P. Lee
AFFIANT

Sworn to and subscribed before me
this the 3d day of July, 1953.

Wm. H. Hinton
NOTARY PUBLIC

Filed in the office of the Probate Judge on the 8 day of July, 1953 at 8 o'clock PM.
and recorded in Deed Book 161 Page 144 this 16 day of July, 1953.
Deed Tax _____ Mortgage Tax _____ has been paid.

L.C. Walker, Judge of Probate