

2473

AFFIDAVIT

STATE OF ALABAMA

SHELBY COUNTY

Before me, Karl C. Harrison, the undersigned authority in and for said County in said State personally appeared Fred Allen, who, after being by me first duly sworn to speak the truth, deposes and says:

My name is Fred Allen. I am 66 years of age and have lived in and around Calera, Alabama, all of my life, except for some short periods I have temporarily taught school away from Calera. I am familiar with the following described property and the persons in possession of it. Said property being described as follows:

Beginning at the quarter section corner on the east line of Section 33, Township 21 South, Range 2 West and run thence south 3 degrees 45 minutes east, a distance of 681.6 feet to an iron pin; thence south, 87 degrees 30 minutes west, a distance of 3149.0 feet to a point on the west right of way line of Highway No. 31 for point of beginning of the land herein described; thence north, 16 degrees 50 minutes west, a distance of 206.7 feet to an iron pin; thence south, 87 degrees 30 minutes west, a distance of 1100.7 feet; thence south, 10 degrees 50 minutes east, a distance of 203.1 feet; thence north, 87 degrees 30 minutes east, a distance of 1123.7 feet to the point of beginning; containing in all 5 and 1/3 acres, more or less, and being situated in Shelby County, Alabama.

Affiant further says that the above described property is a part of the James B. Lyons homeplace. Affiant has been familiar with said James B. Lyons homeplace from as far back as he can remember and certainly since the year 1900. Affiant further says when he first remembers the James B. Lyons place, the said James B. Lyons lived upon the same and the same was fenced in and the said James B. Lyons cultivated portions of it and obtained fire wood and building timber from the remainder of it each and every year until his death. Affiant further says it has been called to his attention that the deed to James B. Lyons dated December 1898, and recorded in Deed Book 25 Page 217 in the Probate Office of Shelby County, Alabama, did not describe that part of the N $\frac{1}{2}$ of N $\frac{1}{2}$ of SW $\frac{1}{4}$ of said Section 33 lying east of the L & N Railroad; however, affiant knows of his own knowledge that the said James B. Lyons claimed to own said land along with other land conveyed in said deed and that all of said land was fenced in and he claimed it and it was occupied by him throughout all the years until his death many years ago. After which time, his widow and children continued to live on and occupy said land and continued to keep the same under fence, as mentioned above, and

cultivated it and obtained fire wood and building timber from it each and every year until D. B. Lyons, one of the children of James B. Lyons, deceased, willed his interest in said land to Charles J. Lyons and a few years later, all of the remaining heirs of James B. Lyons conveyed their interest to Charles J. Lyons in 1943, as shown by deed recorded in Deed Book 114 Page 436 in said Probate Office. The said Charles J. Lyons went into immediate possession of said land and continued to keep it under fence and rented it out to tenants each and every year until this very day. Affiant further says the above described 5 and 1/3 acres of land was a portion of the said James B. Lyons homeplace and was a part of said N $\frac{1}{2}$ of N $\frac{1}{2}$ of SW $\frac{1}{4}$ of said Section 33 lying east of the L & N Railroad and all that affiant says above applies to the 5 and 1/3 acres of land.

Affiant further says during part of the time mentioned above, he lived within a mile of said land and he is very familiar with it and the persons in possession of it and he says he has never heard of anyone contesting the possession or disputing the title of James B. Lyons and his successors in title to said 5 and 1/3 acres of land.

Fred Allen
Fred Allen

State of Alabama

Shelby County

Sworn to and subscribed to by Fred Allen before me this the 30 day of March, 1954.

Harold G. Garrison
Notary Public

Filed in the office of the Probate Judge on the <u>15</u> day of <u>April</u> 19 <u>54</u> at <u>8</u> O'clock <u>PM</u> .			
and recorded in <u>Deed</u> Book <u>166</u> Page <u>10</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			