

1866  
STATE OF ALABAMA, X  
SHELBY COUNTY.....X

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Before me, the undersigned authority, in and for said County, in said State, personally appeared I.W. Johnson and J.H. Johnson, who, being first duly sworn depose and say that they are, respectively, of the age of 59 and 67 years; that I.W. Johnson resides at Alabaster, Alabama, and that J.H. Johnson resides at 229 67th. Place North, Woodlawn, in Birmingham, Alabama; that for a period of more than 50 years, last past, they have been acquainted with the history, the ownership, the parties in possession and claiming the following described parcels of land situated in Shelby County, Alabama, to-wit:

PARCEL "A".

Parcel "A" is described as being the East Half of the Northeast Quarter of Section 32, Township 19, South, Range 2 West.

Affiants say that the East Half of the Northeast Quarter of said Section 32, has always been known in the community as the Wiley Russell 80 acres of land; that Wiley Russell was a great-great Grandfather of your affiants, and the father of M.A. Rebecca Johnson, who was the great Grandmother of your affiants; affiants further say that no part of said lands is in the East Half of the Northwest Quarter of Section 32, but the lands known and conveyed being the East Half of the Northeast Quarter, which is the correct description of the said lands, and the property conveyed by the said Wiley Russell to I.E.N. Johnson, who was the father of your affiants, by deed dated October 17, 1896, as shown of record in Deed Book 20, page 574, was the East Half of the Northeast Quarter and NOT the East Half of the Northwest Quarter, and that the lands claimed and the lands which were purchased by the said I.E.N. Johnson under the said deed was the East Half of the Northeast Quarter of Section 32, Township 19, South, Range 2 West; affiants further say that later, their father, I.E.N. Johnson conveyed said lands to Sam C. Bain on December 23,

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1899, which conveyance contained the correct description of said lands; later, on March 1, 1906, S.C. Bain re-conveyed said lands to I.E.N. Johnson, the father of your affiants.

On October 28, 1933, I.E.N. Johnson conveyed to his daughter, Fannie F. Johnson, the East Half of the Northeast Quarter, as shown in Deed Book 94, on page 158, in the office of the Judge of Probate of Shelby County, Alabama.

Affiants further say that they know of their own personal knowledge that neither Thomas Peters, nor the Birmingham Coal, Coke and Iron Company have ever claimed, been in the possession of, or assessed any part of the East Half of the Northeast Quarter for taxes.

Affiants further say that Fannie F. Johnson departed this life intestate, and unmarried, on May 23, 1951, and left surviving her your affiants and other brothers and sisters.

Affiants further say that they know of their own personal knowledge, and from the history in the community relating to the above described lands, that for a period of more than 50 years Wiley Russell, I.E.N. Johnson, Sam C. Bain, Fannie F. Johnson and her heirs at law, and these through whom your affiants and the other heirs claim title, have been, respectively, in the open, notorious, continuous, peaceable and adverse possession of said lands claiming the same as their own, respectively, against all the world, and regularly and continuously exercising acts of ownership over said lands, and that your affiants have never heard the title of your affiants, and the other heirs at law, and those through whom they claim title to be questioned in any way; that said lands have been used during said time for farming and agricultural purposes.

PARCEL "B".

Parcel "B" is described as 8 acres of land on the West side of the Southwest Quarter of the Southwest Quarter of Section 28, Township 19, Range 2 West, lying West of Annie R. Crumley lands and the lands formerly known as the I.E.N. Johnson lands, and West of Pelham Road.

Affiants further say that Wiley Russell conveyed to his



daughter, M.A. Rebecca Johnson, the great-great Grandmother of your affiants, all of the West Half of said Section 28, Township 19, Range 2 West, on January 29, 1887; later, I.W. Johnson and his wife, M.A. Rebecca Johnson conveyed the lands in Section 28 to your affiants' father, I.E.N. Johnson, and affiants' father and Mother resided upon and occupied a log house on said 8 acres of land for a number of years, and later, affiants' father purchased a parcel of land immediately East and on the East side of the Pelham Road, and built a dwelling house thereon and used said dwelling as a home until the date of his death, and that during said time, as aforesaid, affiants' father was in the continuous, adverse possession of said tract of land; that on October 28, 1933, I.E.N. Johnson conveyed said 8-acre tract of land, and other lands, to Fannie F. Johnson, who, occupied said lands continuously until the date of her death on May 23, 1951; and that since the date of the death of the said Fannie F. Johnson, her heirs at law have been in the continuous, peaceable, and adverse possession of said lands claiming the same as their own, and that your affiants have never heard the title of the heirs at law of the said Fannie F. Johnson, or those through whom they hold title to be questioned by anyone.

PARCEL "C".

THE WEST HALF of the NORTHWEST QUARTER of Section 33:

This property was conveyed by Robert Oldham to Carter Oldham, and later Carter Oldham conveyed the lands to Wiley Russell, and Wiley Russell then conveyed the lands to J.M.C. Johnson; by a law suit the title was divested out of J.M.C. Johnson into J.E.R. Oldham and others; later, in 1906, as shown in Deed Book 34, page 432, J.B.E. Oldham, and others, conveyed said lands to John C. Cross; in 1909, John C. Cross conveyed said lands to H.C. Hurst, as shown in Deed Book 43, on page 505, and on September 24, 1910, H.C. Hurst re-conveyed the lands to J.C. Cross, as shown in Deed Book 43, page 506; on January 13, 1911, John C. Cross conveyed said lands to I.E.N. Johnson, the father of your affiants; on October 28, 1933, I.E.N. Johnson conveyed said lands to Fannie F. Johnson, the sister of your affiants; on May 23, 1951, Fannie F. Johnson departed this life, intestate, and

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unmarried, and left surviving as her sole heirs at law and next of kin her brothers and sisters, including your affiants.

Affiants further say that they know of their own personal knowledge that neither Thomas Peters nor Birmingham Coal, Coke and Iron Company have ever been in the possession or claimed to own, or have ever assessed and paid taxes on any part of the mineral rights of the Southwest Quarter of the Northwest Quarter of said Section 33.

Affiants further say that of their own personal knowledge, they know that for more than 50 years, last past, that your affiants and the heirs at law of Fannie F. Johnson, deceased, and those through whom the heirs at law hold title to the above described lands, namely, Wiley Russell, John C. Cross, H. C. Hurst, and I. E. N. Johnson, respectively, to the above described lands, have been, respectively, in the open, notorious, continuous, and adverse possession of said lands, claiming them as their own, respectively, against all the world and regularly and continuously assessing said lands for taxation and paying the taxes thereon; regularly and continuously occupying the same as a homestead, and using the same for farming and agricultural purposes, and that your affiants have never heard their title, or the title of the other heirs, or those through whom they hold title to said lands to be questioned by anyone.

PARCEL "D".

SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER and a part of Southwest diagonal one-half of the Northeast Quarter of the Southeast Quarter of Section 29, Township 19, Range 2 West.

Affiants further say that this property was entered by Jesse Evans, who, in turn, conveyed the same to Ben May, who conveyed the property to John Oldham, and later John Oldham conveyed the property to Uriah Jordan; on January 29, 1887, Wiley Russell conveyed said lands to the maternal great-great Grandmother of your affiants, M. A. Rebecca Johnson, and on January 29, 1887, M. A. Rebecca Johnson and husband, Isaac Johnson, conveyed said lands to I. E. N. Johnson, the father of your affiants, and that on December



23,1899,I.E.N.Johnson conveyed said lands to S.C.Bain,and later, on March 1,1906, S.C.Bain re-conveyed said lands to I.E.N.Johnson, and on October 28,1933, I.E.N.Johnson and wife, Lucy J.Johnson, conveyed said lands to their daughter, the sister of your affiants, Fannie F.Johnson, and that on May 23,1951, the said Fannie F. Johnson departed this life, intestate,and unmarried,and left surviving her your affiants and her other brothers and sisters,namely, Sam Bain Johnson,James H.Johnson, Leola Johnson O'Barr,Jenia Rebecca Johnson Perkins,Nettie Lavella Johnson Perkins, I.W.Johnson, and Alton C. Johnson.

Affiants further say that of their own personal knowledge, they know that for more than 50 years, last past, that the heirs at law of Fannie F.Johnson, deceased, as named above,and those through whom the said heirs at law hold title, namely, Fannie F. Johnson, I.E.N.Johnson, S.C.Bain and M.A.Rebecca Johnson,respectively, to the above described lands have 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, by assessing and paying taxes on said lands, by cultivating said lands in agricultural crops, and using said lands for farming purposes, being a part of the farm and premises formerly known as the I.E.N.Johnson farm,and that affiants have never heard the title of the said heirs at law of Fannie F.Johnson,as aforesaid, or those through whom they hold title to said lands to be questioned by anyone.

PARCEL "E".

As to the property designated as Parcel "E",said land is described as follows: The North Half of the Northwest Quarter of the Southeast Quarter of Section 29,Township 19, Range 2 West.

Affiants further say that Isaac W.Johnson, being the one and same person as I.W.Johnson, was the grandfather of your affiants; that I.E.N.Johnson was the son of Isaac W.Johnson;that the above described lands,and other lands, were included in a deed of gift



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from Isaac W. Johnson to his son, I.E.N. Johnson, said deed being dated December 20, 1887, as shown of record in Deed Book 20, on page 576, in the office of the Judge of Probate of Shelby County, Alabama, wherein 200 acres of land were conveyed.

Affiants further say that they know that for more than 50 years, last past, that I.E.N. Johnson assessed said 20 acres of land for taxation, and paid the taxes thereon, and regularly and continuously used said lands for the growing of timber, and at various times cut and removed said timber from said lands, and used the same in the improvement of other lands, contiguous thereto, owned by the said I.W. Johnson; said lands being used for growing timber, as aforesaid, and using said timber for firewood, rails for fencing, board timber and garden staves.

Affiants further say that of their own personal knowledge they know that for more than 50 years last past that the heirs at law of Fannie F. Johnson, as aforesaid, and those through whom the said heirs at law of said Fannie F. Johnson hold title to the above described lands, have been, respectively, in the open, notorious, continuous, peaceable and adverse possession of said lands, claiming the same as their own, respectively, against all the world, and regularly and continuously exercising acts of ownership over said lands, as set forth above, and that affiants have never heard the title of your affiants, and the other heirs at law of Fannie F. Johnson, deceased, and those through whom said heirs hold title to the said lands, to be questioned in any way.

PARCEL "F".

Parcel "F" is described as being 2 acres of land more or less, situated in the Southwest corner of the Southwest Quarter of the Southwest Quarter of Section 28, Township 19, Range 2 West, lying East of the road formerly known as the Pelham Road, and being the parcel of land upon which the residence, formerly known as the I.E.N. Johnson residence, the East line of which is marked by backyard and cow pen fence, being a tract of land in the Southwest Quarter of the Southwest Quarter of Section 28, Township 19 South, Range 2 West in Shelby County, Alabama, more particularly described as follows: Commence at the Northwest corner of the Southwest Quarter of the Southwest Quarter of said Section 28, Township 19 South, Range 2 West; thence South along the West line of said Southwest Quarter of the Southwest Quarter 81.65 feet to a point on the Southerly Right-of-Way line of the Cahaba Valley Road; thence 121 degrees 59 minutes 15 seconds to the left and Northeasterly along said Southerly Right-Of-Way line



48.89 feet; thence 96 degrees 14 minutes right and Southeasterly 527.58 feet to the point of beginning of the tract of land herein described; thence 36 degrees 39 minutes left and Southeasterly 180.45 feet; thence 52 degrees 31 minutes 30 seconds left and North-easterly 100.07 feet; thence 88 degrees 15 minutes 45 seconds right and Southeasterly 40.49 feet; thence 8 degrees 50 minutes left and Southeasterly 37.30 feet; thence 14 degrees 15 minutes right and Southeasterly 108.42 feet; thence 6 degrees 45 minutes right and Southeasterly 107.39 feet; thence 44 degrees 31 minutes 30 seconds right and Southwesterly 82.19 feet; thence 29 degrees 52 minutes right and Southwesterly 61.20 feet; thence 63 degrees 37 minutes left and Southerly 109.46 feet; thence 67 degrees 58 minutes 15 seconds right and Southwesterly 15.00 feet; thence 90 degrees 00 minutes right and Northwesterly 588.97 feet, more or less, up the approximate Center line of the old Pelham Road to the point of beginning. The above described tract of land contains 1.803 acres, more or less.

The above described parcel of land was conveyed to I.E.N. Johnson on February 3, 1890, by I.W. Johnson, and later, on December 23, 1899, I.E.N. Johnson conveyed the same land to Sam C. Bain, who, on March 1, 1906, re-conveyed said parcel of land to I.E.N. Johnson, and on October 28, 1933, I.E.N. Johnson and wife, conveyed said lands to Fannie F. Johnson; on May 23, 1951, Fannie F. Johnson departed this life, intestate and unmarried, and left surviving her as her sole heirs at law and next of kin her brothers and sisters, as set forth in Parcel "D" of this affidavit.

Affiants further say that of their own personal knowledge that they know that for more than 50 years, last past, the heirs at law of Fannie F. Johnson, deceased, as aforesaid, and those through whom the said heirs at law hold title to the above described lands, have been, respectively, in the open, notorious, continuous, peaceable and adverse possession of said parcel of land, claiming said parcel of land as their own, respectively, against all the world, and exercising acts of ownership over said parcel of land; that for a period of more than 50 years, last past, the father of your affiants, I.E.N. Johnson, bought said lands and built a residence thereon and continued to use said land as a home site, barn site, and pasture site until the date of his death, and that since the date of the deed from I.E.N. Johnson to Fannie F. Johnson, the said Fannie F. Johnson resided in said home on said parcel of land with her parents and the parents of your affiants until the date of their death, and that the said Fannie F. Johnson, the sister of your affiants, continued to reside on said lands until the date of her death, as aforesaid, and that after the death of the said Fannie F. Johnson, your affiants and the other heirs at law of Fannie F. Johnson have been in the continuous, notorious, peaceable and adverse possession of said lands, and that your affiants have never heard the title to said lands to be questioned by anyone. Affiants further say that the lands described in Parcels "A" to "F", both inclusive, are contiguous, and have been known in the community as the "I.E.N. Johnson Lands" for more than 50 years; that during said period, said lands have been continuously occupied, used, and cultivated for agricultural purposes by the several owners named in this affidavit; that there has never been any question as to the title, possession, ownership and use of said lands by the several parties named in this affidavit, namely, I.E.N. Johnson, Fannie F. Johnson, J.M.C. Johnson, S.C. Bain, I.W. Johnson, M.A.R. Johnson, being the one and same person as M.A. Rebecca Johnson, who was the great Grandmother of your affiants and the daughter of Wiley Russell, and Wiley Russell, Uriah Jordan, Robert Oldham, Carter Oldham, and heirs of Fannie F. Johnson, deceased, namely, Sam Bain Johnson, James H. Johnson, Leola O'Barr, Genia Rebecca Perkins, Nettie Lavella Perkins, I.W. Johnson, and Alton C. Johnson, being all of the heirs at law of said decedent, and that



each of said parties during said tenure, as aforesaid, have been, respectively, in the open, notorious, continuous, peaceable and adverse possession of said lands, claiming said lands and the right of possession thereof as their own, respectively, against all the world, and have exercised acts of ownership over said lands by residing thereon, cultivating said lands in agricultural crops, using other parts of said lands for pasture purposes, and other parts as woodland for timber for the construction and repairs of said premises on said lands; that affiants have never heard the title of the said heirs at law of Fannie F. Johnson, deceased, as aforesaid, or those through whom said heirs hold title to said lands to be questioned.

I. W. Johnson  
(I.W. Johnson)

J. H. Johnson  
(J.H. Johnson).

Sworn to and subscribed before me, on this, the 7th  
day of December, 1957.

Paul O. Lusk  
Notary Public, State at Large, Alabama.  
(Official Title).



Before me, the undersigned authority, in and for said County, in said State, personally appeared R.B.Dennis, Jack Bishop and J.H.McGuire, who, being first duly sworn depose and say that they reside in Cahaba Valley in Shelby County, Alabama; that for a period of more than sixty years, last past, they have lived in close proximity of the home and farmlands heretofore designated as the "I.E.N.JOHNSON LANDS", and that they are familiar, and have been for more than sixty years, with the history, ownership, use, and the parties in possession of the said lands situated in Shelby County, Alabama; affiants further say that they have read, and have read to them the affidavit of I.W.Johnson and J.H.Johnson as to the history, use and possession of said lands, as shown on pages 1 to 8, both inclusive, heretof attached, and know of their own personal knowledge that the above and foregoing facts set forth in said affidavit are true and correct .

Affiants further say that the lands described in said affidavit designated as PARCELS "A" to "F", both inclusive, are contiguous and have been known in the community of said lands as the "I.E.N.JOHNSON LANDS" for more than sixty years, last past; that during said period said lands have been continuously occupied, used, and cultivated for agricultural purposes by the several owners named in the said affidavit; that there has never been any question as to the title, possession, ownership and use of said lands by the several parties named in said affidavit, and each of said parties, during said tenure, as aforesaid, have been, respectively, in the open, notorious, continuous, peaceable and adverse possession of said lands, claiming said lands and the right of possession thereof as their own, respectively, against all the world, and have exercised acts of ownership over said lands by residing thereon, cultivating said lands in agricultural crops and using other parts of said lands for pasture purposes and other parts of said lands as woodlands for timber used in the construc-



tion and repairs of the said premises on said lands; that affiants have never heard the title of the heirs at law of Fannie F. Johnson, deceased, as aforesaid, or those through whom said heirs hold title to the said lands, to be questioned by anyone.

(R.B.Dennis)

(Jack Bishop)

(J.H.McGuire).

Sworn to and subscribed before me, on this the 14 day of December, 1957.

Justice of the Peace, Shelby County, Alabama.



State of Alabama, Shelby County  
I, L. C. Walker, Judge of Probate hereby certify that the within  
affidavit of March 19 58 at 8 o'clock A. M. and recorded in Book 191 Page 591 & examined  
and the Mortgage Tax of \$            Deed Tax of \$            has been paid.  
\$            L. C. Walker Judge of Probate