

3830

STATE OF ALABAMA

SHELBY COUNTY

Before me, *R. B. Davidson*, the undersigned authority in and for said County, in said State, personally appeared R. B. Davidson, who, after being by me first duly sworn to speak the truth, deposes and says:

My name is R. B. Davidson. I am 62 years of age and have lived in Helena, Shelby County, Alabama, all of my life, except for some 18 months I lived away, and have all along been well acquainted with the farm now owned and occupied by J. E. Bearden, being one and the same person as Joel E. Bearden. Said farm being more particularly described in the deed from Joel B. Bearden and wife to Joel E. Bearden dated March 11, 1941, and recorded in Deed Book 111 Page 289 in the Probate Office of Shelby County, Alabama. Affiant further says that he was well acquainted with J. W. Roy and his wife, Claudie A. Roy, who is one and the same person as C. A. Roy and C. E. Roy. Affiant further says that he knows J. W. Roy died without leaving a Will and that his sole heirs at law on July 4, 1932, were, namely: his widow, Claudie A. Roy, and the following named children, all of whom were over the age of 21 years on said date except for Elizabeth Roy. Said children being as follows: Emons Roy, whose wife was named Pearle Roy; Dolly Sims, whose husband was named I. O. Sims; Floyd Roy, whose wife was named Ophelia Roy; Otis Roy, who was an unmarried man; Bertie Honeycutt, whose husband was named Floyd Honeycutt; Collie E. Roy, whose wife was named Clara Roy; Wilta Bearden, whose husband was named Vernie Bearden; Jappie Bearden, whose husband was named M. L. Bearden; Lavada Roy, who was unmarried; Jones Roy, who was unmarried; and Elizabeth Roy, who was unmarried and under the age of 21 years.

Affiant further says he knows J. E. Bearden, who is one and the same person as Joel B. Bearden, and recalls when he owned and was in the possession of the NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 2, Township 20, Range 3 West, and recalls that when J. B. Bearden purchased said ten acres of land from Floyd Honeycutt on March 5, 1937, and recalls the J. B. Bearden went into immediate possession of the same and a short time afterwards, he fenced in all of it, except for the yard on which a dwelling house is situated, and the said J. B. Bearden rented said land and house out to his farm tenants each and every year until he sold it to Joel E. Bearden in the year 1941. The said J. B. Bearden cultivated said ten acres or used it for a pasture each and every year while he owned the same. The said Joel E. Bearden went into immediate of said land, along with other lands, when he purchased it on March 11, 1941, and he ^{has} used it for pasturing cattle each and every year up to this very day.

Affiant further says he recalls when Emons Roy conveyed to J. E. Bearden certain land in the southwest corner of SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 2, Township 20, Range 3 West, on February 23, 1951, as shown by deed recorded in Deed Book 144 Page 167 in the Probate Office of Shelby County, Alabama. It has been called to affiant's attention that said deed as recorded indicates said land conveyed to J. E. Bearden was in the SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 2, but affiant says he knows of his own knowledge that it is in the SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section 2; in fact, affiant has been shown the original deed and it shows the land as being in SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section 2. After having purchased said land, the said J. E. Bearden moved his fence up to the lines of Emons Roy and Emons Roy's Estate now owns a lot in the southwest corner of said SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section 2 which extends north and south 174 feet of uniform width and east and west 125 feet of uniform width. Affiant further says that he knows the said J. E. Bearden has used said land mentioned in this paragraph and every foot of it continuous for pasture purposes from the time he purchased it up until this very day.

Affiant further says he recalls when Jasper W. Roy, being one and the same person as J. W. Roy, purchased the SE $\frac{1}{4}$ and NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 2, Township 20, Range 3 West, from the heirs of Elizabeth A. Roy. Affiant knows J. W. Roy lived on said land and farmed portions of it and cut timber from parts of it and claimed to own it from the date of the death of Elizabeth A. Roy ^{in year 1908} and throughout all the years until the said J. W. Roy and his wife, Claudie E. Roy, sold the same, except for 4.45 acres, to J. B. Bearden on April 15, 1929, as shown by deed recorded in Deed Book 83 Page 456 in said Probate Office. Affiant further says that said grantors had previously sold said 4.45 acres to Collie Roy. Affiant further says that the said J. B. Bearden went into immediate possession of the land described in this paragraph and farmed portions of it, used portions of it for pasture and built new fences around all the land and kept it fenced in continuously until the time he sold it to Joel E. Bearden on March 11, 1941, as mentioned above. The said J. E. Bearden went into immediate possession of said land and has kept the same fenced in as had J. B. Bearden before him and he has cultivated portions of it and used portions of it for pasture continuously to this very day.

R. B. Davidson
R. B. Davidson

State of Alabama
Shelby County

Sworn to and subscribed to before me this 28 day of June, 1956.

Oscar Harrod
Notary Public

STATE OF ALABAMA

SHELBY COUNTY

Oscar Harris

Before me, *J. J. Mullins*, the undersigned authority in and for said County, in said State, personally appeared *J. J. Mullins*

who, after being by me first duly sworn to speak the truth, deposes and says:

My name is *J. J. Mullins*. I am *74* years of age and have lived in and around Helena, Alabama, for the past *42* years and have all along been well acquainted with the property described in the foregoing affidavit of R. B. Davidson. I have read said affidavit and I know that the matters and things contained in said affidavit are true and correct.

J. J. Mullins



Sworn to and subscribed to before me this *21st* day of June, 1956.

Oscar Harris
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 *July* 19*56* at *2* o'clock *P.M.*
and recorded in *Book 181* Page *166* and the Mortgage tax of *---*
Deed Tax of *---* has been paid. *L. C. Walker* Judge of Probate