

STATE OF ALABAMA,)
)
JEFFERSON COUNTY.)

Before me, a Notary Public in and for said County and said State, personally appeared Foy McGhee, who, being first duly sworn, deposes and says as follows:

That he lives at Route 1, Box 275, Siluia, Alabama, and on April 19, 1949, purchased the following described property from Harree J. Kolbe and husband, Allison L. Kolbe, which said deed is recorded in Deed Book 139 at page 219 in the Probate Office of Shelby County, Alabama. Said property is described as follows:

Beginning at the NW corner of the NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 4, Township 22, Range 2 West, and run east to the North line of the Columbiana and Montevallo Road for a point of beginning; thence NE along said road to the west line of the Concord Baptist Church lot, thence NW along said lot to the south line of the lands of D. L. Dean, thence West along said D. L. Dean land to the right of way of the L. & N. R. R., thence South along said right of way to the North line of the Columbiana and Montevallo road, thence NE along said road to the point of beginning, and containing about 8 acres, and being situated in the S $\frac{1}{2}$ of SW $\frac{1}{4}$ of Section 33, Township 21, Range 2 West, and in the N $\frac{1}{2}$ of NW $\frac{1}{4}$ of Section 4, Township 22, Range 2 West.

That on July 5, 1949, he purchased the following described property from J. C. Cater and wife, Lillian Cater, which said deed is recorded in Deed Book 139, Page 223, in the Probate Office of Shelby County, Alabama, which said property is described as follows:

Beginning at a point 881 feet North of the SE corner of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 4, Township 22, Range 2 West, and run North 870 feet; thence West to the West line of the right of way of Birmingham Montgomery Highway for a point of beginning; thence continue West to the East line of the Columbiana and Montevallo public road; thence SW along the east line of said last mentioned public road to a point where the east line of the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 4, Township 22, Range 2 West crosses said road; thence South along the East line of the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 4, Township 22, Range 2 West to the NW corner of the land formerly owned by Sallie Bird; thence East along the North line of said Sallie Bird land to the West right of way line of the Birmingham-Montgomery Highway; thence Northwest along said right of way to the point of beginning and containing 40 acres, more or less, except $\frac{1}{4}$ acre reserved as cemetery lot.

All of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 4, Township 22, Range 2 West, lying North of the Columbiana and Montevallo Road and west of the right of way of the L. & N. Railroad and also all of that part of said NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ lying East of the L. & N. Railroad right of way and South of the Columbiana and Montevallo Road.

That his attention has been called to a tax deed from Mary C. Smith by A. P. Longshore, Judge of Probate of Shelby County, Alabama, to S. W. Pardue, which said tax deed is dated August 10, 1910, and recorded in Deed Book 46, at Page 51 in the Probate Office of Shelby County, Alabama, and which said tax deed covered a part of the property that he purchased as set out above, same being

described in said tax deed as:

The NW $\frac{1}{4}$ of NE $\frac{1}{4}$ and NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 4, Township 22, Range 2 West, Shelby County, Alabama.

Affiant says that he purchased the property first described in this affidavit from Mr. and Mrs. Kolbe in 1949, and that the Kolbe's had purchased the property in 1946 from Marvin Booth, Sr., and wife, Mary H. Booth, and said deed being recorded in Deed Book 122, page 523; that Marvin Booth, Sr., had purchased this property from B. L. Hester and wife, Dessie Hester, on November 11, 1944, and their deed is recorded in Deed Book 119, Page 289, and that the Hester's had purchased this property from Aaron Ash and wife, May Brooks Ash, and Edna E. Ash and husband, Albert Ash, on December 13, 1943, and this deed is recorded in Deed Book 117 at Page 549; that the property had been in the Ash family since January 3, 1918, when it was purchased from G. D. Baldwin and wife, Minnie Baldwin, this deed being recorded in Deed Book 62 at page 229 in the Probate Office of Shelby County, Alabama.

With particular reference to the property which affiant purchased from Mr. and Mrs. Kolbe, affiant says that he, together with his immediate grantors and their predecessors in title, have been in the actual, open, notorious, continuous, peaceable and exclusive adverse possession of said property for a period of over twenty or more consecutive years next preceding the present date, and have claimed to own said property in their own right during all of these years, and no other person to their knowledge has ever claimed or reputed to claim any title in or to the above described property.

With particular reference to the property described in the second paragraph of this affidavit, which affiant purchased from J. E. Cater and wife, Lillian Cater, he says that his immediate grantor, J. E. Cater, purchased this property from J. D. Hester and his wife on April 16, 1949, the Hester's having purchased said property on October 9, 1948, from J. E. Cater and wife, Lillian R. Cater, as shown by deed recorded in Deed Book 132, Page 574, in Shelby County Probate Office, and that said property had been purchased by J. E. Cater from B. L. Hester and wife, Dessie Hester, on November 11, 1944, this deed being recorded in Deed Book 119 at page 269 in said Shelby County Probate Office; affiant says that B. L. Hester had purchased this property from Aaron Ash and wife, May Brooks Ash, Edna E. Ash and husband, Albert Ash, on December 3, 1943, this deed being recorded in Deed Book 117, Page 549, in said Probate Office, and the Ash's had purchased the property from G. D. Baldwin and wife, Minnie Baldwin on January 3, 1918, this deed being recorded in Deed Book 62 at page 229. Affiant says in reference to the property purchased from J. E. Cater that he, together with his immediate grantors and their predecessors in title, has been in the actual, open, notorious, continuous, peaceable and exclusive adverse

possession of said property for a period of over 20 consecutive years next preceding the present date, and have claimed to own said property in their own right during all of these years, and no other person to his knowledge has ever claimed or reputed to claim any interest in or to the above described property.

Affiant says that the Mary C. Smith who appears to have been the owner of said property as set out in said tax deed above referred to, nowhere appears in said chain of title to said property that he purchased from the Kölbe's and the Carter's, and that nowhere does S. W. Pardue appear in said chain of title after said tax deed was recorded; that the said S. W. Pardue has never claimed or reputed to claim any interest in and to any of the above described property, and that he has made inquiries from the old timers in the community and has not been able to find any such person by this name.

Affiant further says that he and his immediate grantors and their predecessors in title have annually listed and annually paid ad valorem taxes on said property for a period of more than 20 years, and no other person, firm or corporation has paid any taxes on any of the above described land except them.

Affiant says further that one G. D. Baldwin was the former owner of all of the above described lands, that he now owns, and as set out in the first two paragraphs of this affidavit, having purchased it in about 1907, and that affidavit of Caroline Aldridge dated December 15, 1917, and filed for record in Deed Book 117 at page 478 in said Shelby County Probate Court, sets forth facts in the form of an affidavit showing possession and ownership of said property from 1889 to the date of said affidavit. Said affidavit states therein that no one at that time had ever claimed any interest or reputed to claim any interest in said property except the owner. G. D. Baldwin.

Affiant further says that an affidavit of Callie Aldridge dated December 5, 1917, and recorded in Deed Book 117 at page 479, sets out the facts concerning a part of this property showing adverse possession in G. D. Baldwin of 20 or more years in 1917. Said affidavit states that no one to her knowledge has ever claimed or reputed to claim any interest in said lands.

Affiant further says that this affidavit is made for the purpose of clearing any question that might arise as to the tax deed to S. W. Pardue in 1910 as set out above, and that said S. W. Pardue never had possession of said lands and never claimed any part of them.

P. J. M. Smith
AFFIANT

Sworn to and subscribed before me on
this 25th day of November, 1953.

Malcolm L. Walker
NOTARY PUBLIC

Filed in the office of the Probate Judge on the 4 day of Mar 1954 at 2 o'clock P. M.
and recorded in Deed Book 165 Page 149 this 10 day of Mar 1954.
Deed Tax Mortgage Tax has been paid.

L.C. Walker, Judge of Probate