

4264
STATE OF ALABAMA

BOOK 212 PAGE 300

SHELBY COUNTY

Before the undersigned authority personally appeared C. P. Davis, who is known to me, and who being by me first duly sworn, deposes and says:

I am acquainted with the following described real estate situated in Shelby County, Alabama, namely:

Commence at the Southeast corner of NE $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 9, Township 19, Range 2 East, and go thence N 1° 30' West along the Section line 2488.7 feet to the South margin of a road, go thence in a Westerly direction along the South margin of said road as follows: N 43° West 61.7 feet, N 76° 30' West 140.9 feet, N 87° 30' West 298.9 feet, S 87° 30' West 614.7 feet, thence departing from the South margin of said road and go in a Southerly direction along a fence as follows: S 3° 30' East 200 feet, S 14° 15' East 172 feet, S 2° 15' West 120.4 feet, S 18° 15' West 84 feet, S 5° West 87.9 feet, S 5° 45' East 200 feet, S 1° 15' West 259 feet, S 10° 10' East 153.4 feet to Hockey Branch, thence along the meanderings of said Branch as follows: S 70° 25' East 91.7 feet, S 88° 25' East 143.6 feet, S 26° 55' East 65 feet, S 64° 5' West 79.0 feet, S 31° 40' East 76.1 feet, S 43° 20' West 66.4 feet, S 2° 50' West 35.6 feet, S 35° 10' East 60.9 feet, S 73° 50' East 58.9 feet, S 35° 40' East 50.6 feet, S 8° 10' East 36.2 feet, S 61° 10' East 32.4 feet, S 19° 20' West 37.8 feet, S 74° 20' West 28.1 feet, N 37° 10' West 39.5 feet, S 41° 20' West 98.7 feet, S 5° 10' East 110.7 feet, N 63° 50' East 56.4 feet, S 77° 40' East 101 feet, S 59° 10' East 30.8 feet to a fence, thence along said fence S 1° 30' East 1487 feet to Spring Creek; (which point is in the SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 9); thence along the meanderings of said Creek as follows: S 55° 30' East 144 feet, S 88° East 45.01 feet, N 26° 30' East 129.01 feet, N 54° 30' East 114 feet, N 68° 30' East 73.5 feet, N 57° east 126 feet, N 70° 30' East 113.01 feet, N 76° 30' East 117 feet, S 14° 45' East 20.2 feet, South 3° East 109 feet, thence into the SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 10, Township 19, Range 2 East, N 86° 45' East 1320.5 feet, thence N 3° 45' West 680 feet, thence S 86° 45' West 1322.5 feet to the point of beginning, and containing 90 acres, more or less.

I purchased a portion of this land from S. E. Elliott in 1926, and procured a deed from him dated December 15, 1926, which is recorded in the Probate Office of Shelby County, Alabama, in Deed Book 79, page 358.

I procured another portion of this land from W. J. Elliott, by deed dated May 4, 1927, which is recorded in the Probate Office of Shelby County, Alabama, in Deed Book 81, page 592.

I went into possession of the aforementioned land under the aforementioned deeds immediately after procuring same, and lived upon the property and cultivated portions of it or had it done each and every year until I sold it to B. T. Trucks in 1944, and he gave me a mortgage back for the purchase price, or

aportion thereof, but the deed by which I conveyed the property to him does not appear to have been recorded, but the mortgage he gave me is recorded.

Later on in 1952 the issue was raised that the land was not correctly described and Mr. Trucks had the land surveyed and on the 15th day of December, 1952, we executed a new deed to him and his wife, Dora Trucks, which is recorded in the Probate Office of Shelby County, Alabama, in Deed Book 159, page 4, and the description in that deed was taken from the survey that Mr. Trucks had made of the property, and I have recently seen a map of that survey.

When I owned the property it was bounded on the West by what was known as Rockey Branch. Mr. Trucks bought a little strip of land West of the Branch in order to straighten out his lines, and he had erected a fence on the line just West of Rockey Branch.

With the exception of the strip of land purchased by Mr. Trucks from Pauline Armstrong, I was in the actual, open, notorious, exclusive, continuous, adverse, hostile possession of the property hereinabove described, living upon it and cultivating portions of it or having it done for ten years or more until I sold it to Mr. Trucks.

Mr. Trucks went into possession of the property when I deeded it to him lived upon it and made improvements upon it, and had the actual, open, notorious, exclusive, continuous, adverse, hostile possession of same by living upon it and cultivating portions of it each and every year until he and his wife deeded it to Fred Mathis, Jr. in 1952, and deed evidencing that ~~she~~ is recorded in the Probate Office of Shelby County, Alabama, in Deed Book 159, page 8.

The description of the land to begin with was not what it should be and there was some mistakes in it, -that was the necessity of the survey of 1952.

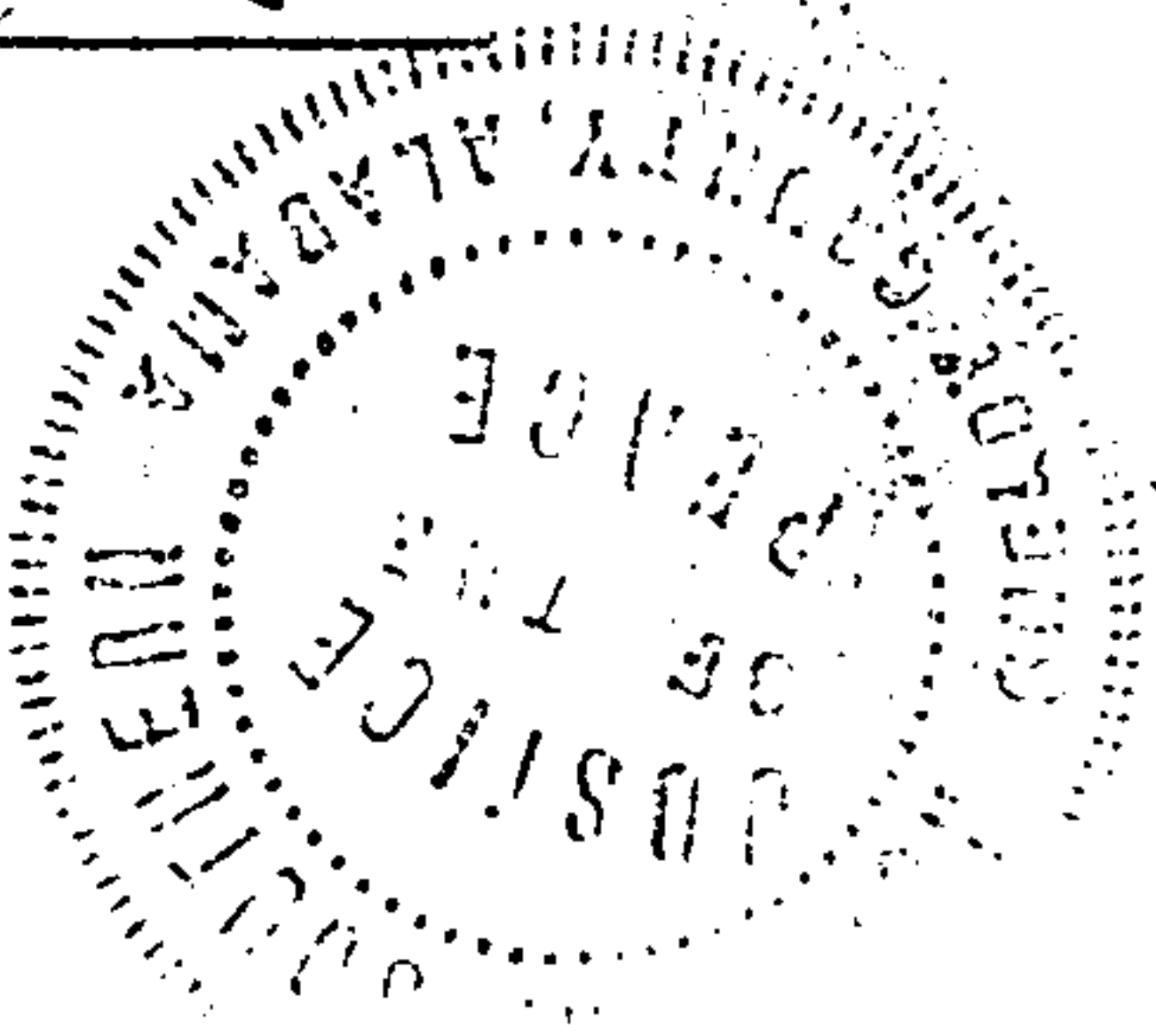
The land in Section 9 was bounded on the North by

settlement road, sometimes referred to as Elliott's Settlement Road, and bounded on the West by Rockey Branch, and on the South by Spring Creek, and on the East by the East line of said Section 9. The land in Section 10 is correctly described in the survey of 1952 and the deeds subsequent thereon and that was in my possession under claim of ownership and I had portions of it cultivated for at least 10 years before I deeded it to Mr. Trucks and his wife. Spring Creek runs through it but does not run the South line of it.

C. P. Davis
C. P. Davis

Sworn to and subscribed to before me
this 9th day of July, 1959.

James H. Dutton
~~NOTARIAL PUBLIC~~ JUSTICE OF THE PEACE, SHELBY COUNTY, ALABAMA
~~NOTARIAL 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 July, 1959 at 8 o'clock A.M.
and recorded in Deed Record 202
page 504 and examined 7-15-59
and the Mortgage Tax of \$
Deed Tax of \$ has been paid.
Conrad M. Fowler
Judge of Probate
Fee \$ 2.05

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 . The Mortgage Tax Deed Tax
 has been paid.

Judge of Probate