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BOOK 162 PAGE 151

STATE OF ALABAMA

SHELBY COUNTY

Before the undersigned authority personally appeared N. B. Atchison, who is known to me, and who being by me first duly sworn, deposes and says:

I am acquainted with the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 4, Township 22, Range 2 West, Shelby County, Alabama. I am acquainted with that portion of said forty lying South of what is known as the Columbiana-Montevallo road and also called the Old Tuscaloosa Road, and West of the right of way of the L & N Railroad, with the exception of a strip 250 feet West of and adjoining the right of way of said Railroad, containing some 8 or 10 acres.

I first knew this land when it was owned by J. S. Evans who deeded to G. D. Baldwin on September 11, 1907 by deed which is recorded in the Probate Office of Shelby County, Alabama in Deed Book 39 at page 1. At that time J. S. Evans was in possession of the property and was actually living upon that portion South of the public road above named and had been for a number of years.

G. D. Baldwin went into possession of the strip of land in the forty named, South of the public road above referred to and lying West of the right of way of the L & N Railroad, except the 250 ft. strip above referred to which is now owned by W. S. Stonecypher. Baldwin actually lived upon the tract of land last above described and cultivated it or had it cultivated each and every year until he deeded it to Edna E. Ash and Maggie A. Ash on January 3, 1918 and which deed is recorded in the Probate Office of Shelby County, Alabama in Deed Book 62 at page 229.

Edna E. Ash and Maggie A. Ash did not live on the property but had it rented out and had tenants cultivate it each and every year until the death of Maggie A. Ash and thereafter Edna E. Ash and the heirs at law of Maggie A. Ash remained in possession of it having portions of it cultivated each and every year until finally it was deeded to B. L. Hester on December 13, 1943 and this deed was recorded in the Probate Office of Shelby County, Alabama in Deed

Book 117 at page 549. Immediately upon execution of the last named deed, B. L. Hester went into possession of the property, moved upon it and lived upon it until he deeded to J. E. Cater on November 11, 1944, by deed recorded in the Probate Office of Shelby County, Alabama in Deed Book 119 at page 269. Said J. E. Cater went into possession of said property immediately upon execution of the last mentioned deed and remained in actual, open, notorious, continuous, exclusive, adverse and hostile possession of it until he deeded to J. D. Hester and Margie Moore Hester on October 9, 1948, by deed recorded in the Probate Office of Shelby County, Alabama in Deed Book 132 at page 574. During all of that time said J. E. Cater was in actual, open, notorious, continuous, exclusive, adverse and hostile possession of the property, cultivating and having cultivated portions of it each and every year.

Said J. D. Hester and Margie Moore Hester went into possession of the property immediately upon execution of the last mentioned deed and have cultivated it each and every year down to the present time.

My attention is called to a tax sale, dated July 12, 1924 under an assessment of W. P. and MF. Littleton. The tax sale was for 1923 taxes and is shown in Tax Sale Record 8 at page 334 in the Probate Office of Shelby County, Alabama.

Said W. P. Littleton and M. F. Littleton were never in possession of the land involved in this affidavit. A man by the name of George Littleton did live on the land for a short time, but he rented from G. D. Baldwin. Neither Walter Ozley or David Scroggins ever had possession of the land under consideration. Ressie Pope never did own or never was in possession of any portion of this land, and I have known the land for the last 40 years. Neither W. M. Hale and wife Bessie Hale nor A. W. Nelson have ever been in possession of any part of this land for the last 40 years.

This the 2nd day of September, 1953.

M B Littleton

Sworn to and subscribed before me this the 2nd day of September, 1953.

Betty B. Willis
Notary Public, State of Alabama at Larage