

3373

BOOK 211 PAGE 353

STATE OF ALABAMA,)
)
JEFFERSON COUNTY.)

FILED 14 MAY 1959

Before me, a Notary Public in and for said County in said State, personally appeared Lewis Elliott, who, being first duly sworn, deposes and says as follows: that he is 52 years of age and the brother of Clarence G. Elliott, who, on March 19, 1923, purchased certain property located in Shelby County, Alabama, from J. H. Milner and wife, Hattie M. Milner, and directs this affidavit to that part of said property lying in SW 1/4 of SW 1/4, Section 32, Township 18, Range 1 West, this part of said property being described as follows in said deed from the Milner's to Clarence G. Elliott, namely:

Also the Southwest Quarter of the Southwest Quarter (SW 1/4 of SW 1/4) except 10 acres, more or less, in the Southwest corner of said Forty in Section 32, Township 18, Range 1 West, said part excepted lying Southwest of the middle of the lane dividing and running between the lands of Howell Pearson and T. R. Kri-der.

Affiant says that he has been familiar with this property since the date it was purchased by his brother, Clarence G. Elliott, on March 19, 1923, and is familiar with the lane that is mentioned in the above description; that in 1923, this lane was well defined, visible and had been used for many years prior to that time as a roadway or lane dividing the land of Howell Pearson and T. R. Kri-der, who were former owners of the land; that his attention has been called to a survey made by Mr. John Bradley at the instance of the prospective purchasers of this property, namely, Malone Freight Lines, Inc., a corporation, which survey was made under the direction of Z. V. Faison, and in which survey a line was surveyed down the middle of this old lane, and which said survey excepted that part of the property lying Southwest of the middle of this lane from the property belonging to his brother, Clarence G. Elliott, said excepted tract of land, which now belongs to Nell Hooks, being described as follows:

Start at an iron pin common to the SW corner of the C. G. Elliott property at the Southeast corner of the SW 1/4 of the SW 1/4 of Section 32, Township 18, Range 1 West, and then run along the south base section line of Section 32 for 1336.01 feet on an azimuth of North 86° 34' west to the T.C.I. section corner common to Sections 31 and 32 in Township 18 South, Range 1 West, and Sections 5 and 6 in Township 19 South, Range 1 West; thence turn an interior angle to the left of 88° 42' and run 763.9 feet along the west base section line of Section 32 to another iron pin common to the C. G. Elliott property; thence turn an interior angle of 76° 27' to the left and run a

distance of 154.01 feet to another pin which at about this point becomes the apparent center line of an old lane, trail or road, at which point an exterior angle of $9^{\circ} 23'$ is turned to the right and a distance of 892.3 feet is run, (crossing the center line of the paved Lake Purdy-Indian Springs road at 282.5 feet and thereafter following the approximate center line of a well defined lane, road or trail to the point of commencement), to another iron pin where another exterior right angle of $21^{\circ} 42'$ is turned; thence run a distance of 294.4 feet to another iron pin where an interior angle of $5^{\circ} 2'$ is turned to the left and a distance of 108.9 feet is run to another pin; thence turn an exterior angle of $5^{\circ} 45'$ to the right and run a distance of 99.7 feet to the iron pin of beginning, common to the C. G. Elliott property and being the Southeast corner of the SW $1/4$ of SW $1/4$ of Section 32, Township 18 South, Range 1 West; less all easements and rights of way of record; situated in Shelby County, Alabama.

Affiant says that the lane referred to in the SW $1/4$ of the SW $1/4$, Section 32, Township 18, Range 1 West, as set out in the deed from the Milner's to Clarence G. Elliott, is the same lane as that described in the survey made by John Bradley under the direction of Z. V. Faison, which said survey is set out in the description herein, and which excepts from said SW $1/4$ of SW $1/4$, Section 32, Township 18, Range 1 West, that property belonging to Nell J. Hooks lying south and west of the middle of the lane, which is the same lane that divided and ran between the lands of Howell Pearson and T. R. Krider.

Affiant says that in the will of his brother, Clarence G. Elliott, that his sister, Inez Elliott Anderson's name appears as Inez Anderson Elliott, and that they are the same person.

Lewis Elliott
AFFIANT

Sworn to and subscribed before me

on this 30 day of April, 1959.

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 15 day
of May 1959 at 11 o'clock A.M.
and recorded in Book 353 Record 251
page 353

Frederic Wheeler
NOTARY PUBLIC

STATE OF ALABAMA, SHELBY COUNTY

I, Conrad M. Fowler, Judge of Probate, hereby certify that the within deed
was filed for record the 15 day of May 1959 at 11 o'clock A.M. and
recorded in Book 353 Record 251 at page 353 and the Mortgage Tax has been paid.
Deed Tax has been paid.

Conrad M. Fowler
Judge of Probate