

4497

STATE OF ALABAMA, X  
SHELBY COUNTY.....X

Before me, Paul O. Luck,, a Notary Public, in and for said County, in said State, personally appeared John F. Atchison, who, being first duly sworn, deposes and says that he resides in Shelby County, Alabama, R.F.D. Columbiana, Alabama; that he is 88 years of age, and that for a period of more than 65 years, last past, he has been acquainted with the location, the use, the ownership, the parties in possession, and the boundaries of the following described lands, to wit:

The East Half of the Southeast Quarter of Section 6; and the South Half of the Southwest Quarter of Section 5; and the West Half of the Northeast Quarter; and all of the Southeast Quarter of Section 7; and the East Half of the Northwest Quarter of Section 8; and the Northwest Quarter of the Southeast Quarter of Section 8; and the North Half of the Southwest Quarter, and the Southwest Quarter of the Southwest Quarter of Section 8; and the Northwest Quarter of Section 17; and the Northeast Quarter of the Northeast Quarter of Section 18; all in Township 21, South, Range 1 West, and containing 720 acres, and formerly known as the Roper Farm, and in later years known as the Browne Lands, and all situated in Shelby County, Alabama.

Affiant further says that he knew Elizabeth M. Roper Sterrett, during her lifetime, and also, knew Lizzie M. Roper, before her marriage to William Bradford Browne; that affiant remembers the occasion of the marriage of the said last named parties; that the above described lands have been known for many years, first, as the Roper Farm, and later, as the Browne heirs Farm, and affiant says that ever since he has known said lands, the lands have been in the open, notorious, and continuous possession of Mrs. Elizabeth M. Roper Sterrett, W.B. Browne, who was the husband of Lizzie M. Roper Browne, F.G. Koenig, Sr., who was the husband of Myra Browne Koenig, and since the death of the said Fred G. Koenig, Sr., the property has been in the possession and supervision of Fred G. Koenig, Jr., the son of Myra Browne Koenig, Sr., all as the Agents

of the several owners named above.

Affiant further says that for many years a greater portion of the above described lands constituted a very productive farm, and the owners and the agents thereof, as aforesaid, for many years regularly and continuously had said lands cultivated by tenants who resided thereon from year to year; that timber for the repairs of the residences thereon, and for fencing the farm was regularly cut and used from other parts of said lands not in cultivation.

Your affiant says that at one time he rented parts of said lands for the cultivation of agricultural crops; affiant further says that said lands have, in more recent years, been used and held for timber purposes, and that the owners and agents, as aforesaid, have cut and removed timber therefrom; that there has never been any dispute as to the rights of possession, ownership, or use of the above described lands for more than 65 years; affiant further says that he has lived in close proximity to said lands for more than 65 years, and that he has personal knowledge of the facts stated herein, and of the use and occupancy of said lands.

Affiant further says that he knows of his own personal knowledge that for more than 65 years, last past, that Robert B. Gorsuch, the Coosa Valley Oil and Mining Company, Thomas Leach have never made any claim to said lands, nor have they ever been in the possession of said lands, or exercised any privileges whatsoever over said lands.

Affiant further says that he knew George L. Armstrong and James W. Rice during their lifetime, and he knows that neither of these parties was ever in possession of said lands, nor made any claim to any right, title, or interest to any part of the above described lands.

Affiant further says that he knows that H. T. DeBardleben nor the Saginaw Lumber Company has ever, at any time, during the past 65 years, been in the possession of any part of said lands nor have they claimed to own any interest therein; said parties owned land immediately West of the above described tract, but said lands formed no part of the lands described above.

Affiant further says that he knew J.G.Davis during his lifetime and knows that J.G.Davis was never in the possession or claimed to own any part of the lands under examination, but he did claim to own lands North of the lands under examination, but his lands formed no part of the Roper-Browne-tract of land.

Affiant further says that he knew W.M.Davis, sometimes called Meadow Davis, during his lifetime, and he knows that W.M. Davis was never in the possession of said lands, nor claimed to own said lands, or any right, title, or interest to any part of the above described lands, but that he did own lands East of the lands under examination.

Affiant further says that he knew J.F.Archer during his lifetime, and he knows that for 65 years, last past, that he has never been in the possession of said lands, that he has never claimed to own any part of the said above described lands, but he did own lands in the vicinity of the lands under examination.

Affiant further says that he never heard of James M.Dedman or Mary M.Baker, or Mrs. M.M.Pond, or Lester Mason & Company ever making any claim to any part of the lands described above, nor were any of the parties above named in this paragraph ever in possession of the lands under examination.

Affiant further says that he knew Burrell Davis during his lifetime, and knows that he owned 80 acres of land described as being in the West <sup>H</sup>alf of the Northeast Quarter of Section 8, Township 21, Range 1 West, and that the said Burrell Davis was never in the possession, nor did he claim to own the West Half of the Southeast Quarter of Section 8, or any other part of the lands under examination.

Affiant further says that of his own personal knowledge, he knows that for more than 65 years, last past, Margaret Browne Broughton, Myra Browne Koenig, Emma Browne, Elizabeth Browne, and those through whom the said Margaret Browne Broughton, Myra Browne Koenig, Emma Browne, Elizabeth Browne hold title, namely, William Bradford Browne, Sr., William Bradford Browne, Jr., Lizzie M.Roper Browne, Chester Browne, respectively, to the above described lands,

each has been, respectively, either in person, by Agent, or tenant, in the open, notorious, continuous, peaceable, and adverse possession of said lands, claiming said lands as their own, respectively, against all the world, and regularly exercising acts of ownership and possession over said lands by cultivating the same in agricultural crops, building dwellings and repairing the same, and building fences, and cutting timber from other parts of said property, and in the use of other parts of said lands for growing timber; That affiant has never heard the title of the said Margaret Browne Broughton, Myra Browne Koenig, Emma Browne, Elizabeth Browne, or those through whom they hold title as set forth herein to be questioned or disputed in any way; that said lands in reality, and by tradition have been known, and have been in the possession of the John W. Roper and his wife, Elizabeth M. Roper family and their descendants for more than 100 years.

J. F. Atkinson

Sworn to and subscribed before me on this the 22 day of March, 1954.

Paul O. Smith  
Notary Public, Shelby County,  
Alabama.

STATE OF ALABAMA, SHELBY COUNTY,			
I, L.C. Walker, Judge of Probate, hereby certify that the within <u>Deed</u>			
was filed for record the	<u>19</u> day of	<u>March</u>	at <u>9</u> o'clock <u>P</u> M.
and recorded in	<u>Deed</u> Record	<u>165</u> Page	<u>303</u> and the Mortgage Tax of
Deed Tax of		has been paid.	
<u>J. C. Walker</u> Judge of Probate			