

3125

Book 180 - 147

STATE OF ALABAMA

SHELBY COUNTY

Before me, Martha B. Joiner, the undersigned authority in and for said County, in said State, personally appeared Fred L. Henson, who, after being by me first duly sworn to speak the truth, deposes and says:

My name is Fred L. Henson. I am 42 years of age and since the year 1933, I have lived within 5 miles of the hereinafter described property and have all along been well acquainted with it and the persons in possession of it. Said property being described as follows:

All that part of the SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 25, Township 17 South, Range 1 East lying south of Shoal Creek, containing 10 acres, more or less.

Also all that part of the NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 36, Township 17 South, Range 1 East, lying south and east of Shoal Creek, containing 25 acres more or less;

Being situated in Shelby County, Alabama.

Affiant further says when he first knew said land, it was owned by George A. McAllister and W. H. Beasley. Affiant says he rented some land approximately 5 miles from the above described land from George A. McAllister in the year 1933 and he knows of his own knowledge that Mr. McAllister and Mr. Beasley went upon the above described land some 2 or 3 times each month and watched it and kept the lines up to see that no one encroached upon them and also to keep fires out of the timber and to keep anyone from cutting it. After the death of George A. McAllister sometime in 1936, W. H. Beasley continued to come upon the land and supervise it the same as he and George A. McAllister had previously thereto until the said W. H. Beasley sold his interest in the same to Effie McAllister in August 1942, as shown by deed recorded in Deed Book 113 Page 523 in the Probate Office of Shelby County, Alabama. Thereafter the said W. H. Beasley continued to look after and supervise said property for Effie McAllister as he and Mr. McAllister had done for themselves and this continued right on up to the time Effie McAllister sold said land to W. I. Rich and S. M. Smith on January 9, 1956, as shown by deed recorded in Deed Book 178 Page 92 in said Probate Office. Affiant further says that while Effie McAllister owned said land he cut the timber therefrom, taking him approximately 5 months, and he paid Miss McAllister for the timber. He says no one questioned his right to cut the timber under his contract with Miss McAllister. Affiant further says he has been familiar with the property since W. I. Rich and S. M. Smith have owned it and they have been in the actual possession of it and are cutting the timber from it at the present time.

Affiant further says that throughout all the years he has known said property, he has never known of anyone contesting the title or disputing the possession of

W. I. Rich and S. M. Smith or their predecessors in title and he knows said persons have owned said land and occupied it continuously, openly and notoriously against everybody and all the world, and

Fred L. Henson
Fred L. Henson

Sworn to and subscribed to before me this
17th day of May, 1956.

Martha B. Joiner
Notary Public

State of Alabama
Shelby County

Before me, Martha B. Joiner, 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 am one of the present joint owners of the land described in the above affidavit. I have known the land since I was a boy. I remember when John W. McCraney purchased said land from R. L. Isbell on July 16, 1929, as shown by deed recorded in Deed Book 88 Page 547 in the Probate Office of Shelby County, Alabama. I know that John W. McCraney went into the actual possession of said land and during the time he owned it he cut the timber therefrom and affiant saw him on the land from time to time checking it over and keeping the fires out of it and keeping other persons from cutting the timber from it.

Affiant further says he recalls when A. D. Lee sold said land to R. L. Isbell on December 27, 1915, as shown by deed recorded in Deed Book 66 Page 81 in said Probate Office. Affiant further says that R. L. Isbell went into immediate possession of said land and farmed parts of said land, as had A. D. Lee before him and R. L. Isbell farmed portions of said land each and every year until he sold it to John W. McCraney, as mentioned above. R. L. Isbell also obtained firewood and building timber from it and he cut the timber one time himself and he sold off some of the timber to another party for sawmill purposes at one time.

Affiant has read the affidavit of Fred L. Henson and he knows the same is true and correct.

W. I. Rich
W. I. Rich

Sworn to and subscribed to before me
this the 17th day of May, 1956.

Martha B. Joiner
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 22 day of May 1956 at 2 o'clock P. and recorded in Deed Record 180 Page 148, and the Mortgage Tax of Doed Tax of _____ has been paid.

L. C. Walker Judge of Probate