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Before me, *Earlene H. Zupson*, the undersigned authority in and for said County in said State, personally appeared J. F. McEwen, who, after being by me first duly sworn to speak the truth, deposes and says:

My name is J. F. McEwen. I am 61 years of age and have lived in the Four Mile community of Shelby County all my life and have all along been well acquainted with the Emma Pitts Estate property in the Four Mile community, the same being described as follows:

Parcel (A) All that part of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 22, Township 20 of Range 1 East lying Southwest of the Wilsonville Teague Bridge Road, and containing 22 acres, more or less;

Parcel (B) And the SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 22, Township 20, of Range 1 East;

Parcel (C) Also all that part of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 23, Township 20, Range 1 East, lying Southwest of said Wilsonville Teague Bridge Road, and containing 17 acres, more or less;

Parcel (D) Also the W $\frac{1}{2}$ of the SW $\frac{1}{4}$, and three acres off the West side of the SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Sec. 23, Township 20, Range 1 East, described as follows: beginning at the NW corner of said SE $\frac{1}{4}$ of SW $\frac{1}{4}$ and running thence East 10 rods, thence south 40 rods, thence straight to the Southwest corner of said forty, thence north along the line of said forty to the beginning point; all being situated in Shelby County, Alabama.

EXCEPT Highway right of way.

Affiant further says that he knows that the said Emma Pitts and her Estate have owned and been in the possession of Parcel (B) mentioned above as well as all of parcels of /the other/land described above, ever since the same was conveyed to her by her husband, J. B. Pitts in December of 1905, as shown by deed recorded in Deed Book 43, page 572, in the Probate Office of Shelby County, Alabama. Affiant further says that Porter Waddell, being one and the same person as R. P. Waddell, has never owned any interest in said SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 22. Affiant says the said R. P. Waddell does own SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 22 as well as some other land but as stated above, he owns no interest in SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 22.

Affiant further says that he is familiar with the three acres described in Parcel (D) above and affiant says that he knows the land conveyed by R. A. O'Hara and wife to Mattie K. Smothers on November 1, 1904, as shown by Deed Book 50 page 99 in said probate office and that he knows that said three acre parcel should

have been excepted from said conveyance and that the said Mattie K. Smothers never owned said three acre parcel of land. Affiant further says that he knows that the same tract of land was conveyed by Mattie K. Smothers and her husband to J. H. Grill and C. M. Smith on April 21, 1914 as shown by deed recorded in Deed Book 56, page 13, in said probate office and affiant further says that said three acre parcel of land should have been excepted from this conveyance and that the said J. H. Grill and C. M. Smith never owned any interest in said three acre parcel of land. Affiant further says that there has been called to his attention a deed from said J. H. Grill and C. M. Smith to A. H. Courtney and Bettie L. Courtney, dated February, 1916, as shown by deed recorded in Deed Book 58, page 397 in said probate office. Affiant says there has been called to his attention that there was excepted from said conveyance the following:

"*.....There is EXCEPTED however from the above a strip on the West side thereof and consisting of about 3 acres on which tract there is now situated a residence."

Affiant further says that the land excepted and intended to be excepted was the three acre parcel described in Parcel (D) hereinabove. Affiant further says that the said A. H. Courtney and Bettie L. Courtney conveyed said land to affiant and his wife Eula Clyde McEwen in October, 1929, as shown by deed recorded in Deed Book 83, page 592, in said probate office. Affiant says that said deed contained the following exception:

".....There is excepted, however, from the above a strip on the west side thereof and consisting of about 3 acres, on which tract there is now situated a residence."

Affiant says that the parcel excepted was one and the same as the three acres described in Parcel (D) hereinabove. Affiant further says that he and his said wife conveyed a portion of said tract to Adron and Ruth Dorrough in March, 1940, as shown by deed recorded in Deed Book 108, page 78 in said probate office. Affiant further says that said deed to Mr. and Mrs. Dorrough conveyed among other lands the following:

"....; and all that part of the $W\frac{1}{2}$ of the $SE\frac{1}{4}$ of the $SW\frac{1}{4}$ of Section 23, Township 20, South, Range 1 East, lying east of what is known as the Jackson and Wilsonville Road."

Affiant further says that said deed conveyed all of the $W\frac{1}{2}$ of said 40 acres except for said three acre tract described in Parcel (D) hereinabove.

Affiant further says that the said Emma Pitts, acting through her husband and agent, J. D. Pitts, farmed Parcels (A) through (D) each and every year during the lifetime of J. B. Pitts and after his death the said Emma Pitts rented said land out to tenants each and every year until her death, and her executor has continued to rent out said land since her death each and every year until the present day, in fact, affiant has rented said land for the past four years and affiant says that throughout all the years he has never heard of anyone contesting the possession or disputing the title of Emma Pitts or her heirs or devisees.

J. F. McEwen
J. F. McEwen

STATE OF ALABAMA

SHELBY COUNTY

Subscribed and sworn to before me this
11th day of March, 1959.
Carlene H. Upson

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my commission expires
November 7, 1962

STATE OF ALABAMA, SHELBY COUNTY

I, Conrad M. Fowler, Judge of Probate, hereby certify that the within Affidavit was filed for record the 11 day of Mar 19 59 at 8 o'clock A M. and recorded in Book Record 199 at page 528 and the Mortgage Tax Deed Tax has been paid.

Conrad M. Fowler
Judge of Probate.