

4071
State of Alabama

BOOK 195 PAGE 117

Shelby County

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

My name is A. F. Davis. I am 68 years of age and have lived within the neighborhood of the hereinafter described property all of my life. Said property being described as follows:

W $\frac{1}{2}$ of SE $\frac{1}{4}$, Section 34, Township 20 South, Range 1 West, Shelby County, Alabama.

Affiant further says when he first remembers said land it was owned and in the possession of Zachariah Howell, Sr., also commonly known as Zachariah Howell. He lived in a house on the land adjoining the above described land. Affiant further says that Zachariah Howell sold the NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 34 to John C. Howell in the year 1906, as shown by deed recorded in Deed Book 35 Page 10 in the Probate Office of Shelby County, Alabama. Affiant does not recall the exact date, but does recall when John C. Howell purchased the land. Affiant says he recalls when John C. Howell and wife conveyed said NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 34 to his father, J. T. Davis, in March 1906, as shown by deed recorded in Deed Book 35 Page 7 in said Probate Office. Affiant says it is his recollection that Zachariah Howell, Sr. and his wife were both dead at the time the said J. T. Davis purchased said land. It has been called to affiant's attention that the deeds which showed his name as being James Y. Davis, ~~was~~ made by J. T. Davis, but affiant says this was a typographical error, as his father's name was J. T. Davis, being one and the same person as James T. Davis. Affiant further says he knows the land purchased by his father was in Section 34 and not in Section 24. Affiant further says there was a dwelling house on said NW $\frac{1}{4}$ of SE $\frac{1}{4}$ at the time his father purchased it and that his father rented it out to S. J. Davis, who is affiant's Uncle, each and every year during the time James Y. Davis owned the same and until he sold the same to S. J. Davis in 1910, as shown by deed recorded in Deed Book 53 Page 304 in said Probate Office. Affiant further says he helped his said father cut the crossties from said forty acres of land from time to time during the time his father owned the same and they

burned charcoal on said land and sold it to Shelby Iron Company. Affiant further says he knows said land was in Shelby County, as he lived near it, as mentioned above, and it was not situated in Talladega County, as shown by said deed to S. J. Davis. Affiant further says S. J. Davis went into immediate possession of said NW $\frac{1}{4}$ of SE $\frac{1}{4}$ at the time he purchased the same and continued to live in said dwelling and he cultivated portions of it during the years he owned the same and until his death. Affiant further says that S. J. Davis died a short time prior to 1921, but in December 1921, the Leeds State Bank foreclosed a mortgage on said forty acres, as shown by deed recorded in Deed Book 76 Page 450 in said Probate Office. S. J. Davis' wife and children moved off and left said land after it was foreclosed. Affiant further says he recalls when said land was purchased by W. E. Harrison on April 11, 1923, as shown by deed recorded in Deed Book 69 Page 610 in said Probate Office. Affiant further says that W. E. Harrison went into immediate possession of said land and about this time erected a sawmill near the then Columbiana Chelsea dirt road ^{near} said forty acres. He cut the timber on said land and was in the actual possession of the land for a period of several years until the same was sold at a Tax Sale for nonpayment of taxes for the year 1929, as shown by Tax Sale Record 10 Page 203 in said Probate Office. Affiant further says he recalls when Fermon Foster purchased the State's interest in said land in 1936, as shown by tax deed recorded in Deed Book 101 Page 359 in said Probate Office and at the same time, he also purchased the said SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 34.

Regarding the SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 34, Township 20, Range 1 West, affiant says when he first recalls the last mentioned forty acres of land, it was in the possession of Van Howell. Affiant does not know any of the particulars, but he understands Dan Davis obtained the land from Van Howell and he knows of his own knowledge that Dan Davis was in the possession of said forty for several years and he cut cross-ties from it and had a garden on a portion of it. Affiant further says he recalls that Dan Davis sold the timber on said land to W. E. Harrison in March 1921, as shown by Timber Deed recorded in Deed Book 71 Page 178 in said Probate

Office and that the said Dan Davis, being one and the same person as Dan L. Davis, and wife, Addie Davis sold said land to M. Allen in June 1921, as shown by deed recorded in Deed Book 70 Page 257 in said Probate Office. Affiant says that he knows that it was Dan L. Davis and not Don L. Davis who conveyed said land and that it was just a typographical error when the name appeared as Don L. Davis. Affiant further says that the said M. Allen was engaged in cutting big timbers for Saginaw Lime and Lumber Company and he cut the timber from this forty acres at the time he purchased it. Affiant recalls that M. Allen sold said land to W. M. Polk and Harry Gordon on February 6, 1922, as shown by deed recorded in Deed Book 70 Page 417 in said Probate Office and that they went into immediate possession of said land and claimed it until they sold the same to W. E. Harrison on May 15, 1922, as shown by deed recorded in Deed Book 73 Page 28 in said Probate Office. Affiant further says that M. Allen was an unmarried man at the time he conveyed said land to W. M. Polk and Harry Gordon, mentioned above. Affiant further says that he knew W. M. Polk and Harry Gordon and knows that the wife of W. M. Polk was Sarah Graham Polk and that Harry Gordon's wife was known as Lavonia Gordon. Affiant further said that Harry Gordon and both of said wives have been dead for more than 5 years and that W. M. Polk has been dead for several years and he further knows that said property was never the homestead of said persons making said deed to W. E. Harrison. Affiant further says that W. E. Harrison went into immediate possession of said land and cut the timber on it at the same time he cut the timber on NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 34 and he was in the actual possession of said land in connection with the operation of a sawmill a short distance from the same and he was in possession of it until the Tax Sale mentioned hereinabove.

Affiant further says he recalls when Fermon Foster went into possession of all the above described land and he built a house in 1938 on land adjoining said above described land and he built a fence around the above described land in 1936 and has maintained the fence up until the present time. Affiant further says that the said Fermon Foster has cut the timber on said land on several occasions since he has owned it and he built a lake on a portion of each of said

forties about the year 1949 and said lake still remains on said land and he built a dwelling house on the NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 34 and lived in said dwelling house until the past few months and he is still in the possession of all of said land.

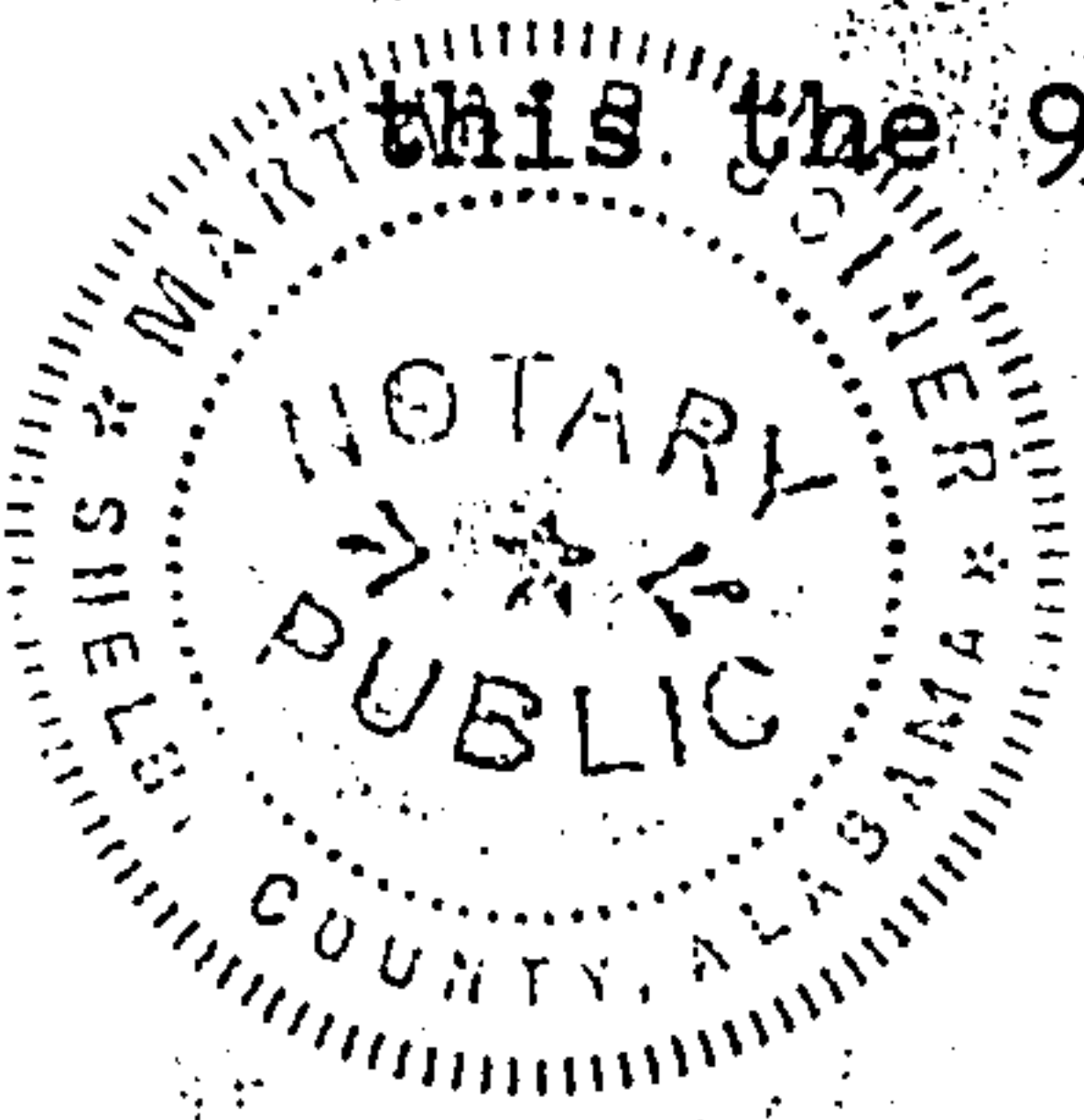
Affiant further says he has never heard of E. D. Hall owning or claiming any interest in NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 34, nor has he ever heard of L. E. Foster or M. J. Foster owning or claiming any interest in the same.

Affiant further says that throughout all the years he has known said land he has never heard of anyone contesting the possession or disputing the title of Fermon Foster or his predecessors in title.

A. F. Davis
A. F. Davis

Sworn to and subscribed to before me

this the 9th day of August, 1958.



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

My name is S. R. Vick. I am 65 years of age and have lived in the same community with the property described in the attached affidavit of A. F. Davis since the year 1902 and have all along been familiar with said land and the persons in possession of it.

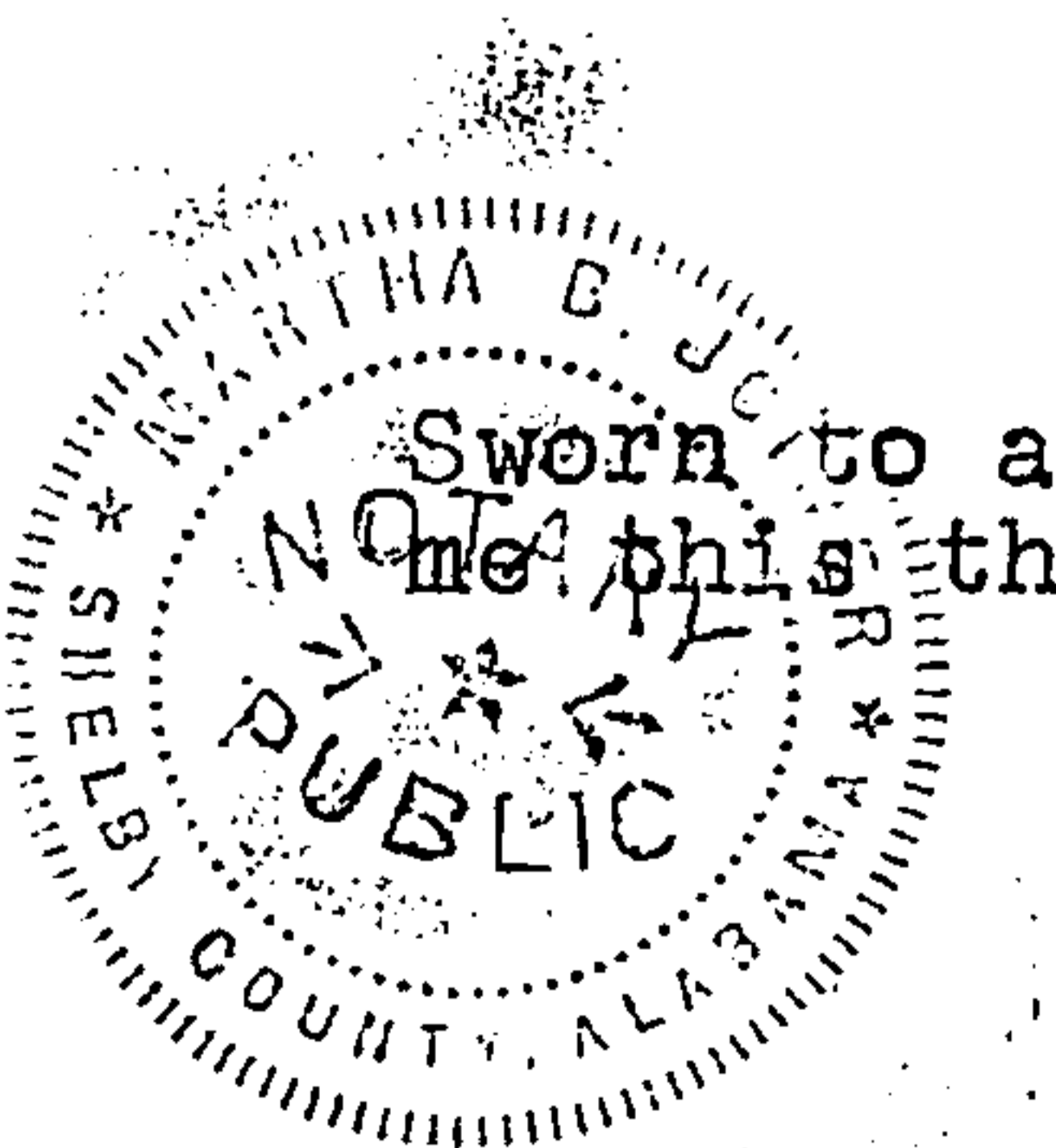
I have read said affidavit made by A. F. Davis and I know that the matters and things stated by A. F. Davis with reference to NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 34, Township 20, Range 1 West are true and correct.

With reference to the SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 34, at the time I first remember it, it was in the possession of and owned by Van Howell and this was about the year 1903. The said Van Howell had a dwelling house on said forty acres and he lived on it and farmed portions of it and cut the firewood and building timber from it each and every year during the time he owned it. A few years before 1921 he sold the same to Dan Davis. I recall that Dan Davis cut some timber on the land and he sold the timber one time to J. L. Isbell and another time to W. E. Harrison. As mentioned above, the remainder of said affidavit is true and correct to the best of my recollection.

S. R. Vick
S. R. Vick

Sworn to and subscribed to before
me this 16th day of August, 1958

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

My name is G. B. Bentley. I am 66 years of age and have lived in Shelby County, Alabama, all of my life and have lived in the same community with the land described in the foregoing affidavit made by A. F. Davis on August 9, 1958. I have read said affidavit made by A. F. Davis and have all along been familiar with said land and the persons in possession of it. I know that the matters and things stated by A. F. Davis are true and correct.

With reference to the SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 34, Township 20, Range 1 West, I recall that Van Howell owned the same as early as the year 1903. A few years prior to 1921, I know Dan Davis owned it and cut the timber from it himself and sold it to W. E. Harrison one time. As mentioned above, the remainder of said affidavit is true and correct to the best of my recollection.

I am not related by blood or marriage to Fermon Foster and have no interest in the land described in said affidavit.

6 G. B. Bentley
G. B. Bentley

Sworn to and subscribed to before me this the 16th day of August, 1958.

Martha B. Joiner
Notary Public

State of Alabama, Shelby County
I, L. C. Walker, Judge of Probate hereby certify that the within
day of Aug 1958 at 3 o'clock P. M. and recorded in Book Record 195 Page 117 & examined 7-25-58
and the Mortgage Tax of \$ 3.50 Deed Tax of \$ 1.00 has been paid.
Fee 3.50 due Judge of Probate