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BOOK 130

STATE OF ALABAMA, X  
SHELBY COUNTY.....X

Before me, the undersigned authority, in and for said County, in said State, personally appeared Paul O. Luck, who, being first duly sworn, deposes and says that he resides at Columbiana, Alabama, and has so resided for more than 44 years, last past; that for a period of more than 29 years, last past, he has been acquainted with the location, use, parties in possession, and parties claiming to own the following described lands situated in Shelby County, Alabama, to-wit:

The Southwest Quarter of the Northeast Quarter of Section 32, Township 20, Range 2 East, said lands being situated on Yellow Leaf Creek in said Shelby County, Alabama.

Affiant further says that during the years 1927 and 1928, he checked the tax sale records and tax sales in Shelby County, Alabama, with R.W. Manning, who was at that time a Special State Agent in tax matters working with the State of Alabama, and with the State Auditor's office in Montgomery, Alabama; affiant further says that in the early part of the year, 1928, it was determined by said Special State Agent, and the records so reflected, that the above described lands had been sold to the State of Alabama for the taxes for the years, 1915, 1916, 1917, and 1918, on June 23, 1919, and that the State of Alabama became the purchaser at said sale; that said lands had been escaped for taxation in the name of "Owner Unknown".

Affiant further says that your affiant and his associate, R. Brewer, filed an application with the State Auditor for the purchase of said lands, and that the State Auditor executed a notice to all parties of said application, and that the same was posted by the Probate Judge of Shelby County, Alabama, on the billboard in the Court House of Shelby County, Alabama, where public notices were usually and customarily posted, for a period of more than thirty days; affiant further says that at the expiration of the period

fixed by the State of Alabama by the State Auditor, as aforesaid, that S.H. Blan, who was then State Auditor, executed a deed on February 28, 1928, conveying said lands to Paul O. Luck and R. Brewer, as shown in Deed Book 86, page 10, in the office of the Judge of Probate of Shelby County, Alabama.

Affiant further says that upon the execution of said deed that he immediately went upon said lands and found that the part of the land North of Yellow Leaf Creek was open for cultivation, and that a farm house was situated thereon, and your affiant immediately rented said farm land and farm house to one, Harrison Jordan, a colored man, who resided thereon and cultivated a part of said lands for several years, paying to your affiant a small rental.

Your affiant further says that said lands were situated in a community occupied entirely by colored people; that your affiant was acquainted with a colored minister by the name of E.L.M. Wallace, who had resided in said community all of his life, and he was familiar with the lands and the people residing thereon and those who had formerly resided in that community and on the lands above described; that the said E.L.M. Wallace, a minister, went on the lands with your affiant and pointed out to your affiant the corners and boundaries of said land, and stated to your affiant that the land formerly belonged to a Negro family, but that this Negro family had gone North and abandoned said property; your affiant does not remember the name of the family given; and the said E.L.M. Wallace is now deceased.

Affiant further says that he has gone upon said lands from time to time since the date of purchase; that he has sold pine timber, oak timber, and gum timber from said lands, has marked the lines and corners of said lands and has posted signs in various places on said lands stating that your affiant is the owner of said lands and warning against trespassing.

Affiant further says that he has heretofore gone upon said lands and built roads across said lands; had power lines constructed and installed on said lands, and he has placed building materials



and other equipment thereon, and he has had a foundation dug, had placed mortar and steel therein leading to the construction of a camp site and house on said lands.

Affiant further says that he has examined the Tax Assessor's records in the office of the Tax Assessor of Shelby County, Alabama, from the year 1906 to date, and in no year subsequent to 1906 until the year 1918, when said lands were escaped in the name of "Owner Unknown" for taxes for the years 1915, 1916, 1917, and 1918, does the tax record show any assessment of said property for taxes.

Affiant further says that from the tax year 1918 through and to the year 1928, the said Tax Assessor's records fail to show that said lands were assessed for State and County taxes.

Affiant further says that since the date of the purchase of said lands by Paul O. Luck and R. Brewer, namely, February 28, 1928, continuously to date, your affiant and R. Brewer assessed and paid taxes on the same until the date of sale by the said R. Brewer to said Paul O. Luck of his interest in said lands, and since the date of said purchase, as aforesaid, your affiant has regularly assessed and paid taxes on said lands continuously until the present time, and that no other person, persons or Corporation has/ have assessed said lands for taxation during said period.

Affiant further says that since the date of purchase by your affiant and R. Brewer on February 28, 1928, and during the last 29 years, your affiant has personal knowledge that Luck and Brewer, and later Paul O. Luck has been, respectively, in the open, notorious, continuous, peaceable and adverse possession of said lands, claiming said lands as their own, respectively, against all the world and regularly and continuously exercising acts of ownership over said lands; that your affiant has never heard his title, nor the title of those through whom he claims said land to be questioned or disputed by anyone, nor has any other person, persons or Corporation been in the possession of said lands during the past 29 years.

Sworn to and subscribed before me, on this the 31st day of May, 1957.

Paul O. Luck  
L. C. Walker  
Judge of Probate, Shelby County, Alabama.

State of Alabama, Shelby County

I, L. C. Walker, Judge of Probate hereby certify that the within

day of Nov.

at 1 o'clock P.M., and recorded in

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and the Mortgage Tax of \$ 1.15

Deed Tax of \$ 1.15

has been paid.

Judge of Probate