

3077

BOOK 201 PAGE 135

STATE OF ALABAMA

FILED 21 APRIL 1959

ST. CLAIR COUNTY

Before me, the undersigned authority in and for said State and County, personally appeared J. M. Lowe, who being by me first duly sworn, deposes and says the following:

My name is J. M. Lowe, I am 77 years of age and am a bona fide resident citizen of Shelby County, State of Alabama, and have resided at my present residence since the year 1904. I am personally familiar with the lands of Donald Richey and Sally Richey being described as follows:

The NW $\frac{1}{4}$  of the SE $\frac{1}{4}$  of Section 13, Township 18, Range 2 East, Shelby County, Alabama.

and have been familiar with said lands since same were owned by J. H. Martin prior to the year 1914. My wife, Eva Lowe was a daughter of J. H. Martin and so was Sally Hardwick and John B. Martin was a son, and there were several other children, and to my recollection, J. H. Martin divided his estate among his children prior to his death, and I know that in the division that was made that John B. Martin acquired the N $\frac{1}{2}$  of the NW $\frac{1}{4}$  of the SE $\frac{1}{4}$  and that Sally Hardwick acquired the S $\frac{1}{2}$  of the above said forty. Later John B. Martin conveyed the N $\frac{1}{2}$  of said forty to W. A. Richey, and W. A. Richey immediately went into possession of said land and remained in possession of same until his death around the year 1928, and after his death, his wife, Mrs. W. A. Richey, or Drusilla Richey, and her children remained in possession of said property continuously until same was conveyed to Seabe Posey and Dal Posey around 15 or 16 years ago. They immediately went into possession of said property, built a hom on same and moved upon same with their family and lived

continuously on said property until they conveyed said property to Donald E. Richey and Sally Richey over 10 years ago. Donald E. Richey and wife, Sally Richey moved upon said property and have lived continuously on said property since same was conveyed to them by Seabe Posey and Dal Posey.

Sally Hardwick remained in the continuous possession of the  $S\frac{1}{2}$  of the above said forty from the time when same was conveyed to her by her father, J. H. Martin, to her death which was to my recollection sometime after the year 1950. At the time of her death, she left surviving her as her sole surviving heirs at law Luciecate H. Scott, Mary H. Braden and Jimmy H. Hardwick. That after the death of Mrs. Hardwick, the above said heirs conveyed said property Donald Richey and wife, Sally Richey, and they have been in the continuous possession of said property to the present date.

I know of my own personal knowledge that Donald E. Richey and Sally M. Richey and their predecessors in title as set out in above have at all times since around the year 1914 been in the open, exclusive, adverse, notorious and peaceable possession of said property, and that during each of the respective periods of ownership, said owners have made certain improvements on said property, portions of said property have been farmed, the timber has been cut and removed from said property at various times, and other acts of ownership have been expressed over said property, and at no time have I ever heard the title to said property disputed.

Dated this 14th day of March, 1959.

Sworn to and subscribed  
before me this March 14, 1959.

J. M. Lowe  
J. H. Holladay  
Notary Public



STATE OF ALABAMA

BOOK 201 PAGE 137

ST. CLAIR COUNTY

Before me, the undersigned authority in and for said State and County, personally appeared S. M. Smith, who being by me first duly sworn, deposes and says the following:

My name is S. M. Smith. I am 58 years of age and a bona fide resident citizen of the London Community, St. Clair County, Alabama. I am personall familiar with the lands described in the above affadavit this day made by J. M. Lowe and have been familiar with said lands as long as I can remember. J. H. Martin who is mentioned in the above affadavit was my grandfather and Sally Hardwick was my aunt. I have read the above affadavit this date made by J. M. Lowe, and I know that said affadavit is true and correct in all material respects, and I have a personal recollection as to the ownership and possession of said lands back to around the year 1914, and that if I should make a detailed affadavit in regard to said property, same would be similar in all material respects to the above affadavit.

Dated this 14th day of March, 1959.

S. M. Smith

Sworn to and subscribed  
before me this 14th day of  
March, 1959.

H. E. Holladay  
Notary Public

STATE OF ALABAMA }  
SHELBY COUNTY }

I, Conrad M. Fowler, Judge of Probate hereby  
certify that the within affidavit was  
filed in this office for record the 24 day  
of April 1959 at 4 o'clock P.M.  
and recorded in Deed Record 296  
page 135 and examined 4-22-59  
and the Mortgage Tax of \$          
Deed Tax of \$         has been paid

Fee \$ 1.20

Conrad M. Fowler  
Judge of Probate

STATE OF ALABAMA, SHELBY COUNTY

I, Conrad M. Fowler, Judge of Probate, hereby certify that the within          M. and  
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