

SHELBY COUNTY

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

My name is G. E. Pate. I am also known as Edgar Pate. I am 49 years of age and was born and reared in Shelby, Alabama, and have all along been acquainted with the following described land:

52 acres off the east side of Fractional C in Fractional Section 20, Township 22 South, Range 1 East, being all the land in Fractional C in Fractional Section 20, Township 22, Range 1 East, deeded by Alex Etress and wife, Pearl Etress to J. E. Bates on the 23rd day of January, 1923; being situated in Shelby County, Alabama.

Affiant says when he first remember the land it was owned by John T. Littlefield and at that time all of the same was enclosed by a wire fence; that the said John T. Littlefield cultivated said land each and every year during the time he owned it until he sold it to Alex Etress on September 26, 1921, as shown by deed recorded in Deed Book 70 Page 360 in the Probate Office of Shelby County, Alabama. The said Alex Etress went into immediate possession of said land as described above and as enclosed by said fence and it was in continuous cultivation during the years he owned it and until he sold it to J. E. Bates on January 23, 1923, as shown by deed recorded in Deed Book 75 Page 517 in said Probate Office. At the time the said J. E. Bates purchased said land, he went into immediate possession of it as described above and as enclosed by said fence and he farmed it each and every year during the time he owned it. Affiant further says that J. E. Bates agreed to sell said land to Audis Bates and took a mortgage back from the said Audis Bates, but that Audis Bates failed to pay for said land and the said J. E. Bates never executed a deed on said land and that the said Audis Bates turned the land back over to J. E. Bates. Affiant further says he recalls when Pate Mercantile Company, a partnership, purchased said land and at that time said land was enclosed by said fence. Affiant further said that Pate Mercantile Company was a partnership composed of Greene Pate and G. W. Pate, affiant's brother and father, respectively. Affiant further says that said partners went into immediate possession of said land as described above and as enclosed by said fence and had tenants cultivate the same during the years they owned it. Affiant further says that Greene Pate conveyed his interest to G. W. Pate on September 18, 1940, as shown by deed recorded in Deed Book 109 Page 207 in said Probate Office, and the said G. W. Pate continued in the possession of said land continued to have the same cultivated until he sold it to W. D. Poe

186 186 186

on April 19, 1943, as shown by deed recorded in Deed Book 116 Page 570 in said Probate Office. Affiant further says that W. D. Poe executed a mortgage back and did not pay it and the same was foreclosed and G. W. Pate went back into immediately possession of said land upon the execution of said foreclosure deed and continued to have the same cultivated until he sold it to affiant on January 3, 1949, as shown by deed recorded in Deed Book 137 Page 25 in said Probate Office.. Affiant further says he went into immediate possession of said land as described above and as enclosed by said fence and rented out portions of the same for pasture purposes during the time he owned it, each and every year until he sold the same to Mrs. Sadie Benson on July 25, 1956, as shown by deed recorded in Deed Book 181 Page 305 in said Probate Office. Mrs. Sadie Benson went into immediate possession of said land and has owned and claimed the same up until this present time.

Affiant further says the fence around said land has not been kept up in recent years, but that portions of the post and wire are still around said land.

Affiant further says he knew W. G. Parker and his wife and know they have been dead for many years. Affiant further says he knew John T. Littlefield and knows that he was one and the same person as Thomas Littlefield, and that his wife, Mollie Belle Littlefield was one and the same person as Mollie B. Littlefield and as Bell Littlefield. Affiant further says that it is common knowledge in and around Columbiana that Frank Nelson, Jr. has been dead for many years and that his wife has been dead for several years.

Affiant further says that he understands surveyors have recently surveyed the land described in this affidavit and has ascertained there are 52 acres contained in the body of land and for that reason affiant is executing a quit claim deed to Mrs. Sadie Benson to correctly describe the land which he has referred to in this affidavit and he has heretofore conveyed to her.

G. E. Pate
G. E. Pate

Sworn to and subscribed to before me

this the 29th day of April, 1957.

Martha S. Isner
Notary Public

State of Alabama, Shelby County

I, L. C. Walker, Judge of Probate hereby certify that the within affidavit was filed in this office for record the 20 day of April 1957 at 2 o'clock P.M, and recorded in Deed Record 186 Page 409 and the Mortgage Tax of \$ 1.75 Deed Tax of \$ 2.00 has been paid.
Fee \$ 1.75 L. C. Walker Judge of Probate