

## SHELBY COUNTY

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Before me the undersigned authority in and for said County in said State, personally appeared P. A. Bearden, who being first duly sworn on oath says that affiant is one and the same person who is sometimes called Peddie Bearden and that he is the identical person to whom Thomas Bearden and wife Lizzie Bearden conveyed in December 1934, a tract of land by deed recorded in Deed Book 96 page 51 in the Probate Office of Shelby County, Alabama.

Affiant further says that th said Thomas Bearden was in possession of this property at the time it was conveyed to affiant and that affiant immediately took possession thereof and retained such possession until he sold the same to Herman McGaughy in 1947, and that he was the identical person executing the deed recorded in Deed Book 128 page 576, in the Probate Office aforesaid.

Affiant further says that the property conveyed to affiant by Thomas Bearden was bounded on the North by the Section line between Section 16 and Section 9 in Township 22 South, Range 3 West and was bounded on the East and South by the lands of one Isam Arnold and on the West by the Montevallo and Elyton Public Road and affiant took possession of said tract of land up to said road although the small tract thereof situated in the Northwest Quarter of the Northwest Quarter of Section 16 was not specifically described in the deed to affiant as to the forty lines but that the description did contain all land lying North of the Arnold land and East of the Public Road as the same then existed and now exists.

Affiant further says that he took possession of the said land and farmed the same and kept the same under fence until he sold to McGaughy almost 12 years ago and that the said Herman McGaughy immediately took possession of the property conveyed to him by affiant and farmed the same and maintained the fence around the same continuously until he sold said property to John W. Nix in 1950, and the said



John W. Nix continued in possession of the same until its sale to Calvin Bearden and Lorene Bearden in 1955 and that said Calvin Bearden and wife went into possession of the same, cultivating and maintaining the fence around same until the present time.

Affiant further says that when he purchased in 1930 from W. L. Allen and Bessie Allen the West 20 acres of the Southwest Quarter of the Southeast Quarter of Section 9, Township 22, Range 3 West, affiant went into possession of this land, also cultivating and maintaining a fence around the same continuously from its purchase by affiant until he sold the same to the said Herman McGaughy along with the other tract herein above described and that the said McGaughy as long as he owned the same continued in actual possession of said property, cultivating the same and paying the taxes thereon and maintaining the fence around all of said property until it was sold to John W. Nix, who in turn sold it to Calvin Bearden and wife Lorene Bearden. Affiant further says that the possession of affiant, of McGaughy and of Nix and of Calvin and Lorene Bearden of said property herein described has been continuous, open, actual, exclusive and under claim of ownership for more than twenty years last past and that no one other than those named have had any possession of said property at any time during said period or claimed any interest therein, and that affiant has had personal knowledge of the ownership and possession of all of the property now owned by Calvin Bearden and Lorene Bearden and that the possession thereof has been continuous, open, exclusive, actual, notorious and adverse for many years more than the 20 years next, preceding the making of this affidavit.

Affiant further says that all of said land is under fence and that the lines thereof are well defined, being marked by fences as aforesaid and that each of the various owners has kept the same assessed for taxes and paid the taxes thereon and that each of the successive owners has claimed to own the said property.

Sworn to and subscribed before me  
this 11 day of May, 1959

P. A. Bearden  
P. A. Bearden

L. E. Shaw, Jr.  
Notary Public

THE STATE OF ALABAMA

SHELBY COUNTY

Before me the undersigned authority in and for said County in said State, personally appeared L. E. Shaw, who being first duly sworn on oath says that affiant is a Justice Of The Peace for Beat 4 in Shelby County, Alabama, and has been such for many years and that affiant has read over the above affidavit made by P. A. Barden and that affiant has for the more than 37 years himself been personally familiar with the possession and ownership of all of the said property now owned by Calvin Bearden and wife Lorene Bearden and that no one other than those holding record title to said property has ever claimed any interest in said property nor disputed the title thereto and that the statements contained in the affidavit of P. A. Bearden as to possession, and claim of ownership are true and correct and that the said P. A. Bearden is one and the same person as Peddie Bearden.

Affiant says that he knows of his own knowledge that H. M. McGaughy and John W. Nix, P.A. Bearden and Calvin Bearden and wife, Lorene Bearden are the only persons who have had any actual possession of the said property lying East of the Public road and the lands conveyed by Thomas Bearden to P. A. Bearden nearly thirty years ago and which land is located in the Northeast corner of the Northwest Quarter of the Northwest Quarter of Section 16, Township 22, Range 3 West.

L E Shaw  
L. E. Shaw

Sworn to and subscribed before me  
this 11th day of May, 1959.  
Frank L. Mahaffy  
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 13 day  
of May 1959 at 2 o'clock P. M.  
and recorded in Deed Record 221  
page 329 and examined 5-21-59  
and the Mortgage Tax of \$ \_\_\_\_\_  
Deed Tax of \$ \_\_\_\_\_ has been paid.  
Conrad M. Fowler  
Judge of Probate

Fee \$ 3.00

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