

STATE OF ALABAMA )

COUNTY )

Before me, the undersigned authority in and for said State and County personally appeared JOHN M. HARDY, who, being duly sworn, deposes and says as follows:

I was born July 10, 1904, in Shelby County, Alabama, and moved to Newala, in that county, during the year 1908.

My father, F. H. Hardy, was in the lime business for many years at Newala and I was for many years employed in connection with the operation by him of a quarry and limestone kiln at Newala, and following the death of my father I was in charge of said operations until those operations were stopped.

By reason of my long connection with the operations of my father's business I became entirely familiar with all of the lands owned by him in connection with such operations.

Attached hereto is a copy of description taken from retained copy of tax assessment made by me as Administrator of the F. H. Hardy Estate under date of December 8, 1947, for the tax year 1948. The assessment in question was a duplicate of assessments made for many years prior to 1948 and so far as I know or have any reason to believe, all of the properties shown on the attached description were regularly assessed by my father or his estate from the time said several parcels of property were acquired by my father and until he disposed of the same. *Collier's*

On the attached copy of description there are cross marks opposite three tracts of land set out in said description and on my retained copy of the assessment in question there is a cross mark in connection with the words "real estate sold to W. I. Capps and A. B. Baxley". In other words, this tax return showed that the three parcels of real estate opposite which there is a cross mark on the attached description were sold by the F. H. Hardy estate to W. I. Capps and A. B. Baxley.

I have seen and examined the original deed from A. B. Baxley and wife to Southern Cement Company dated the 23rd day of November, 1949 and recorded in the office of the Probate Judge of Shelby County, Alabama, in Deed Record 141 at page 253. The lands described in and conveyed by said deed had all belonged to F. H. Hardy during his lifetime and all of said lands were sold by the F. H. Hardy estate to A. B. Baxley and W. I. Capps using the same descriptions that appear in the deed from Baxley and wife to Southern Cement Company.

I know that as far back as I can remember, following the acquisition of said lands by F. H. Hardy he had full, open, notorious and adverse possession of said lands (along with other lands) and exercised acts of ownership thereof including the removal from all of said lands of wood for burning in his lime kilns, said wood being cut and removed from all of said lands as fast as it grew and developed sufficiently for such use.



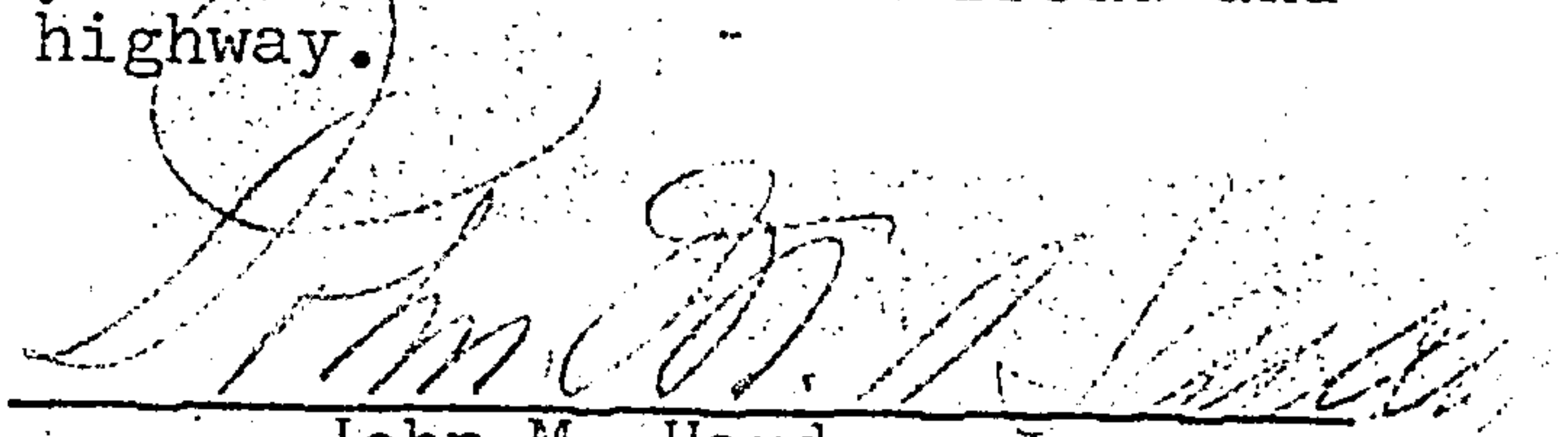
During all of the time that I have known of said lands both before and after the sales thereof to Baxley and Capps I have known of no one asserting any claim to the ownership of said lands or any part thereof adverse to my father, Baxley, Capps or the Southern Cement Company. What I have said above as to possession and freedom from adverse claims does not apply to that small triangular tract in the East half of the Northwest Quarter of Section 5, Township 24 North Range 13 East lying between the old and the new Montevallo-Calera roads.

While I am not absolutely certain about the matter, I believe that the property described on the attached copy of tax assessment as "Part of the Northeast Quarter Section 5 Township 24 Range 13 East as follows: Begin where the west line crosses the Southern Railroad and run North to base line; East along base line to top of Oak Mountain; South along top of mountain to railroad; West along railroad to beginning", is a shorthand description of the property conveyed by the Hardy heirs to W. I. Capps and Luise Capps, which describes this tract as follows:


"Begin at a point on the west line of the NE 1/4 of Section 5, Township 24, North, Range 13 East where it intersects the North line of the right of way of the Southern Railroad, run thence in a northerly direction along the North and South median line of said Section to the North boundary line of said Section which is also known as the Freeman line, thence East along said line to a corner known as the McRea corner, thence in a southeasterly direction along a line which if continued would enter the center of a culvert on the Southern Railroad, to a point on the North line of the right of way of said railroad, thence in a westerly direction along the North line of right of way of said railroad to point of beginning, containing 50 acres, more or less, and situated in the NE 1/4 of Section 5, Township 24, Range 13 East."

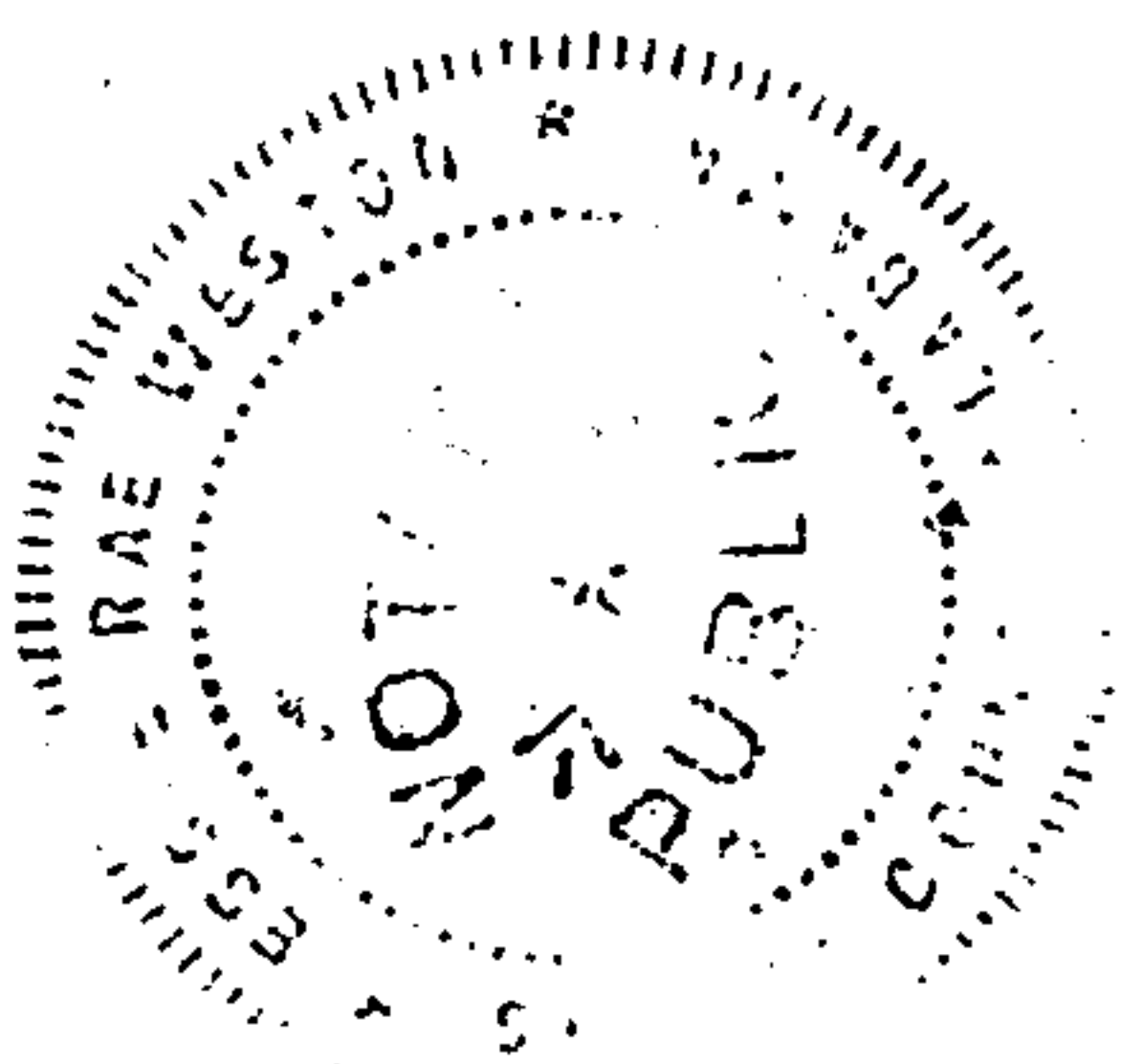
I believe that the McRea corner referred to in the above description is along the above mentioned base line and at the top of Oak Mountain.

What I have said above as to actually adverse possession and freedom from adverse claims does not apply to that part of the Northeast Quarter of Section 5, Township 24 North, Range 13 East lying South of the right of way of the Southern Railroad and North of the new Montevallo-Calera highway.

  
John M. Hardy

Sworn to and subscribed before me this 25<sup>th</sup> day of November, 1955.

  
Notary Public





## DESCRIPTION

S T R

Acres

Last Yrs.  
ValuationTax Payer's  
Valuation

That part of  $W\frac{1}{2}$  of  $NW\frac{1}{4}$   
North of Montevallo hwy, except  
a tract from Montevallo rd to Lime  
Kiln lying W of Settlement rd

5 24 13E

35

That part of  $NE\frac{1}{4}$  of  $NE\frac{1}{4}$   
North of Southern RR  
7 room house

6 24 13E

10

200  
800

Part of  $NE\frac{1}{4}$

5

Begin where the W line crosses  
Sou RR and run N to Base Line;  
E along Base line to top of Oak  
Mtn; S along top of Mtn to RR;  
W along RR to beg.

40

Part of  $SE\frac{1}{4}$  of  $SE\frac{1}{4}$

5

Begin 110 yds W of SE cor and  
run W 220 yds; N to N line of  
40A; E 220 yds; S to beginning.

10

Part of  $NE\frac{1}{4}$  of  $SE\frac{1}{4}$

5

Begin on N line and run E to W  
line of Gilmore land; S along a  
branch to Doak land; West to E  
line of Doak land; North to beginning.

4

Part of  $NE\frac{1}{4}$  of  $SE\frac{1}{4}$

5

Begin 70 yds E and 110 yds N of  
SW cor and run; N 140 yds; W  
140 yds; S 140 yds; E 140 yds  
to beg.

4

10A on W side of  $SW\frac{1}{4}$  of  $NE\frac{1}{4}$

5

South of Sou RR, being 110 yds  
wide and extending across said 40A

10

100

$SE\frac{1}{4}$ ;  $S\frac{1}{2}$  of  $NE\frac{1}{4}$ ; 8A on S side of  
 $NE\frac{1}{4}$  of  $NE\frac{1}{4}$  less 129.59A described  
below

24 22 3W

118

$E\frac{1}{2}$  of  $SW\frac{1}{4}$

24 22 3W

80

Part of  $SW\frac{1}{4}$  of  $SW\frac{1}{4}$  and  $S\frac{1}{2}$  of  
 $NW\frac{1}{4}$  of  $SW\frac{1}{4}$  Begin at SW corner  
of Section and run South 82 deg  
E 20.52 chs; N 16 deg W 10.54 chs;  
S 76 deg W 6.69 chs; N 18.75 chs;  
W 11.51 chs to West

24 22 3W

30

$NE\frac{1}{4}$  of  $NW\frac{1}{4}$

19 22 2W

 $\frac{40}{336}$ 

1000

Surface rights to the following:  
Begin 220 yds E of SW corner of  
 $SE\frac{1}{4}$  of  
and run N 3653.24 ft; E 1982.32  
ft to E line of  $\frac{1}{4}$  Section S  
1322.15 ft to NE corner of  $NE\frac{1}{4}$   
of  $SE\frac{1}{4}$  thence W 660.58 ft; S  
2235.16 ft to South line of  $\frac{1}{4}$   
Section; thence West 1320 ft to  
beginning.

24 22 3W

129.59

100

Buildings

1250

STATE OF ALABAMA, SHELBY COUNTY

I, L.C. Walker, Judge of Probate, hereby certify that the within  
was filed for record the 29 day of Nov, 1955, at 8 o'clock P. M.  
and recorded in Record 126 Page 366 and the Mortgage Tax of  
Deed Tax of        has been paid.

L.C. Walker Judge of Probate