

STATE OF ALABAMA

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Before the undersigned authority personally appeared Robert W. Bain, who being by me first duly sworn, deposes and says:

I am acquainted with all that portion of the SW $\frac{1}{4}$ of Section 24, Township 19 South, Range 3 West, that lies Northeast of the old Birmingham-Montgomery Highway and South of Cahaba River, and have known this land for the past 60 or 65 years.

On March 6, 1903, G. C. Bain and wife, E. J. Bain executed a deed to S. C. Bain, which is recorded in the Probate Office of Shelby County, Alabama, in Deed Book 34, page 537. Mr. S. C. Bain was my uncle, and under that deed he went into possession of all of the above described land, except the SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section which B. J. Stacks and wife, G. A. Stacks deeded to him by deed dated November 27, 1906, recorded in the Probate Office of Shelby County, Alabama, in Deed Book 34, page 529. Immediately after the execution of the deed of G. C. Bain and wife to S. C. Bain above mentioned, the latter went into possession of the land conveyed in that deed and had it under fence and cultivated it each and every year, and he went into possession of the SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section upon the execution of the deed from B. J. Stacks and wife aforesaid and also had it under fence and cultivated portions of it each and every year until he deeded portions of it away.

On July 11, 1907, Sam C. Bain deeded to T. W. Johnson and I.E.N. Johnson a portion of said land situated in the SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section, described as follows:

Two acres of land lying and situated in the SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 24, Township 19 South, Range 3 West and bounded as follows: Beginning at the Southeast corner of said forty and running North for the distance of 1 acre, thence West for the distance of two acres; thence South for the distance of 1 acre; thence East to starting point.

On July 29, 1908, S. C. Bain deeded to Acton Mining Company a portion of said land described as follows:

Beginning at the SW corner of SE $\frac{1}{4}$ of Section 24, Township 19 South, Range 3 West, thence North 2 deg. 29 min. West along center line of Section 24 for 860 feet to a branch which is the point of beginning; thence North 2 deg. 29 min. West for 460 feet to the NW corner of SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 24, thence North 88 deg. 28 min. East for 1324.7 feet to the NE corner of SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 24; thence North 2 deg. 29 min.

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West for 660 feet; thence run South 88 deg. 28 min. West 242.2 feet; thence run South 73 deg. 43 min. West for 1051.0 feet; thence South 58 deg. West for 71 feet to a point on center line passing through the center of Section 24 and which is 357.4 feet North 2 deg. 29 min. West from NW corner of SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 24; thence South 58 deg. West for 176 feet; thence South 56 deg. West for 79.5 feet; thence South 31 deg. West for 111 feet; thence South 1 deg. West for 65 feet to a branch; thence along this branch in a Southeast direction to the point of beginning, containing 19.6 acres, more or less, being parts of NW $\frac{1}{4}$ of SE $\frac{1}{4}$ and E $\frac{1}{2}$ of SW $\frac{1}{4}$ of Section 24, Township 19 South, Range 3 West, Shelby County, Alabama.

Said deed is recorded in the Probate Office of Shelby County, Alabama in Deed Book 41, page 282.

After the execution of the last mentioned deed S. C. Bain remained in possession of the balance of this land, cultivated portions of it each and every year until he deeded it to Samuel F. Bain and Robert W. Bain (affiant) by deed dated October 1, 1931, and recorded in the Probate Office of Shelby County, Alabama, in Deed Book 94, page 246. This deed refers to a map prepared by W. E. Lumpkin, /Civil Engineer, and we have that map in our possession and that map plats all of the above described land lying South of Cahaba River and between said Birmingham-Montgomery Highway on the West and show the two acre tract deeded to the Johnson's aforesaid and the portion thereof deeded to Acton Mining Company as aforesaid. Since the execution of said deed my brother, Samuel F. Bain and I have been in possession of the above described land until we sold it to J. H. Hale, and we had the actual, open, notorious, continuous, exclusive, adverse, hostile possession of said property, and cultivated portions of it each and every year, except the portion thereof deeded to Acton Mining Company and to the Johnsons', until we deeded it to J. H. Hale, by deed dated February 26, 1955, and recorded in the Probate Office of Shelby County, Alabama, in Deed Book 171, page 500.

The land to which this affidavit refers is all that portion of the SW $\frac{1}{4}$ of Section 24, Township 19 South, Range 3 West, lying South of Cahaba River and Northeast of Birmingham-Montgomery Highway aforementioned, except the portion conveyed by S.C. Bain to Acton Mining Company and said T.W. Johnson and I.E.N. Johnson. This land lies partly in Shelby County, and partly in Jefferson County, Alabama.

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The deed of Sam C. Bain to Affiant and Samael F. Bain, above referred to, included a portion of the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 25, Township 19 South, Range 3 West, and a part of said forty conveyed to us is described as follows:

A portion of E $\frac{1}{2}$ of NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 25, Township 19 South, Range 3 West, more particularly described as follows: Commencing at the NE corner of said 20 acres and run South along the East line of said 20 acres a distance of 401.94 feet to NE corner of lot formerly known as Tom Rutherford lot; thence along NW line of Rutherford lot South 54 deg. West 495.50 feet to East right of way line of Birmingham-Montgomery Highway; thence Northwesterly direction along said right of way to intersection with the West line of said E $\frac{1}{2}$ of NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 25; thence North along said West line a distance of 184.9 feet to North line of said 20 acres; thence East along said North line of said 20 acres to point of beginning.

My brother and I went into possession of the last described tract of land in Section 25 at the time we obtained the deed from S. C. Bain in 1931 and had a pasture on a portion of it from the time we got a deed to it until we deeded it to J. H. Hale as afore-said. The balance of the land in Section 25 beside that which we had in pasture was woodland. The pasture was used continuously from the time we obtained the deed until we deeded it to said J. H. Hale.

Robert W. Bain
Robert W. Bain

Sworn to and subscribed to before me on this the 7th day of January, 1959.

Hardy Ellis
Notary Public
State at Large for Alabama

STATE OF ALABAMA, SHELBY COUNTY
I, L. C. Walker, Judge of Probate, hereby certify that the within affidavit
was filed for record the 9 day of Jan, 1959, at 1 o'clock P.
and recorded in Deed Record 198 Page 246 and the Mortgage tax of
Deed Tax of has been paid. L. C. Walker Judge of Probate