

1974

Before me, H. E. Holladay, the undersigned authority in and for said County, in said State personally appeared W. I. Rich, who, after being by me first duly sworn to speak the truth, deposes and says:

My name is W. I. Rich. I am 64 years of age and have lived in the same neighborhood of the hereinafter described land all of my life. Said land being described as follows:

PARCEL A.

Begin at the northeast corner of $SE\frac{1}{4}$ of $NE\frac{1}{4}$ of Section 1, Township 18 South, Range 2 East and run south along the east line of said forty acres 10.26 chains; thence south, 29 degrees west, 9.22 chains; thence south, 23 degrees west 4.0 chains; thence south, 26 degrees west, 7.77 chains; thence south, 30 degrees west, 4.14 chains; thence south, 37 degrees west, 4.39 chains; thence south, 26 degrees west, 3.70 chains; thence south, 32 degrees west, 5.60 chains to the east line of $SW\frac{1}{4}$ of $SE\frac{1}{4}$ of said Section 1; thence north along the east line of said last named forty run 2.80 chains to the southwest corner of $NE\frac{1}{4}$ of $SE\frac{1}{4}$ of said Section 1; thence run north along the west line of said forty acres to the northwest corner thereof; thence west along the south line of the $SW\frac{1}{4}$ of $NE\frac{1}{4}$ of said Section 1 to the southwest corner; thence north along the west line of said forty to the northwest corner thereof; thence east along the north line of the $SW\frac{1}{4}$ of $NE\frac{1}{4}$ and along the north line of $SE\frac{1}{4}$ of $NE\frac{1}{4}$ of said Section 1 to the point of beginning;

PARCEL B.

Begin at a point on the north line of $NW\frac{1}{4}$ of $NE\frac{1}{4}$ of Section 12, Township 18 South, Range 2 East, which said point is 5.78 chains east of the Northeast corner of the $NE\frac{1}{4}$ of $NW\frac{1}{4}$ of Section 12 and from said beginning point run south, 32 degrees west, 4.21 chains; thence south, 29 degrees west, 10.03 chains; thence south, 28 degrees west, 4.95 chains; thence south, 35 degrees west, 4.97 chains to the south line of $NE\frac{1}{4}$ of $NW\frac{1}{4}$ of said Section 12; thence along the south line of said forty acres run west 12.82 chains to the southwest corner thereof; thence south along the east line of $SW\frac{1}{4}$ of $NW\frac{1}{4}$ of said Section 12 to the southwest corner thereof; thence west along the south line of said forty acres to the southwest corner thereof; thence north along the west line of said forty acres to the northwest corner thereof; thence east along the north line of said forty acres to Camp Creek; thence up and along the meanderings of said Creek in a northerly direction to the north line of $NW\frac{1}{4}$ of $NW\frac{1}{4}$ of said Section 12; thence east along the north lines of said forty acres and along the north line of $NE\frac{1}{4}$ of $NW\frac{1}{4}$ and along the north line of $NE\frac{1}{4}$ of $NE\frac{1}{4}$, all in Section 12, to the point of beginning;

All the above described land being situated in Shelby County, Alabama.

Affiant further says that all of the land described hereinabove as Parcel A except that portion in the $SE\frac{1}{4}$ of $SE\frac{1}{4}$ of said Section 1 was a part of the Jackson Green place and it is common knowledge that he mortgaged said land to The American Freehold Land Mortgage Company and was unable to pay the mortgage and that said Company foreclosed or took a deed to said property and affiant knows of his own personal knowledge that said Company was the owner of said Parcel A and in possession of the same through tenants as early as 1904 and affiant recalls that

R. D. Edwards went into immediate possession of said land at the time he purchased the same from The American Freehold Land Mortgage Company on November 15, 1906, as shown by deed recorded in Deed Book 29 Page 318 in the Probate Office of Shelby County, Alabama. In fact, the said R. D. Edwards had gone into possession of said property before the deed was actually made. Affiant is informed that said deed made on November 15, 1906, was made to R. E. Edwards, but affiant says that this was a typographical error, as he knows that R. D. Edwards is the man who purchased said land and who owned it and was in possession of it and he has never heard of an R. E. Edwards and knows he never owned or claim any interest in the above described land.

Affiant further says with further reference to the above described "Parcel A" lying in SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 1, when he first knew said land it belonged to Butley Crane and that in time said land came to be owned by Stringfellow Lumber Company which conveyed its interest to Coosa River Newsprint Company who now owns said land.

Affiant says that the above described land described as "Parcel B" was owned by his grandfather, Jim Rich, and it is affiant's understanding that he borrowed money from some Company and later transferred said property to the people from whom he borrowed the money. Affiant has personal knowledge of the fact that R. D. Edwards purchased that part of said "Parcel B" situated in the NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 12 from The American Freehold Land Mortgage Company on November 15, 1906, as shown by deed recorded in Deed Book 29 Page 318 in said Probate Office. In fact, affiant says that the said R. D. Edwards was in possession of said land some two years before said deed was made. Affiant is informed that said deed did not describe that part of "Parcel B" lying in NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 12, but affiant says he knows of his own knowledge that the said R. D. Edwards went into possession of said land in the NW $\frac{1}{4}$ of NE $\frac{1}{4}$ at the time he purchased the remainder of said land and he occupied it and claimed it as his own and it was a part of the R. D. Edwards homestead. Affiant further says with reference to all of "Parcel B", except for SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 12, being a part of "Parcel B" described above, that he knows that the person to whom said land was conveyed was R. D. Edwards and not R. E. Edwards, as mentioned above, and he knows of his own knowledge that the said R. D. Edwards went into immediate possession of said land when he purchased it and affiant is under the impression he was in possession of it many years before he purchased it. I am familiar with all that part of the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ lying east of the creek in said Section 12 and know that it contains approximately 30 acres and that the creek has always been the line.

Affiant further says that the said R. D. Edwards lived on the above described land, being both "Parcel A" and "Parcel B" and cultivated portions of it, had portions of it fenced in and sold the timber from it from time to time and sold a right of way across it and obtained fire wood and building timber from it each and every year during the time he owned it and up until he sold the SW $\frac{1}{4}$ of NW $\frac{1}{2}$ and NW $\frac{1}{4}$ of NW $\frac{1}{2}$ less 10 acres off the northwest corner of NW $\frac{1}{4}$ of NW $\frac{1}{2}$ and also sold NE $\frac{1}{4}$ of NW $\frac{1}{4}$ less 3 acres in the southeast corner of NE $\frac{1}{4}$ of NW $\frac{1}{2}$ of said Section 12, Township 18, Range 2 East on April 5, 1919, to London Gin Company, as shown by deed recorded in Deed Book 171 Page 123 in said Probate Office. Said land being conveyed being all of "Parcel B" mentioned hereinabove. Affiant understands said deed did not cover that part of "Parcel B" in NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 12, but affiant says of his own knowledge that said land was intended to be conveyed and that the London Gin Company went into possession of all of the land described in "Parcel B" hereinabove at the time the deed was made and said Company claimed said land as its own. From the time R. D. Edwards sold the above described land to London Gin Company in April 1919, he continued to own the land hereinabove described as "Parcel A", except that part of said "Parcel A" lying in the SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 1, and had tenants living on the same until he sold all of "Parcel A" to The London Gin Company, which is one and the same Company as London Gin Company, they being identical, as shown by deed recorded in Deed Book 171 Page 115 in said Probate Office. Affiant further says that London Gin Company was a partnership composed of and wholly owned by W. Z. Smith and S. T. Smith and that said partners owning said Company went into immediate possession of said lands at the time they purchased them and cut the timber off said land and they have cut portions of the timber every two or three years since the time it was purchased by said partnership. Affiant further says that W. Z. Smith conveyed his interest to Joe Wheeler Smith on January 27, 1941, as shown by deed recorded in Deed Book 117 Page 194 in said Probate Office and that at that time there were only two partners owning and operating the London Gin Company, they being W. Z. Smith and S. T. Smith. At the same time Joe Wheeler Smith purchased said land, he purchased all other interest of W. Z. Smith in said partnership and the said Joe Wheeler Smith became a full partner and after that he and S. T. Smith were the sole

partners and owners of London Gin Company. A short time thereafter said partnership was dissolved and the said Joe Wheeler Smith and S. T. Smith each continued to own an undivided one-half interest in said land. They continued in the possession of said land and occupied it each and every year until Joe W. Smith, being one and the same person as Joe Wheeler Smith and J. W. Smith, sold his undivided one-half interest in and to said land to Obie A. Smith in August, 1950, as shown by deed recorded in Deed Book 171 Page 121 in said Probate Office. Thereafter, the said S. T. Smith and Obie A. Smith continued in the possession of said land and set out pine trees on the same until Sam T. Smith, being one and the same person as S. T. Smith, conveyed his undivided one-half interest in and to said land to Obie A. Smith on January 19, 1952, as shown by deed recorded in Deed Book 171 Page 135 in said Probate Office and thereafter the said Obie A. Smith was the sole owner of said land and he, acting through a caretaker, kept fires off the land and kept the same marked and he has been in the actual possession of it each and every year until this very day.

Affiant further says that he is informed that said land was assessed at one time by Arlon and S. T. Smith and later by Arlon T. Smith. Affiant says Obie A. Smith's full name is Obie Arlon Smith and that Arlon Smith is one and the same person as Obie A. Smith. Affiant says that Obie Arlon Smith is not Arlon T. Smith and has never been named Arlon T. Smith and the Tax Assessment Records is wrong in having the "T" in his name.

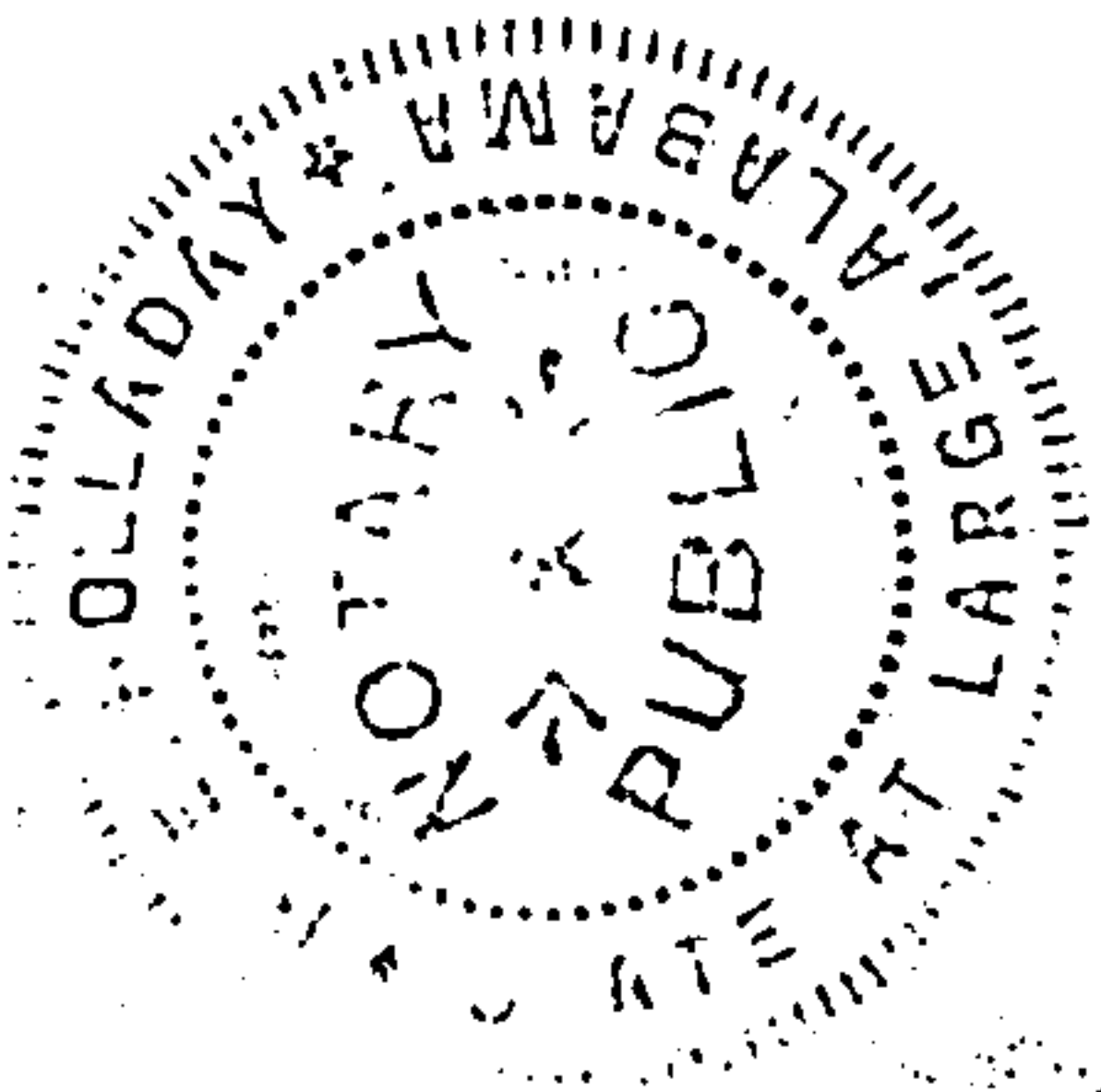
Affiant further says that throughout all the year he has never known of anyone disputing the title or contesting the possession of R. D. Edwards and his successors in title to the above described lands.

W. I. Rich
W. I. Rich

State of Alabama

St. Clair County

Sworn to and subscribed to before me this the 4th day of February, 1955.



H. E. Halladay
Notary Public

Before me, H. E. Holladay, the undersigned authority in
and for said County in said State personally appeared Will
Frazier, who after being by me first duly sworn to speak the
truth, deposes and says:

My name is Will Frazier. I am 73 years of age and have
lived near the St. Clair County and Shelby County lines practi-
cally all of my life and I have read ^{or had read to me} the foregoing affidavit
made by W. I. Rich and I know of my own personal knowledge that
the matters contained therein are true and correct.

Witness:

H. E. Holladay
Elsie Patterson

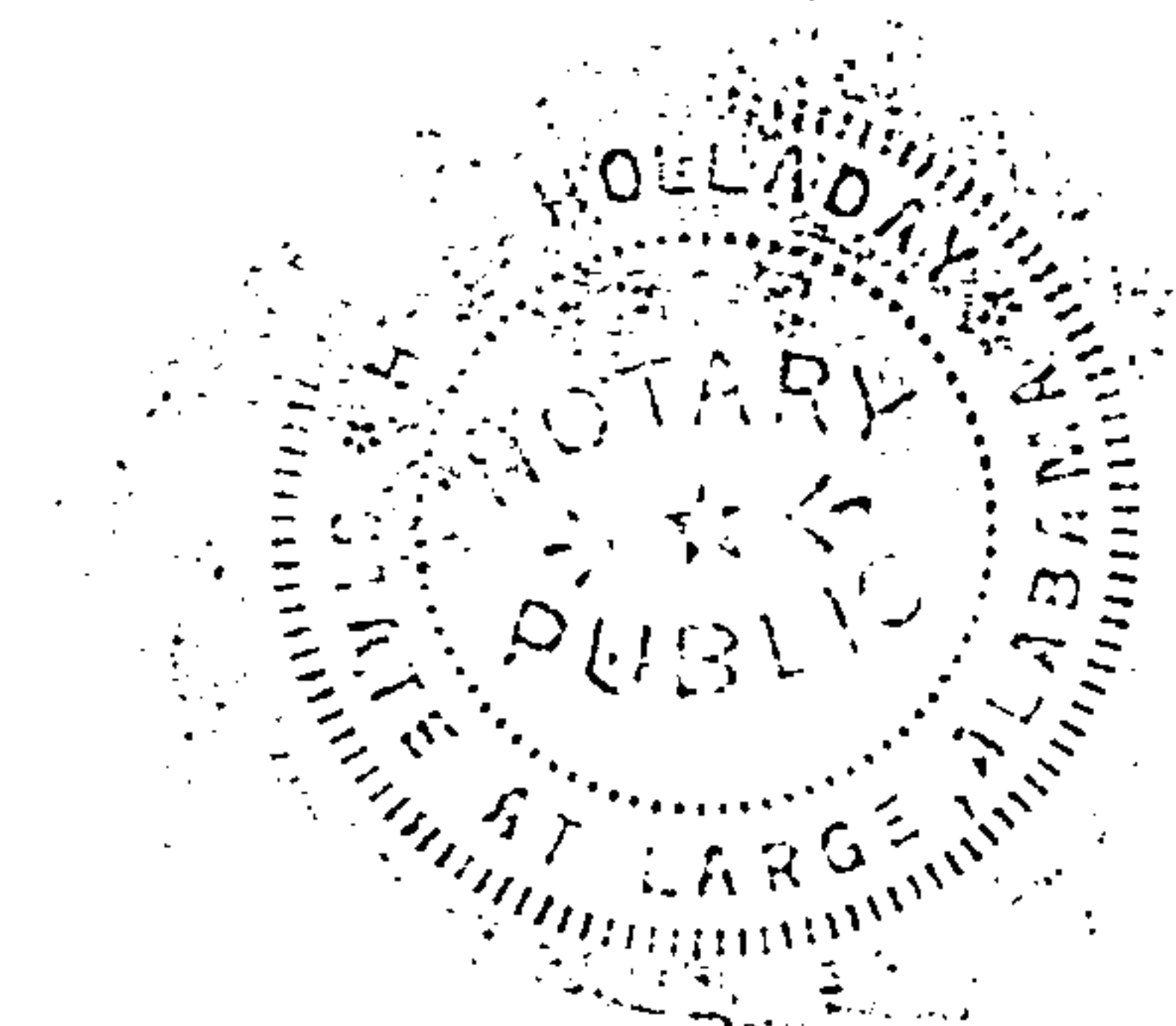
Will Frazier
WILL FRAZIER
Mark

STATE OF ALABAMA

ST. CLAIR COUNTY

Sworn to and subscribed to before me this the 4th day of
February, 1955.

H. E. Holladay
NOTARY PUBLIC



STATE OF ALABAMA, SHELBY COUNTY
I, L.C. Walker, Judge of Probate, hereby certify that the within affidavit
was filed for record the 18 day of Feb 1955, at 3 o'clock P.
and recorded in Deed Record 121 Page 22, and the Mortgage Tax of
Deed Tax of has been paid. L.C. Walker Judge of Probate