

Shelby County

Before me, Warren G. Findley -, the undersigned authority in and for said County, in said State personally appeared A. B. Baxley, who, after being by me first duly sworn to speak the truth, deposes and says:

My name is A. B. Baxley. I am 71 years of age and live in the town of Calera, Alabama, and am familiar with the following described property and the persons in possession of it. Said property being described as follows:

Lots 4 and 5 and a part of Lot 6 in Block 45 according to Dunstan's Map of Town of Calera, more particularly described as follows: Beginning at the SE corner of Lot 4 in Block 45 Dunstan's Survey of Calera; and run in a northerly direction along west side of 12th Street, a distance of 72 feet; thence in a westerly direction perpendicular to said 12th Street 150 feet; thence in a southerly direction parallel with said 12th Street 72 feet; thence in an easterly direction 150 feet to the point of beginning; Being situated in Shelby County, Alabama.


I now own Lot 3 and Lot 2, except for 6 feet off the south side of Lot 2 in said Block 45 according to J. H. Dunstan's map and I have been familiar with the lots in said Block 45 for approximately 35 years. When I first knew lots 1, 2 and 3 in said Block 45, they were owned by and in the possession of Bud Busby whose name is A. L. Busby, and whose name has sometimes been erroneously referred to as H. L. Busby. Affiant further says that said lots 1, 2 and 3 are each 56.3 feet wide on their east end facing the west line of 12th Street. Affiant further says that the north line of said Lot 3 was for many years marked by a fence and that the owners cultivated lot 3 as a garden and that the north line of Lot 3 is the same line as the south line of Lot 4 and throughout all the years he has known it, the same has been established and recognized by the adjoining owners. Affiant further says he is familiar with that portion of Block 45 conveyed to Max Baer, Sol Baer, Lewis Baer and Aaron Baer by Max Baer, as Trustee, on July 28, 1937, as shown by deed recorded in Deed Book 103 page 237 in the Probate Office of Shelby County, Alabama, and is also familiar with the deed from said Baer brothers to Ellie E. Taylor and Lula May Taylor dated February 1, 1944, and recorded in Deed Book 116 page 289 in said Probate Office. Affiant further says that the south line of the portion of Block 45 conveyed in both of said deeds is one and the same line and that said south line is the same as the north line of Lot 3, which affiant now owns. Affiant further says that has never been any dispute between the parties owning Lot 3 and Lot 4 of said Block 45 as to the land lines.

Affiant further says that he understands that the said Ellis E. Taylor and Lula May Taylor bought an additional 16 foot strip of land adjoining the north line of the land originally purchased from the Baer brothers and which faces 16 feet along the west line of Montgomery Highway. Affiant is not familiar with the

exact location of the north line of said 16 foot strip.


Affiant further says he knows of his own knowledge that the only streets intersecting 12th Street or Montgomery Highway at or near Block 45 of Dunstan's Survey are 8th Avenue which runs along the north side of said Block 45 and 9th Avenue which runs along the south side of said Block 45 and that Church Street nor no other Street has intersected said Block 45 and affiant says he knows that Church Street has never been opened across the middle of said Block 45 and that at said location the same was never accepted by the town of Calera, Alabama.

Affiant further says with reference to the above described lots owned now by Ellis E. Taylor and Lula May Taylor that when he first came to Calera said lots were owned by A. T. Thomas, a negro and that the said A. T. Thomas was in the possession of the same to affiants knowledge from the year 1924 when he first came to Calera until the death of the said A. T. Thomas. Affiant says that he is informed that the Estate of A. T. Thomas sold said land to M. A. Gore and M. A. Gore sold the same to Max Baer and in turn the same was sold to Mr. & Mrs. Taylor, as mentioned above. Affiant says that while A. T. Thomas owned said land there were several houses thereon, including a two-story house, the top of which was used for a negro school.

  
A. B. Baxley

Sworn to and subscribed to before me

this the 28th day of March, 1959.

  
Notary Public  
Warren G. Findley





SHELBY COUNTY

Before me, Warren G. Findley, the undersigned authority in and for said County in said State, personally appeared R. L. Holcombe, who, after being by me first duly sworn to speak the truth, deposes and says:

My name is R. L. Holcombe, I am 76 years of age and have lived in Calera, Alabama, all of my life. Affiant says he has read the foregoing affidavit made by A. B. Baxley and affiant is not familiar with all the details as to lot lines mentioned in said affidavit, but he does know that Church Street according to Dare's map, referred to in said affidavit has never been opened across any portion of Block 45 according to Dunstan's map. Affiant does recall when A. T. Thomas owned several lots in Block 45, including the land now owned by Ellis E. Taylor and Lula May Taylor. Affiant has not checked the records, but it is his best judgment that A. T. Thomas owned and was in possession of said lots as early as 1910 and he had several houses situated on the lots as mentioned in A. B. Baxley's affidavit and affiant knows the top of one building was used as a negro school because affiant was on the Town Council of the Town of Calera and knows the Town of Calera paid A. T. Thomas rent for the building. A. T. Thomas was principal of the school. Affiant says he knows A. T. Thomas was in the possession of the land throughout all the years he owned it until his death.

Affiant further says he is not too familiar with the transfers of the property since the death of A. T. Thomas.

R. L. Holcombe  
R. L. Holcombe

Sworn to and subscribed to before me

this the 28th day of March, 1959.

Warren G. Findley  
Notary Public  
Warren G. Findley



STATE OF ALABAMA, SHELBY COUNTY

I, Conrad M. Fowler, Judge of Probate, hereby certify that the within affidavit was filed for record the 26 day of April 1959 at 4 o'clock P. M. and recorded in Deed Record 201 at page 184 and the Mortgage Tax — Deed Tax — has been paid.

Conrad M. Fowler  
Judge of Probate