

2770

STATE OF ALABAMA

FILED 7 APRIL 1959

SHELBY COUNTY

Before me, Mrs. B. E. Cunningham, the undersigned authority in and for said County in said State, personally appeared H. G. McEwen, who, after being by me first duly sworn to speak the truth, deposes and says:

My name is H. G. McEwen. I am 69 years of age and have lived in the Wilsonville community since 1896 and have all along been well acquainted with the hereinafter described lots and the persons in possession of them. situated in Shelby County, Alabama, and being Said lots being/described as follows:

PARCEL A

Start at the NW corner of Section 6, Township 21 South, Range 2 East (known as the Shot gun corner) and run south along the west boundary line of said Section 6 for 1411.4 feet to an iron pipe (in Wilsonville Cemetery); thence turn 63 deg. 20 min. left for 272.8 feet to a 1" x 3" iron bar corner on south side of Wilsonville Cemetery for point of beginning; thence turn 25 deg. 25 min. left and run along south side of Wilsonville Cemetery 201.3 feet to an iron pipe 33 feet from center of State Highway No. 25; thence turn 119 deg. 1 min. right and run on west boundary of said Highway 171.3 feet to an iron pipe (33 feet from center line of road); thence turn 60 deg. 59 min. right 115.0 feet to an iron pipe; thence turn 88 deg. 48 min. right 150 feet to point of beginning; containing .54 acre, more or less, situated in the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 6, Township 21 South, Range 2 East.

PARCEL B

Commence at the NW corner of Section 6, Township 21 South, Range 2 East; thence south 2 deg. 30 min. east along the range line, a distance of 1497.47 feet, more or less, to south line of cemetery to the point of beginning of the property herein described; thence south 84 deg. 18 min. east along the southern boundary of a cemetery, a distance of 164.48 feet to a point; thence north, 83 deg. 30 min. east continuing along the southern boundary of a cemetery a distance of 67.32 feet to a point on the west boundary of the S. S. McEwen lot; thence south, 3 deg. 50 min. east along the said west boundary of the S. S. McEwen lot, a distance of 124.57 feet to a point; thence south, 24 deg. 17 min. west, a distance of 133.84 feet to a point on the north boundary of the Dewey Bolton lot; thence south, 87 deg. 49 min. west along the said north boundary of Dewey Bolton lot a distance of 169.90 feet to a point; thence south, 87 deg. 50 min. west, 218.03 feet to a point on the southeast right of way line of County Project SACP 4246A; thence north 12 deg. 53 min. east along said right of way line a distance of 286.0 feet to a point; thence south, 86 deg. 17 min. east along the southern boundary of a cemetery a distance of 140.34 feet to the point of beginning.

Affiant further says he is familiar with the above described parcels of land; in fact, affiant formerly owned both parcels of land and they were included in land he bought from F. M. Wilkins and wife in 1911, as shown by deed recorded in Deed Book 89 Page 552 in the Probate Office of Shelby County, Alabama, and the remainder of said parcels were included in land affiant purchased from Oscar McGowen and wife in 1914, as shown by deed recorded in Deed Book 84 Page 481 in said Probate Office. Affiant further says he went into immediate possession of said land at the time he purchased the same, as mentioned above, and he maintained a fence along the north line of said land

and a few years later constructed a fence along the south line and maintained all the fences throughout the years, except for the south line fence which is not there now, but the south line is marked by a hedgerow. Affiant further says he cultivated said land each and every year during the time he owned it. It has been called to affiant's attention that the north line of Parcel B does not run due east and west along its easterly portion. Affiant says in reality it should run east and west, but he has permitted the cemetery to dig some graves along the north line and affiant has not insisted upon maintaining a definite line. There has been called to affiant's attention a deed from J. F. Pope and wife to W. H. Pope dated August 1915, conveying a certain lot. Affiant says said lot is affiant's homeplace and that the same forms no portion of Parcels A and B mentioned above. Affiant further says that he purchased his homeplace lot from W. H. Pope in April 1917, as shown by deed recorded in Deed Book 89 Page 553. It has been called to affiant's attention that in some places in the deed, the grantee is shown to be H. G. McGowen; however, this was a typographical error and it should have been H.G. McEwen and that he still owns the land described therein and lives on it.

Affiant further says that the land he purchased from F. M. Wilkins, as mentioned above, was purchased by Mr. Wilkins from Louise and J. H. Mason in October 1910, as shown by deed recorded in Deed Book 43 Page 447 in said Probate Office and that the same lot was sold to Louise S. Mason by J. F. Pope and wife in March, 1910, as shown by deed recorded in Deed Book 94 Page 189 in said Probate Office. Affiant says that the lot conveyed on each occasion was one and the same lot as that conveyed to him by Mr. Wilkins, as mentioned above.

Affiant further says he sold Parcel A to S. S. and Doris McEwen, being their homeplace, in April 1949, as shown by deed recorded in Deed Book 140 Page 48 and executed them a curative deed in June 1951, as shown by deed recorded in Deed Book 147 page 219 in said Probate Office and that affiant knows that after the death of the said Doris McEwen, the said S. S. McEwen purchased the interest of Doris McEwen from her heirs and he became the sole owner of it. The said S. S. and Doris McEwen built a house on said lot and and lived in it until Doris McEwen's death and S. S. McEwen has continued to live thereon until this very day.

Affiant further says he conveyed Parcel "B" to S. S. and Barbara McEwen in March, 1958, as shown by deed recorded in Deed Book 192 Page 425

in said Probate Office and that the said S. S. McEwen soon thereafter removed a great amount of dirt from said lot and has erected a warehouse thereon and has done considerable preparation for building on it.

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

Affiant further says he knew R. G. Weldon quite well during his life time and knows that R. G. Weldon was a widow^{er} on June 10, 1924, when he conveyed certain land to W. J. Weldon as shown by deed recorded in Deed Book 110 Page 275 in said Probate Office.

H. G. McEwen
H. G. McEwen

Sworn to and subscribed to before me

this the / day of April 1959.

Mrs. B. E. Cunningham
Notary Public

STATE OF ALABAMA)
SHELBY COUNTY)
I, Conrad M. Fowler, Judge of Probate hereby
certify that the within Deed was
filed in this office for record the 7 day
of April 1959 at 2 o'clock M.
and recorded in Deed Record 200
page 262 and examined 4-8-59
and the Mortgage Tax of \$
Deed Tax of \$ has been paid.
Conrad M. Fowler
Judge of Probate
Fee \$ 2.00

STATE OF ALABAMA, SHELBY COUNTY

I, Conrad M. Fowler, Judge of Probate, hereby certify that the within
was filed for record the day of 19 at o'clock M. and
recorded in Record at page and the Mortgage Tax
Deed Tax has been paid.

Judge of Probate