

AFFIDAVIT

STATE OF ALABAMA

SHELBY COUNTY

Before me, Charles Harrison, the undersigned authority in and for said County, in said State, personally appeared A. B. Bristow, who, after being by me first duly sworn to speak the truth, deposes and says:

My name is A. B. Bristow. I am 76 years of age and have been employed by Shelby Iron Company since 1916 and since the year 1922, I have been in charge of all the lands owned by said Company. Affiant further says that since the year 1916 he has been familiar with the following described land:

$E\frac{1}{2}$ of $SW\frac{1}{4}$ and $W\frac{1}{2}$ of $SE\frac{1}{4}$ of Section 26; $SE\frac{1}{4}$ of $SE\frac{1}{4}$ of Section 34 and Also surface rights to $N\frac{1}{2}$ of $NW\frac{1}{4}$ of $NE\frac{1}{4}$ of Section 35; all being in Township 21 South, Range 1 East;

Also $S\frac{1}{2}$ of $NE\frac{1}{4}$ of Section 1;
Also $SW\frac{1}{4}$ of $NE\frac{1}{4}$ and $NE\frac{1}{4}$ of $NW\frac{1}{4}$ of Section 2;
Also $E\frac{1}{2}$ of $SE\frac{1}{4}$ of Section 5;
Also $N\frac{1}{2}$ of $NW\frac{1}{4}$ of $SW\frac{1}{4}$ except 3 acres off west side of Section 6;
 $SW\frac{1}{4}$ of $SE\frac{1}{4}$ of Section 7;
 $SW\frac{1}{4}$ of $NE\frac{1}{4}$ of Section 8
 $SE\frac{1}{4}$ of $SE\frac{1}{4}$ of Section 8;
 $NE\frac{1}{4}$ of $SW\frac{1}{4}$ of Section 9;
 $N\frac{1}{2}$ of $NW\frac{1}{4}$ of Section 12;
Also surface rights to $NE\frac{1}{4}$ of $NW\frac{1}{4}$ of Section 13;
all being situated in Township 22, Range 1 East;

Also $SE\frac{1}{4}$ of $SW\frac{1}{4}$ of Section 13;
 $SE\frac{1}{4}$ of $SE\frac{1}{4}$ of Section 14; and
 $NE\frac{1}{4}$ of $NE\frac{1}{4}$ of Section 20;
all being situated in Township 22, Range 1 East;

And all being situated in Shelby County, Alabama.

Affiant further says that in 1916 when he went to work for Shelby Iron Company, said Company had several coalings located on the above described land, along with other lands belonging to said Company, and that the oak timber located on said land and other lands was cut from time to time and brought to said coalings and made into charcoal for use at said Company's furnaces at Shelby, Alabama. Affiant further says that he went upon, over and about said lands frequently from 1916 to this date and in fact, he says he has been upon the lands at least 3 or 4 times a year continuously from 1922 until this very day and during all that time, affiant says that Shelby Iron Company has been in actual, exclusive, hostile and continuous possession of said lands and that no person as ever questioned said Company's title or right of possession to said land during that time. Affiant further says that during 1922 or 1923, a man by the name of Askew built a house on the NW corner of the $NE\frac{1}{4}$ of $SW\frac{1}{4}$ of said Section 26, Township 21 South, Range 1 East, and that upon demand of the Shelby Iron Company, Mr. Askew removed his house off of said land.

Affiant further says that during all of these years that the boundary lines of said land have been well marked. Affiant further says that Shelby Iron Company has assessed and paid taxes on the land during each of the years since 1916 and that even prior to that, but of his own knowledge, he knows it has been paid that long and that he has personally checked the tax assessment records each year since 1922 and he knows that no other person has except Shelby Iron Company has assessed said land since that time. Affiant further says that he has never heard of Cecil V. Tracy, John H. Williams or J. H. Williams or G. J. Williams or anyone else making any claim to said NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of ^{said} Section 26 nor has he ever heard of J. T. Clark or Mary Rice or anyone else making any claim whatsoever to the SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 26 nor to surface rights of N $\frac{1}{2}$ of NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 35.

Affiant further says that he has never heard of Eliza A. McClanahan, Alice Nunely nor Louis T. Grant claiming to own any part of or asserting any interest in the SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 34;

Affiant further says that James H. Neeley's land described in a mortgage dated August 30, 1906, and recorded in Mortgage Book 69 Page 212 in the Probate Office of Shelby County, Alabama and the P. B. Prentice land described in a mortgage dated July 1, 1907, and recorded in Mortgage Book 76 Page 22 in said Probate Office lies some six miles west of the above described S $\frac{1}{2}$ of NE $\frac{1}{4}$ of Section 1, Township 22 South, Range 1 East.

Affiant further says that he has never heard of S. M. Pickler or W. Z. Shaw claiming to own any part of or asserting any interest in the SW $\frac{1}{4}$ of NE $\frac{1}{4}$ and NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 2 or in the NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 9, Township 22, Range 1 East.

Affiant further says that he has never heard of J. T. Crawford or anyone else claiming to own any part of or asserting any interest in the E $\frac{1}{2}$ of SE $\frac{1}{4}$ of said Section 5;

Affiant says that he has never heard of Mary M. Baker or anyone else making claim to N $\frac{1}{2}$ of NW $\frac{1}{4}$ of SW $\frac{1}{4}$ except 3 acres off west side of ^{said} Section 6 or to the SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 8, Township 22, Range 1 East.

Affiant further says that he has never heard of James R. Arnett or I. T. Arnett or anyone else making any claim to SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 7;

Affiant further says that he has never heard of Albert Player or anyone else making any claim to the SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 8.

Affiant further says that he has never heard of T. C. McSwain or the Estate of J. H. Roberts making any claim to N $\frac{1}{2}$ of NW $\frac{1}{4}$ of said Section 12, and that he knows that Shelby Iron Company assessed and paid taxes on said land for the year 1932 and to his knowledge for every year since the year 1922, as mentioned above.

Affiant further says that he has never heard of Coosa River Lumber Company, E. A. Gaston, M. L. Gaston, D. E. Gaston, J. R. Gaston or anyone else making any claim or asserting any interest in NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 13.

Affiant further says that he has never heard of W. P. Eason, Kytile Brothers composed of the firm of J. M. Kytile and E. S. Kytile or anyone else making any claim or asserting any interest in SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section 13.

Affiant further says that he is familiar with the ^{30 acres of} land owned by Shelby Iron Company of Alabama, a corporation, in the W $\frac{1}{2}$ of NE $\frac{1}{4}$ of Section 9, Township 22, Range 1 East and he knows of his own knowledge that the same lies on the west side of said 80 acres and that the lines to the same are well marked and that said Company and its predecessors in title have been in actual possession of the same and obtaining wood therefrom and using it for other purposes throughout all the years he has known it; that is, from 1922 or several years prior thereto.

Affiant further says that he has never heard of Hardy A. Reynolds or anyone else making any claim or asserting any interest in the SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 14.

Affiant further says that he has never heard of Henry T. Cabaniss or Columbiana Savings & Loan Company of Memphis, Tenn, Charles M. Erwin, Trustee or Columbian Savings & Loan Company or anyone else making any claim to or asserting any interest in NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 20.

Affiant further says that he is familiar with the land Shelby Iron Company purchased from I. W. Edwards, I. Robert Edwards and James M. Edwards as shown by deed dated December 20, 1887, and recorded in Deed Book 10 Page 282 in said Probate Office. Affiant knows that Shelby Iron Company, ^{of Alabama,} along with other lands owns and

claims $W\frac{1}{2}$ of $SE\frac{1}{2}$ of $SE\frac{1}{2}$ and all that part of $NE\frac{1}{4}$ of $SE\frac{1}{2}$ lying west of a line drawn, starting at a point of bisection of the south boundary line of said $NE\frac{1}{4}$ of $SE\frac{1}{2}$, running from thence north, 27 degrees east, 8 chains; thence north parallel with section line to north boundary of said $NE\frac{1}{4}$ of $SE\frac{1}{2}$, the same being in Section 30, Township 21 South, Range 1 East. Affiant further says that he knows of his own knowledge that this is all the land Shelby Iron Company of Alabama owns in $E\frac{1}{2}$ of $SE\frac{1}{4}$ of said Section 30, Township 21 South, Range 1 East.

Affiant further says that Shelby Iron Company of Alabama has been in actual possession of that part of the $NE\frac{1}{4}$ of $SE\frac{1}{2}$ of said Section 30 described immediately above to his own knowledge since 1922 and even many years prior to that time. Affiant says that along about the year 1922 or shortly thereafter said Company rented said land out to a tenant by the name of Till Kirkland and he tended it as a tenant of said Company up until some ten years ago and since that time, he same has not been cultivated but affiant has been upon the same on many occasions and has checked the lines surrounding it and he knows that said Company has been in continuous possession of the same and holding it adversely as to all the world.

Affiant further says that he is familiar with the $S\frac{1}{2}$ of $NW\frac{1}{4}$ of $NW\frac{1}{4}$ of Section 16, Township 22, Range 1 East and knows that the same lies immediately south of a 20 acre tract of land formerly owned by Ann Caldwell, sometimes known as Ann Colwell, and Nalda Hill. Said 20 acres owned by Shelby Iron Company of Alabama was bordered on its north line by a fence and the same remained there for many years, although it now no longer remains. Affiant further says that said Company used said 20 acres to grow timber and rented parts of it out to tenants for garden spots. Affiant says he has never heard of Ann Caldwell or Ann Colwell or Nalda Boon, Nalda Jewell, Nalda Hill, George Tribble, G. W. Gill or George W. Hill or anyone else making any claim to said 20 acres or asserting any title thereto throughout all the years he has known it and affiant says he has been upon said land on an average of 3 or 4 times a year and that said Company has assessed and paid taxes on said land since the year 1922 of affiant's own knowledge and no one has ever questioned said Company's title to said land.

Affiant further says he is familiar with the following described land owned by Shelby Iron Company of Alabama :

$1\frac{1}{2}$ acres in the $SE\frac{1}{2}$ of $NE\frac{1}{4}$, all being north of the L & N. Railroad right of way; Also the west 20 feet of the $SE\frac{1}{4}$ of $NE\frac{1}{4}$, all being in Section 17, Township 22, Range 1 East, Shelby County, Alabama.

Affiant further says that said 20 foot strip of land is for a roadway which was reserved by said Company for the purpose of reaching certain of its other lands and that said $1\frac{1}{2}$ acres north of said railroad is in timber and that throughout all the years since 1922, Shelby Iron Company of Alabama and its predecessors in title have been in actual, notorious, open possession of said land and the lines of same are well marked and affiant has been upon the same 3 or 4 times a year since the year 1922 and he knows of his own knowledge that neither Oliver Morrow nor anyone else has ever made any claim to or asserted any title to said land.

During all of said years since 1916, said lands owned by Shelby Iron Company of Alabama and its predecessors in title, and described in detail on Page 1 of this affidavit has either been enclosed by a fence or by marked land lines and that since 1933, the boundaries of said land have been marked by marked and painted lines.

A. B. Bristow
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State of Alabama

Shelby County

Sworn to and subscribed to by A. B. Bristow before me this the 3 day of April, 1953.

Carl G. Harrison
Notary Public for State of
Alabama



Filed in the office of the Probate Judge on the <u>8</u> day of <u>April</u> , 19 <u>54</u> at <u>4</u> o'clock
M. and recorded in <u>Deed</u> Book <u>105</u> Page <u>490</u> this <u>15</u> day of <u>April</u> , 19 <u>54</u> .
Deed Tax _____ Mortgage Tax _____ has been paid.
L.C. Walker, Judge of Probate