

5299

FILED 16 SEPTEMBER 1959

STATE OF ALABAMA)

COUNTY OF JEFFERSON)

AFFIDAVIT

Before me, the undersigned, a Notary Public in and for said County, in said State, personally appeared F. E. Butler, who being by me first duly sworn deposes on oath and says as follows:

I am F. E. Butler. In 1926 I acquired by warranty deed from L. M. Lett property located in Shelby County, Alabama, described in the deed to me as follows:

A part of the SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 11, Township 20, Range 3 West, beginning at a red elm sapling below the mill and running West 40 yards to a stake; thence North 80 yards; thence East to the section line; thence South along section line 80 yards; thence West 40 yards to beginning. Also all of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ Section 11, Township 20, Range 3 West, that lies East of the Oxmoore public road as it now runs and South of mill tract above described, containing in all three acres more or less.

This property was known at that time and had been known for many years as the old Denson Mill site.

The Lett family had purchased the property some ten years before from the Densons who had owned it for many years.

Shortly after acquiring the property in question I constructed on it a cabin which has been used by me and my family for over thirty years.

For several years since 1950 this property was subject to a lease sale contract in favor of one Steven E. Dill who, after paying an agreed amount, received in 1957 a warranty deed to the property from my wife, Lois V. Butler, who held title at the time. Subsequently it was reacquired by my wife from Dill following a mortgage foreclosure and the receipt of

a statutory warranty deed dated June 15, 1959 and recorded in Volume of Deeds No. 202, at Page 164, in the Office of the Judge of Probate of Shelby County, Alabama.

Either I or my wife have paid the taxes on this property since 1926 except for the period during which it was held by Mr. Dill. The 1954 taxes were not paid and the property was sold at a tax sale to one Thurman Juzanne and subsequently redeemed by Mr. Dill. Taxes for 1956 were paid by Mr. Juzanne but this was prior to the redemption from him by Mr. Dill on March 21, 1957. Other than this the taxes on this property have been paid by me or my wife since 1926 and no other person, to our knowledge, has paid the same or assessed this property for taxes.

During this period of time my wife and I, or the Dills claiming through us, have been in open and notorious possession of the entire tract of land which runs from the Southeast corner of Section 11, Township 20, Range 3 West, to the fence line of K. E. Cooper's land to the North and which is bounded on the West by the old Oxmoor Road, on the East by the East section line.

During this time we have used the creek for swimming and have used the area defined for picnics, weiner roasts and such. During this time no other person has made any claim to any part of the property last defined. The cabin built by me in 1926 or 1927 remains in the location in which it was originally placed.

F. E. Butler
F. E. Butler

Sworn to and subscribed
before me this 12 day
of Sept, 1959.

[Signature]
Notary Public

FILED 16 SEPTEMBER 1959

STATE OF ALABAMA, SHELBY COUNTY

I, Conrad M. Fowler, Judge of Probate, hereby certify that the within Deed at 8 o'clock P. M. and
filed for record the 16 day of Sept 19 59 at page 213 and the Mortgage Tax

Deed Book 204