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STATE OF ALABAMA
SHELBY COUNTY

Before me, the undersigned authority, personally appeared K. E. Fulton and C. H. Fulton, who are each known to me, and who each being by me first duly sworn, deposes and says as follows:

Affiant K. E. Fulton says that he is sixty-three years old and that he has resided on the same property in the same house, which said house is located within one and one-half miles from the various tracts of land identified below, all of his life. Affiant K. E. Fulton further says that he has been familiar with the possession and ownership of each of the various tracts of land identified below all of his life, having owned and taken mortgages on several of said tracts at one time or another, and in some instances having himself actually constructed houses as a carpenter on several of said tracts.

Affiant C. H. Fulton says that he is sixty-seven years old and that he has lived in and around Siluria and Alabaster, and in the vicinity of the various tracts of land identified below, most of his life and for the past twenty consecutive years. Affiant C. H. Fulton says that he has owned property in the same locality as the various said tracts at various times during his life, and that he has been familiar with the ownership and possession of each of the various tracts all of his life.

Each Affiant says that he is a third cousin of the other.

Each affiant says that he has been informed that--due to inaccurate descriptions contained in the various deeds to the various tracts of land designated or identified below and the inaccurate descriptions contained in deeds to other tracts not identified below but which other tracts are located in the same general vicinity as the tracts identified below--it is impossible, as a practical matter, to tell from the public records of the Office of the Judge of Probate of Shelby County, Alabama, the location of the said tracts identified below, as said tracts are situated on the ground, and as said tracts lie in relation to each other and in relation to surrounding property and in relation to the government survey, and that hence, it is impossible to abstract said tracts. Each affiant says that he has been asked by the Alabama State Highway Department to make this affidavit so that the Highway Department can ascertain the owners of the various tracts identified below, it being the intention of the Highway Department to acquire right-of-way for the construction of a limited access highway which will cross or touch each of the various tracts identified below, or some portion thereof.

Each affiant says that on March 12, 1959, he was shown a map or plat of a.

preliminary survey of each of said tracts identified below which had been prepared by engineers and surveyors of the Alabama State Highway Department, said map or plat being drawn to the scale of one inch representing two hundred feet on the ground, said map or plat showing government survey corners, the proposed right-of-way lines of the limited access interstate highway now under construction which is designated as State Highway Department Project No. I-202-2(7) or State Highway Department Project No. I-65-2(7), right-of-way of present U. S. Highway 31, right-of way of old U. S. Highway 31, right-of-way of Alabama Power Company transmission line, various points on Nickerson's Addition to Alabaster(as recorded in the Office of the Judge of Probate of Shelby County, Alabama, at page 61 of Map Book 3), various property line of the said tracts identified below, and various designations of the owners of said tracts, all as ascertained previously by said State Highway Department engineers and surveyors. Each affiant says that it was apparent to him that said map or plat did not, in some instances and respects, depict the various property lines and owners in an accurate or complete manner, said map or plat at that time being incomplete.

Each affiant says that on the morning of March 12, 1959, a group composed of both affiants, Mr. L. E. Tyson, an engineer of the State Highway Department, Mr. James Ray, an engineer of the State Highway Department, and Attorney Oliver P. Head, began on the south line of the NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 12, Township 21 South, Range 3 West, where the proposed right-of-way of said limited access highway crosses said forty acre line, and commenced to personally walk over and inspect each of the tracts designated or identified below. Each affiant says that, during the course of covering all of the said tracts identified below, which took two full days (March 12th and March 13th), affiants and members of the said group were shown the right-of-way lines of the proposed limited access highway by the said Mr. L. E. Tyson and the said Mr. James Ray, that affiants and members of said group from time to time contacted various property owners and other persons living on said tracts, calling on said persons to show their deeds to the group and discussing with said persons the various property lines, that affiants pointed out to members of said group the various property lines which they knew and told members of said group about present and past ownership and possession of each of said tracts, and that during the course of traveling over said property, Mr. Tyson, Mr. Ray, and Mr. Head made various notes concerning the information which developed and resulted from the said visitations of said tracts.

Each affiant says that it is his understanding that said notes and information was delivered to Mr. Jimmie Thompson, a surveyor of the State Highway Department, and that Mr. Thompson and a crew of surveyors at a later date revisited each of said tracts, using said notes and information, and again contacting various persons living in said area, and that said surveyors resurveyed and remapped said area, the resulting final survey, which has been carefully studied by each of said affiants, now being recorded at page 113 of Right-of-Way Map Book, Office of Judge of Probate, Shelby County, Alabama. Each of said affiant further says that to the best of his knowledge, information, and belief, said survey now recorded at page 113 of Right-of-Way Map Books correctly and accurately shows what it purports to show.

Each of affiants says that all of the tracts designated below which lie in the NE $\frac{1}{4}$ of NW $\frac{1}{4}$, Section 12, Tp. 21 S., Range 3 W., and in the S $\frac{1}{2}$ of S $\frac{1}{2}$ of SW $\frac{1}{4}$, and the W $\frac{1}{2}$ of SE $\frac{1}{4}$, Section 1, Tp. 21 S., Range 3 W., were, before said tracts were sold off, at one time owned by Lee Byars, who was also known as "Lee Byas" and as "Lee Byers". Each affiant says that he remembers when W. M. Richards owned, occupied, and possessed said land prior to 1900 and when said W. M. Richards conveyed said land to said Lee Byars about 1906. Each affiant says that to his personal knowledge, said Lee Byars died about the year 1942.

Each affiant says that all of the tracts designated below which lie in the N $\frac{1}{2}$ of SW $\frac{1}{4}$ and in the N $\frac{1}{2}$ of S $\frac{1}{2}$ of SW $\frac{1}{4}$, Section 1, Tp. 21 S., Range 3 W., were, before said tracts were sold off, at one time owned by the Waggoner Estate prior to 1900. Each affiant says that he remembers when the Waggoner heirs conveyed said property to George L. Scott and K. B. Nickerson about 1929, along with other property, and when said George L. Scott conveyed his interest in said property to said K. B. Nickerson about 1929. Each affiant says that he knows of his own personal knowledge that said Lee Byars (with his heirs) have never owned, claimed or possessed any part of the N $\frac{1}{2}$ of S $\frac{1}{2}$ of SW $\frac{1}{4}$, Section 1, Tp. 21 S., Range 3 West.

As to that property designated as Tract # 69 on the survey recorded at page 113 of Right-of-Way Map Book, Office of Judge of Probate, Shelby County, Alabama: Each affiant says that said property was conveyed by Lee Byars and wife to Bradford Baker many years ago and that said property may have been conveyed by said Bradford Baker, or his heirs, to Mark Lee; that said Bradford Baker and said Mark Lee were related, either by blood or by marriage; that said Bradford Baker and said Mark Lee have both been dead for 25 or 30 years or longer, and that said property is presently owned by either the heirs of said Bradford Baker or the heirs of said

Mark Lee. Each affiant says that he has never heard anyone claim the title, ownership, or possession of said property except said Bradford Baker, Mark Lee, and their heirs at law and next of kin, since said property was conveyed from said Lee Byers, as aforesaid: That said property is now vacant land with no improvements located thereon, the house which was formerly located thereon having been torn down some 15 years ago.

As to that property designated as Tract # 70 on the survey recorded at page 113 of Right-of-Way Map Book, Office of Judge of Probate, Shelby County, Alabama: Each affiant says that said Tract designated as Tract #70 is actually made up of two lots, each of said lots now being owned by Ida Strickland, ^{and} that on March 12, 1959, said Ida Strickland showed affiants a deed to Ida Strickland from Lee Byars and wife dated September 19, 1927, recorded at page 13 of Deed Book 83, Office of Judge of Probate, Shelby County, Alabama, under which Ida Strickland claims title to the "first" lot. Each affiant says that a house was built on said lot about a year before the date of said deed, and that said Ida Strickland has occupied said house and lot as a homestead since the date of said deed and until the present date.

Each affiant says that the "second" said lot which makes up said Tract # 70 as shown on survey, and which said lot lies northerly of and borders on the Ida Strickland homestead lot, was formerly conveyed by Lee Byars and wife to Daisy Harris, and that said Daisy Harris and husband, Herbert Harris, conveyed said lot to Ida Strickland in January, 1958, as shown by another deed which said Ida Strickland showed affiants on March 12, 1959, said deed being recorded at page 1 of Deed Book 192, Office of Judge of Probate of Shelby County, Alabama.

Each affiant says that, to his own personal knowledge, said Ida Strickland and her predecessors in title, as stated above, have been in actual, open, peaceable, continuous, exclusive, notorious, undisturbed, adverse possession of all of said Tract # 70, claiming the same against the world and against the claims of all persons whatsoever since W. M. Richards owned, occupied, and possessed said land prior to 1900, as aforesaid, and until the present date, and that to the best knowledge, information, and belief of each affiant, no person has ever questioned the possession or ownership of said Ida Strickland and her predecessors in title, as specified above.

As to that property designated as Tract # 71 on the survey recorded at page 113 of Right-of-Way Map Book, Office of Judge of Probate, Shelby County, Alabama: Each affiant says that on March 12, 1959, Martha Swift, wife of George

Swift, showed them a deed from Lee Byars and wife to George Swift which was recorded in 1935 under which said George Swift claims his title to said lot, said deed being recorded at page 526 of Deed Book 94, Office of Judge of Probate of Shelby County, Alabama. Each affiant says that he remembers that a house was built on said lot shortly after said George Swift acquired said lot, and that said George Swift has occupied said house and lot as a homestead since that time.

Each affiant says that he has been informed that said George Swift executed a survivorship deed to his wife, the said Martha Swift, in 1952, as shown at page 528 of Deed Book 155, Office of Judge of Probate of Shelby County, Alabama.

Each affiant says that, to his own personal knowledge, said George Swift and wife, Martha Swift, and their predecessors in title, as stated above, have been in actual, open, peaceable, continuous, exclusive, notorious, undisturbed, adverse possession of all of said Tract # 71, claiming the same against the world and against the claims of all persons whatsoever since said W. M. Richards owned, occupied, and possessed said land prior to 1900, as aforesaid, and until the present date, and that to the best knowledge, information, and belief of each affiant, no person has ever questioned the possession or ownership of said George Swift and wife, Martha Swift, and their predecessors in title, as specified above.

As to that property designated as Tract # 71A on the survey recorded at page 113 of Right-of-Way Map Book, Office of Judge of Probate, Shelby County, Alabama: Each affiant says that on March 12, 1959, Allison Griffin showed them a deed from Columbus L. Hosey to Allison Griffin dated February, 1950, recorded at page 125 of Deed Book 140 Office of Judge of Probate of Shelby County, Alabama, under which said deed the said Allison Griffin claims his title to said lot. Each affiant says that he remembers when the original house which was located on said lot was blown away by a storm in 1952 and when the present house which is located on said lot was rebuilt shortly thereafter. Each affiant says that said Columbus Lee Hosey derived his title from a conveyance from Buck Welch and that said Buch Welch derived his title from Lee Byars and wife. Each affiant says that he has been informed that said Allison Griffin executed a survivorship deed to his wife, Essie Griffin, in 1953, recorded at page 247 of Deed Book 158, and that said Essie Griffin is now dead.

Each affiant says that, to his own personal knowledge, said Allison Griffin, and his predecessors in title, as stated above, has been in actual, open, peaceable, continuous, exclusive, notorious, undisturbed, adverse possession of all of said

Tract # 71A, claiming the same against the world and against the claims of all persons whatsoever since said W. M. Richards owned, occupied, and possessed said lands prior to 1900, as aforesaid, and until the present date, and that to the best knowledge, information, and belief of each affiant, no person has ever questioned the possession or ownership of said Allison Griffin, and his predecessors in title, as specified above.

As to the property designated as Tract # 72 on the survey recorded at page 113 of Right-of-Way Map Book, Office of Judge of Probate, Shelby County, Alabama: Each affiant says that Leory Byars purchased said lot from Lee Byars and wife about 1949, and that Tom Tolbert and wife, Leola Tolbert, purchased said lot from said Leory Byars and wife shortly thereafter. The affiant K. E. Fulton says that he built a house on said lot shortly after Tom Tolbert and wife, Leola Tolbert purchased said lot, that a storm blew down said house in 1952, and that said affiant K. E. Fulton rebuilt said house on said lot for said Tom and Leola Tolbert shortly thereafter. Each affiant says that tenants are presently renting said house from said Tom and Leola Tolbert. Affiant each says that they have been informed that Daisy Harris has conveyed whatever interest she may have claimed in said lot to said Leola Tolbert, as shown at page 32 of Deed Book 169 and at page 395 of Deed Book 191, Office of Judge of Probate of Shelby County, Alabama.

Each affiant says that, to his own personal knowledge, said Tom Tolbert and wife, Leola Tolbert, and their predecessors in title, as stated above, have been in actual, open, peaceable, continuous, exclusive, notorious, undisturbed, adverse possession of all of said Tract # 72, claiming the same against the world and against the claims of all persons whatsoever since said W. M. Richards owned, occupied, and possessed said land prior to 1900, as aforesaid, and until the present date, and that to the best knowledge, information, and belief of each affiant, no person has ever questioned the possession or ownership of said Tom Tolbert and wife, Leola Tolbert, and their predecessors in title, as specified above.

As to the property designated at Tract # 72A on the survey recorded at page 113 of Right-of-Way Map Book, Office of Judge of Probate, Shelby County, Alabama: Each affiant says that on March 12, 1959, Fannie Byars showed them a deed from Lee Byars and wife to Lee Byars, Jr., dated September, 1937, and recorded at page 464 of Deed Book 96. Each affiant says that Lee Byars, Jr., and Leroy Byars were one and the same person who died about 1955. Each affiant says

that he is not sure who are the heirs of said Lee Byars, Jr., but that Fannie Byars presently occupies the house located on said property and has lived in said house as a homestead with said Lee Byars, Jr., until the time of his death and after his death until the present date. Each affiant says that said house was built some 15 years ago. Each affiant says that he understands that said Lee Byars, Jr., may have been married to an "Ollie "Byars" at one time and that he also understands that the Lee Byars heirs now claim to own said property.

Each affiant says that, to his own personal knowledge, said Lee Byars, Jr., and Fannie Byars

/and the heirs at law or devisees of said Lee Byars, Jr., and their predecessors in title, as stated above, have been in actual, open, peaceable, continuous, exclusive, notorious, undisturbed, adverse possession of all of said Tract # 72A claiming the same against the world and against the claims of all persons whatsoever since said W. M. Richards owned, occupied, and possessed said land prior to 1900, as aforesaid, and until the present date, and that to the best knowledge, information, and belief of each affiant, no person has ever questioned the possession or ownership of said Lee Byars, Jr. and Fannie Byars /and the heirs at law or devisees of said Lee Byars, Jr., and their predecessors in title, as specified above, except as specified above.

As to the property designated as Tract # 73A on the survey recorded at page 113 of Right-of-Way Map Book, Office of Judge of Probate, Shelby County, Alabama: Each affiant says that Lee Byars and wife conveyed said property to G. L. Bunkley and wife, Etta Bunkley, in 1936, as shown at page 227 of Deed Book 100, Office of Judge of Probate of Shelby County, Alabama, and that said G. L. Bunkley and Etta Bunkley have claimed and occupied said property under said deed until the present date.

Each affiant says that, to his own personal knowledge, said G. L. Bunkley and Etta Bunkley and their predecessors in title, as stated above, have been in actual, open, peaceable, continuous, exclusive, notorious, undisturbed, adverse possession of all of said Tract # 73A, claiming the same against the world and against the claims of all persons whatsoever since said W. M. Richards owned, occupied, and possessed said land prior to 1900, as aforesaid, and until the present date, and that to the best knowledge, information, and belief of each affiant, no person has ever questioned the possession or ownership of said G. L. Bunkley and Etta Bunkley and their predecessors in title, as specified above.

As to the property designated as Tract # 74 on the survey recorded at page 113 of Right-of-Way Map Book, Office of Judge of Probate, Shelby County, Alabama:

Each affiant says that said Tract # 74 represents that part of the original Lee Byars lands, described above, which has not been sold off by said Lee Byars or his heirs at the present time.

Each affiant says that, to his own personal knowledge, said Lee Byars and the heirs at law of said Lee Byars and their predecessors in title, as stated above, have been in actual, open, peaceable, continuous, exclusive, notorious, undisturbed adverse possession of all of said Tract # 74, claiming the same against the world and against the claims of all persons whatsoever since said W. M. Richards owned, occupied, and possessed said land prior to 1900, as aforesaid, and until the present date, and that to the best knowledge, information, and belief of each affiant, no person has ever questioned the possession or ownership of said Lee Byars and the heirs at law of said Lee Byars and their predecessors in title, as specified above.

As to the property designated as Tract # 74A on the survey recorded at page 113 of Right-of-Way Map Book, Office of Judge of Probate, Shelby County, Alabama: Each affiant says that on March 12, 1959, Annie Mae Harrison showed them a deed to Robert Harrison and wife, Annie Mae Harrison, from Lee Byars and wife dated May, 1942, recorded at page 514 of Deed Book 120 under which said Robert Harrison and Annie May Harrison claim their title to said lot. Each affiant says that a house was built on said lot in 1942 or 1943 which burned some two or three years ago, and that shortly after said house burned, the present house now standing on said lot was built, and that said Robert Harrison and wife, Annie May Harrison, have ^{since} occupied said property as a homestead/the said house was built on said lot in 1942 or 1943 and until the present date.

Each affiant says that, to his own personal knowledge, said Robert Harrison and Annie Mae Harrison and their predecessors in title, as stated above, have been in actual, open, peaceable, continuous, exclusive, notorious, undisturbed, adverse possession of all of said Tract # 74A, claiming the same against the world and against the claims of all persons whatsoever since said W. M. Richards owned, occupied, and possessed said land prior to 1900, as afore said, and until the present date, and that to the best knowledge, information, and belief of each affiant, no persons has ever questioned the possession or ownership of said Robert Harrison and Annie Mae Harrison and their predecessors in title, as specified above.

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As to the property designated as Tract # 74C on the survey recorded at page 113 of Right-of-Way Map Book, Office of Judge of Probate, Shelby County, Alabama: Each affiant says that said Tract # 74C was originally conveyed from Lee Byars and wife, or from the Lee Byars heirs, to James Ross and wife, Leta Ross, several years ago, that said James Ross and wife had a house on the present house site in 1952 or 1953 when U. S. Highway 31 was changed, that said James Ross and wife moved said house north of present U. S. Highway 31 to another house site and sold said land south of present U. S. Highway 31 to Y. C. Green and wife, Rosa Lee Green. Each affiant says that Rosa Lee Green showed them a deed to Y. C. Green and wife, Rosa Lee Green from said James Ross and wife dated October, 1955, recorded at page 455 of Deed Book 184, Office of Judge of Probate of Shelby County, Alabama, under which said deed Y. C. Green and wife claim their title to said lot. Each affiant says that the present house on said lot was built shortly after said Y. C. Green and wife acquired their title to said lot, and that said house has since been occupied as a homestead by said Y. C. Green and wife, Rosa Lee Green, until the present date.

Each affiant says that, to his own personal knowledge, said Y. C. Green and Rosa Lee Green and their predecessors in title, as stated above, have been in actual, open, peaceable, continuous, exclusive, notorious, undisturbed, adverse possession of all of said Tract # 74C, claiming the same against the world and against the claims of all persons whatsoever since said W. M. Richards owned, occupied, and possessed said land prior to 1900, as aforesaid, and until the present date, and that to the best knowledge, information, and belief of each affiant, no person has ever questioned the possession or ownership of said Y. C. Green and Rosa Lee Green and their predecessors in title, as specified above.

As to the property designated as Tract # 75 on the survey recorded at page 113 of Right-of-Way Map Book, Office of Judge of Probate, Shelby County, Alabama: Each affiant says that said lot was conveyed from Lee Byars and wife, or from the Lee Byars heirs, about 15 years ago to Buster Ellis, who died about 1949. Each affiant says that Buster Ellis was at one time married to Venera Ellis and at one time married to another woman whose name affiants have been informed is "Leo Ellis" of Detroit, Michigan, and that said Buster Ellis had children by both women. Affiants say that they have been informed that said Venera Ellis is now married to Marshall Wright, but that no person presently occupies said property, there never having been any house thereon. Each affiant says that he has been informed that Buster's children by Venera were named Tommy, L. C. Gracie, and Loise, and that his children by "Leo" were named Leroy, James, and Shirley. Affiants each say that they do not know whether said

Buster Ellis was ever divorced from either woman nor do they know which was his first wife.

Each affiant says that, to his own personal knowledge, said Buster Ellis and the heirs at law of said Buster Ellis and their predecessors in title, as stated above, have been in actual, open, peaceable, continuous, exclusive, notorious, undisturbed, adverse possession of all of said Tract # 75, claiming the same against the world and against the claims of all persons whatsoever since said W. M. Richards owned, occupied, and possessed said land prior to 1900, as aforesaid, and until the present date, and that to the best knowledge, information, and belief of each affiant, no person has ever questioned the possession or ownership of said Buster Ellis and the heirs at law of said Buster Ellis and their predecessors in title, as specified above.

As to the property designated as Tract # 76 on the survey recorded at page 113 of Right-of-Way Map Book, Office of Judge of Probate, Shelby County, Alabama: Each affiant says that said property was conveyed from the Lee Byars heirs some three years ago to Sammie Harris and wife, Jimmie Harris.

Each affiant says that, to his own personal knowledge, said Sammie Harris and Jimmie Harris and their predecessors in title, as stated above, have been in actual, open, peaceable, continuous, exclusive, notorious, undisturbed, adverse possession of all of said Tract # 76, claiming the same against the world and against the claims of all persons whatsoever since said W. M. Richards owned, occupied, and possessed said land prior to 1900, as aforesaid, and until the present date, and that to the best of my knowledge, information, and belief of each affiant, no person has ever questioned the possession or ownership of said Sammie Harris and Jimmie Harris and their predecessors in title, as specified above.

As to the property designated as Tract # 77 on the survey recorded at page 113 of Right-of-Way Map Book, Office of Judge of Probate, Shelby County, Alabama: Each affiant says that on March 12, 1959, Rosa Mae Harris showed them a deed from Lue Cardwell, a widow, to Rosa Mae Harris and husband, L. B. Harris, dated August, 1953, recorded at Deed Book 162 page 358, Office of Judge of Probate of Shelby County, Alabama, under which said Rosa Mae Harris and husband L. B. Harris claim title to said property. Affiants each say that said Lue Cardwell received her title through Lee Byars and wife, or through the Lee Byars heirs, and that the house located on said property was built about 1952, which said house has been occupied as a homestead by said Rosa Mae Harris and L. B. Harris until the present date.

Each affiant says that on March 12, 1959, said Rosa Mae Harris also showed

them a deed from George Robertson and wife to said Rosa Mae Harris and husband recorded at page 354 of Deed Book 162, Office of Judge of Probate of Shelby County, Alabama.

Each affiant says that, to his own personal knowledge, said Rosa Mae Harris and husband, L. B. Harris, and their predecessors in title, as stated above, have been in actual, open, peaceable, continuous, exclusive, notorious, undisturbed, adverse possession of all of said Tract # 77, claiming the same against the world and against the claims of all persons whatsoever since said W. M. Richards owned, occupied, and possessed said land prior to 1900, as aforesaid, and until the present date, and that to the best knowledge, information, and belief of each affiant, no person has ever questioned the possession or ownership of said Rosa Mae Harris and husband, L. B. Harris and their predecessors in title, as specified above.

As to the property designated at Tract # 78 on the survey recorded at page 113 of Right-of-Way Map Book, Office of Judge of Probate, Shelby County, Alabama: Each affiant says that on March 12, 1959, Mary Potis, widow of Raymond Potis, showed them a deed from Lee Byars and wife to Raymond Potis dated December, 1936, recorded at page 522 of Deed Book 109, Office of Judge of Probate of Shelby County, Alabama, under which said Raymond Potis and his heirs claim their title. Each affiant says that said Raymond Potis died about June, 1958, leaving his said widow and a child about two years old, Janie Marie Potis, as his only heirs.

Affiant K. E. Fulton says that said Raymond Potis's first wife, Johnnie Mae, is dead, and that so far as affiant knows and believes said Raymond Potis had no children by her. Each affiant says that the house located on said lot was built about 12 or 15 years ago and has since been occupied by said Raymond Potis and his heirs as a homestead until the present date.

Each affiant says that, to his own personal knowledge, said Raymond Potis and Mary Potis and the heirs at law of said Raymond Potis and their predecessors in title, as stated above, have been in actual, open, peaceable, continuous, exclusive, notorious, undisturbed, adverse possession of all of said Tract # 78, claiming the same against the world and against the claims of all persons whatsoever since said W. M. Richards owned, occupied, and possessed said land prior to 1900, as aforesaid, and until the present date, and that to the best knowledge, information, and belief of each affiant, no person has ever questioned the possession or ownership of said Raymond Potis and Mary Potis and the heirs at law of said Raymond Potis and their predecessors in title, as specified above.

As to the property designated as Tract #78A on the survey recorded at page 113

of Right-of-Way Map Book, Office of Judge of Probate, Shelby County, Alabama: Each affiant says that on March 12, 1959, Willie Mae Bishop showed them a deed from George Robertson and wife dated June, 1954, to Taft Bishop and wife, Willie Mae Bishop, recorded at page 520 of Deed Book 166, Office of Judge of Probate of Shelby County, Alabama, under which deed said Taft Bishop and wife claim their title to said lot. Each affiant says that the house located on said lot was built about three years ago and has been occupied as a homestead since by said Taft Bishop and wife until the present date. Each affiant says that Lee Byars and wife, or the Lee Byars heirs, conveyed said lot to said George Robertson 15 years or more before said George Robertson and wife conveyed the same to said Taft Bishop and wife.

Each affiant says that, to his own personal knowledge, said Taft Bishop and Willie Mae Bishop and their predecessors in title, as stated above, have been in actual, open, peaceable, continuous, exclusive, notorious, undisturbed, adverse possession of all of said Tract # 78A, claiming the same against the world and against the claims of all persons whatsoever since said W. M. Richards owned, occupied, and possessed said land prior to 1900, as aforesaid, and until the present date, and that to the best knowledge, information, and belief of each affiant, no person has ever questioned the possession or ownership of said Taft Bishop and Willie Mae Bishop and their predecessors in title, as specified above.

As to the property designated as Tract # 79 on the survey recorded at page 113 of Right-of-Way Map Book, Office of Judge of Probate, Shelby County, Alabama: Each affiant says that Lee Byars and wife conveyed said lot to Tom Hill, Jr., in January, 1939, as shown at page 274 of Deed Book 106, Office of Judge of Probate of Shelby County, Alabama, and that said Tom Hill, Jr., later built the house now standing on said lot. Each affiant says that said Tom Hill, Jr., at the present time, rents said property to tenants.

Each affiant says that, to his own personal knowledge, said Tom Hill, Jr. and his predecessors in title, as stated above, have been in actual, open, peaceable, continuous, exclusive, notorious, undisturbed, adverse possession of all of said Tract # 79, claiming the same against the world and against the claims of all persons whatsoever since said W. M. Richards owned, occupied, and possessed said land prior to 1900, as aforesaid, and until the present date, and that to the best knowledge, information, and belief of each affiant, no person has ever questioned the possession or ownership of said Tom Hill, Jr., and his predecessors in title, as specified above.

As to the property designated as Tract # 80 on the survey recorded at page 113 of Right-of-Way Map Book, Office of Judge of Probate, Shelby County, Alabama:

Each affiant says that on March 12, 1959, Nettie Norris showed them a deed from Ida Tolbert and husband, Henry Tolbert, to Ed Norris and wife, Nettie Norris, dated March 31, 1949, recorded at page 231 Deed Book 140, Office of Judge of Probate, Shelby County, Alabama, under which deed said Ed Norris and wife, Nettie Norris, claim their title to said property. Each affiant says that said lot was originally conveyed from Lee Byars and wife, or the Lee Byars heirs, to James Vicent several years ago, that said James Vincent then later conveyed to said Ida Tolbert and husband, Henry Tolbert, and that the house now standing on said lot was built about 1948. Each affiant says that said Ed Norris and wife, Nettie Norris, have occupied said house as a homestead since they received title to the same, as aforesaid, and until the present date.

Each affiant says that, to his own personal knowledge, said Ed Norris and Nettie Norris and their predecessors in title, as stated above, have been in actual, open, peaceable, continuous, exclusive, notorious, undisturbed, adverse possession of all of said Tract #80, claiming the same against the world and against the claims of all persons whatsoever since said W. M. Richards owned, occupied, and possessed said land prior to 1900, as aforesaid, and until the present date, and that to the best knowledge, information, and belief of each affiant, no person has ever questioned the possession or ownership of said Ed Norris and Nettie Norris and their predecessors in title, as specified above.

As to the property designated as Tract # 81 on the survey recorded at page 113 of Right-of-Way Map Book, Office of Judge of Probate, Shelby County, Alabama: Each affiant says that Willie Pearl Kirkland and husband, Doc Kirkland, were conveyed said lot by Lee Byars and wife, or by the Lee Byars heirs, several years ago and that said Doc Kirkland died about 1937. Each affiant says that the house on said tract which is located within the bounds of the right-of-way for the interstate highway was built in 1952 by the Red Cross after the storm of 1952, and the affiant K. E. Fulton says that he built the house on said lot which lies without the bounds of the right-of-way of the interstate highway in 1936. Each affiant says that said Willie Pearl Kirkland now lives in California and rents both said houses to tenants. Each affiant says that he does not know whether said Willie Pearl Kirkland has remarried since the death of said Doc Kirkland, and each affiant says that the following are all of the children and next of kin of said Doc Kirkland, and that all of said persons are over twenty-one years of age and now live in California: Pauline Griffin, Royal Doc Kirkland, Stafford Leon Kirkland, Ralph Kirkland, and Norman George Kirkland.

Each affiant says that, to his own personal knowledge, said Willie Pearl Kirkland and the heirs at law of Doc Kirkland and their predecessors in title, as stated above, have been in actual, open, peaceable, continuous, exclusive, notorious, undisturbed, adverse possession of all of said Tract # 81, claiming the same against the world and against the claims of all persons whatsoever since said W. M. Richards owned, occupied, and possessed said land prior to 1900, as aforesaid, and until the present date, and that to the best knowledge, information, and belief of each affiant, no person has ever questioned the possession or ownership of said Willie Pearl Kirkland and the heirs of Doc Kirkland and their predecessors in title, as specified above.

As to the property designated as Tract # 81A on the survey recorded at page 113 of Right-of-Way Map Book, Office of Judge of Probate, Shelby County, Alabama: Each affiant says that Lee Byars and wife, or the Lee Byars heirs, conveyed said property to Henry Jackson and wife, Grace Jackson, several years ago.

Each affiant says that, to his own personal knowledge, said Henry Jackson and Grace Jackson and their predecessors in title, as stated above, have been in actual, open, peaceable, continuous, exclusive, notorious, undisturbed, adverse possession of all of said Tract # 81A, claiming the same against the world and against the claims of all persons whatsoever since said W. M. Richards owned, occupied, and possessed said land prior to 1900, as aforesaid, and until the present date, and that to the best knowledge, information, and belief of each affiant, no person has ever questioned the possession or ownership of said Henry Jackson and Grace Jackson and their predecessors in title, as specified above.

As to the property designated as Tract #82 on the survey recorded at page 113 of Right-of-Way Map Book, Office of Judge of Probate, Shelby County, Alabama: Each affiant says that Lee Byars and wife conveyed said property to affiant K. E. Fulton several years ago, and that said K. E. Fulton and wife later conveyed said lot to Rufus Vinson, or to Rufus Vinson and wife, Lillie Mae Vinson, about 1938. Each affiant says that the house now standing on said property was built about 1940 and is now being rented by the said Rufus and wife, Lillie Mae Vinson to tenants.

Each affiant says that, to his own personal knowledge, said Rufus Vinson and wife Lillie Mae Vinson and their predecessors in title, as stated above, have been in actual, open, peaceable, continuous, exclusive, notorious, undisturbed, adverse possession of all of said Tract # 82, claiming the same against the world and against the claims of all persons whatsoever since said W. M. Richards owned, occupied, and possessed said land prior to 1900, as aforesaid, and until the present date, and that to the best knowledge, information, and belief of each affiant, no person has ever questioned the possession or ownership of said Rufus Vinson and Lillie Mae Vinson

and their predecessors in title, as specified above.

As to the property designated as Tract #83 on the survey recorded at page 113
of Right-of-Way Map Book, Office of Judge of Probate, Shelby County, Alabama:

Each affiant says that on March 13, 1959, Ellen McWilliams showed them a deed from K. E. Fulton and wife to Ellen McWilliams, a widow, dated October, 1945, and recorded at page 9 of Deed Book 150, Office of Judge of Probate, Shelby County, Alabama, under which said deed said Ellen McWilliams claims her title to said lot. Affiant K. E. Fulton says that he built the house which is not located on said lot in 1945, and that he received his title to said property under a conveyance from Lee Byars and wife several years before 1945. Each affiant says that he has been informed that said Ellen McWilliams died about one month ago, and ^{each affiant says he knows} that said Ellen McWilliams occupied the house located on said lot as a homestead from 1945 until the time of her death.

Each affiant says that Arthur Alexander is the grandson of Ellen McWilliams and affiants each say that he has never heard of any person besides said Ellen McWilliams and her heirs and Arthur Alexander claiming any title to said property since 1945. Affiant K. E. Fulton says that when he and his wife executed the conveyance recorded at page 9 of Deed Book 150 to said Ellen McWilliams, as stated above, the name "Arthur Alexander" did not appear on said deed and that said name "Arthur Alexander" was apparently written on said deed by someone after said conveyance. Each affiant says that on March 12, 1959, when they discussed this matter with Ellen McWilliams, said Ellen McWilliams said that she put the name "Arthur Alexander" on said deed because she intended said Arthur Alexander to have said property after her death.

Each affiant says that, to his own personal knowledge, said heirs at law of Ellen McWilliams and their predecessors in title, as stated above, have been in actual, open, peaceable, continuous, exclusive, notorious, undisturbed, adverse possession of all of said Tract # 83, claiming the same against the world and against the claims of all persons whatsoever since said W. M. Richards owned, occupied, and possessed said land prior to 1900, as aforesaid, and until the present date, and that to the best knowledge, information, and belief of each affiant, no person has ever questioned the possession or ownership of said heirs at law of Ellen McWilliams and their predecessors in title, as specified above.

As to the property designated as Tract #81 on the survey recorded at page 113
of Right-of-Way Map Book, Office of Judge of Probate, Shelby County, Alabama:

Affiants each say that said property was conveyed by Lee Byars and wife to Rubin Hill and wife, Carrie Hill, about 1938, as shown at page 342 of Deed Book 106,

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Office of Judge of Probate of Shelby County, Alabama, and that there are no improvements located thereon, that said Rubin Hill has been dead for several years, and that said Carrie Hill has not remarried since the death of said Rubin Hill.

Affiant K. E. Fulton says that on March 13, 1959, Carrie Hill showed him, in addition to the above mentioned deed, a deed dated October 7, 1951, which said deed has never been recorded, from Rubin Hill and wife, Carrie Hill, to Willie R. Hill and Jimmy Lee Edwards, said deed describing the same property as the said deed which is recorded at page 342 of Deed Book 196. Affiant K. E. Fulton says that said Carrie Hill on said occasion stated that said deed has been delivered to the grantees, who are members of her family who are permitting her to look after said property.

Each affiant says that, to his own personal knowledge, said Willie R. Hill, Jimmy Lee Edwards, Carrie Hill, and the heirs at law of Rubin Hill and their predecessors in title, as stated above, have been in actual, open, peaceable, continuous, exclusive, notorious, undisturbed, adverse possession of all of said Tract #84, claiming the same against the world and against the claims of all persons whatsoever since said W. M. Richards owned, occupied, and possessed said land prior to 1900, as aforesaid, and until the present date, and that to the best knowledge, information, and belief of each affiant, no person has ever questioned the possession or ownership of said Willie R. Hill, Jimmy Lee Edwards, Carrie Hill, and the heirs at law of Rubin Hill and their predecessors in title, as specified above.

As to the property designated as Tract #85 on the survey recorded at page 113 of Right-of-Way Map Book, Office of Judge of Probate, Shelby County, Alabama:

As to that portion of said Tract #85 lying north of the right of way present U. S. Highway 31: Each affiant says that the Lee Byars heirs conveyed said property to James Alexander and wife, Lola Alexander, about 1945, as shown at page 396 of Deed Book 199, Office of Judge of Probate of Shelby County, Alabama, under which said deed said James Alexander and wife claim their title to said lot. Each affiant says the house situated on said lot was built about 1946 and that said James Alexander and wife have since occupied said house as a homestead until the present date. Each affiant says that said James Alexander, on March 12, 1959, informed them that The each affiant also says First Bank of Alabaster has a mortgage on said property and/that he has also been informed that page 355 of Mortgage Book 200 shows a mortgage against said property in favor of Central State Bank.

Each affiant says that, to his own personal knowledge, said James Alexander and Lola Alexander and their predecessors in title, as stated above, have been in actual,

open, peaceable, continuous, exclusive, notorious, undisturbed, adverse possession of said portion of said Tract #85 which lies north of U. S. Highway 31, claiming the same against the world and against the claims of all persons whatsoever since said W. M. Richards owned, occupied, and possessed said land prior to 1900, as aforesaid, and until the present date, and that to the best knowledge, information, and belief of each affiant, no person has ever questioned the possession or ownership of said James Alexander and Lola Alexander and their predecessors in title, as specified above.

As to that portion of said Tract #85 lying south of the right of way of present U. S. Highway 31: Each affiant says that on March 12, 1959, James Alexander showed them a deed from Jewell Hawkins and wife, Virginia Hawkins, to James Alexander and wife, Lola Alexander, dated April, 1955, and recorded at page 156 of Deed Book 179, under which said deed said James Alexander and wife claim their title to said lot. Each affiant says that the business building containing a barber shop and vacant store which is located on said lot was built about two years ago, and that the house located by said business building is presently occupied by the mother of said James Alexander.

Each affiant says that said Jewell Hawkins and wife obtained their title under a conveyance from Leonard Garner, and that said Leonard Garner received his title under a conveyance for K. B. Nickerson and wife. Each affiant says that he has been informed that page 67 of Mortgage Book 245 and page 226 of Mortgage Book 255 show mortgages against said property in favor of The First Bank of Alabaster.

Each affiant says that, to his own personal knowledge, said James Alexander and Lola Alexander and their predecessors in title, as stated above, have been in actual, open, peaceable, continuous, exclusive, notorious, undisturbed, adverse possession of said portion of said Tract #85 which lies south of U. S. Highway 31, claiming the same against the world and against the claims of all persons whatsoever since said Waggoner heirs owned, occupied, and possessed said land prior to 1900, as aforesaid, and until the present date, and that to the best knowledge, information, and belief of each affiant, no person has ever questioned the possession or ownership of said James Alexander and Lola Alexander and their predecessors in title, as specified above.

As to the property designated as Tract #85A on the survey recorded at page 113 of Right-of-Way Map Book, Office of Judge of Probate, Shelby County, Alabama: Each affiant says that Albert Davis and wife Pinky Davis received a conveyance for said

property from the Lee Byars heirs about 1945, as shown at page 344 of Deed Book 166, Office of Judge of Probate of Shelby County, Alabama. Affiant K. E. Fulton says that he built the house which is now standing on said lot for said Albert Davis and wife about 1950, and each affiant says that said Albert Davis and wife have occupied said house as a homestead from the time when said house was built until the present date. Each affiant says that he has been informed that "Southern Construction Company" presently holds a mortgage on said property, as shown at page 54 of Mortgage Book 238, Office of Judge of Probate of Shelby County, Alabama.

Each affiant says that, to his own personal knowledge, said Albert Davis and wife, Pinkie Davis and their predecessors in title, as stated above, have been in actual, open, peaceable, continuous, exclusive, notorious, undisturbed, adverse possession of all of said Tract # 85A, claiming the same against the world and against the claims of all persons whatsoever since said W. M. Richards owned, occupied, and possessed said land prior to 1900, as aforesaid, and until the present date, and that to the best knowledge, information, and belief of each affiant, no person has ever questioned the possession or ownership of said Albert Davis and Pinkie Davis and their predecessors in title, as specified above.

As to the property designated as Tract #85B on the survey recorded at page 113 of Right-of-Way Map Book, Office of Judge of Probate, Shelby County, Alabama: Each affiant says that on March 13, 1959, Letha Ross showed them two deeds to James Ross and Letha Ross, the first deed from the Lee Byars heirs dated October, 1954, and recorded at page 144 Deed Book 172 Office of Judge of Probate Shelby County, Alabama, and the second deed from the Lee Byars and wife dated May 7, 1942, recorded at page 358 Deed Book 155, Office of Judge of Probate of Shelby County, Alabama, under which said deeds said James Ross and Letha Ross claim the title to said property. Each affiant says that the house which is now standing on said property was located south of the right-of-way of present U. S. Highway 31 before the right of way of said U. S. Highway 31 was changed to its present location, and that said house was moved to its present location about 1952 or 1953 and said house on said property has been occupied as a homestead by said James Ross and wife from the time it was moved from present location and until the present date.

Each affiant says that, to his own personal knowledge, said James Ross and wife, Letha Ross, and their predecessors in title, as stated above, have been in actual, open, peaceable, continuous, exclusive, notorious, undisturbed, adverse possession of all of said Tract # 85B, claiming the same against the world and against the claims of all persons whatsoever since said W. M. Richards owned, occupied, and possessed said land

prior to 1900, as aforesaid, and until the present date, and that to the best knowledge, information, and belief of each affiant, no person has ever questioned the possession or ownership of said James Ross and Letha Ross and their predecessors in title, as specified above.

As to the property designated as Tract # 86 on the survey recorded at page 113 of Right-of-Way Map Book, Office of Judge of Probate, Shelby County, Alabama: Each affiant says that on March 13, 1959, Mamie Albritton showed them deeds from K. B. Nickerson and wife to Mamie Albritton, the first said deed dated March 20, 1944, and recorded at page 178 Deed Book 120, Office of Judge of Shelby County, Alabama, and the second said deed dated April 2, 1941, and recorded at page 445 of Deed Book 110, Office of Judge of Probate, os Shelby County, Alabama, under which said deeds, said Mamie Albritton claims her title to said property. Each affiant says that the house standing on said property which said Mamie Albritton and her husband, George Albritton, have occupied as a homestead since they purchased said property and until the present date, was standing on said property at the time of said conveyance, to Mamie Albritton, and that the other house located on said property was built later.

Each affiant says that, to his own personal knowledge, said Mamie Albritton and her predecessors in title, as stated above, have been in actual, open, peaceable, continuous, exclusive, notorious, undisturbed, adverse possession of all of said Tract # 86, claiming the same against the world and against the claims of all persons whatsoever since said Waggoner Estate owned, occupied, and possessed said land prior to 1900, as aforesaid, and until the present date, and that to the best knowledge, information, and belief of each affiant, no person has ever questioned the possession or ownership of said Mamie Albritton and their predecessors in title, as specified above, except that possibly a boundary line dispute exists between said Tract No. 86 and Tract No. 91.

As to the property designated as Tract 86-A on the survey recorded at page 113 of Right-of-Way Map Book, Office of Judge of Probate, Shelby County, Alabama: Each affiant says that said property was occupied and possessed by Early Nelms at the time of his death some four years ago. Each affiant says that Ezella Nelms, the wife of Early Nelms has been dead some 9 or 10 years and that the house now standing on said property was built since 1950. Affiant K. E. Fulton says that he conveyed said property to Early Nelms in October, 1948, as shown at page 190 of Deed Book 183 and that he, said K. E. Fulton received his title to said land from Tom Thomas a short time before said conveyance to Early Nelms. Each affiant says that Tom Thomas received his title for said property from K. B. Nickerson and wife. Each affiant says that Early Nelms left as his surviving heirs at law and next of kin, Calvin Nelms, Charlie Nelms and John Wesly Nelms, all sons, and possibly others. Each affiant says that he has been informed that said John Wesley Nelms and Charlie Nelms and their

wives have conveyed their interests in said property to said Calvin Melms as shown at page 196 of Deed Book 183, Office of Judge of Probate of Shelby County, Alabama.

Each affiant says that, to his own personal knowledge, said Early Melms heirs and their predecessors in title, as stated above, have been in actual, open, peaceable, continuous, exclusive, notorious, undisturbed, adverse possession of all of said Tract # 86-A, claiming the same against the world and against the claims of all persons whatsoever since said Waggoner Estate owned, occupied, and possessed said land prior to 1900, as aforesaid, and until the present date, and that to the best knowledge, information, and belief of each affiant, no person has ever questioned the possession or ownership of said Early Melms heirs and their predecessors in title, as specified above.

As to the property designated as Tract #87 on the survey recorded at page 113 of Right-of-Way Map Book, Office of Judge of Probate, Shelby, County, Alabama: As to the portion of said property which lies to the south of the right of way of present U. S. Highway 31: Each affiant says that on March 12, 1959, T. H. Hosey (who is one and the same person as "Thermon Hosey") and wife, Lottie Hosey showed them a deed from Lee Byars and wife to Thermon Hosey and Lottie Hosey dated September, 1941, and recorded at page 438 of Deed Book 110, Office of the Judge of Probate of Shelby County, Alabama, under which said deed said T. H. Hosey and wife claim their title to said lot. Each affiant says that the house standing on said lot was built in 1952 after the storm of that year, which said storm blew away the original house which had been built on the same house site about 1941 or 1942. Each affiant says that said T. H. Hosey and wife, Lottie Hosey, have occupied said property as a home-stead since the first house was built on said lot and until the present date.

Each affiant says that, to his own personal knowledge, said T. H. Hosey and Lottie Hosey and their predecessors in title, as stated above, have been in actual, open, peaceable, continuous, exclusive, notorious, undisturbed, adverse possession of said portion of said Tract #87 which lies south of U. S. Highway 31; claiming the same against the world and against the claims of all persons whatsoever since said W. M. Richards owned, occupied, and possessed said land prior to 1900, as aforesaid, and until the present date, and that to the best knowledge, information, and belief of each affiant, no person has ever questioned the possession or ownership of said T. H. Hosey and Lottie Hosey and their predecessors in title, as specified above.

As to that portion of said property which lies to the north of the right of way of present U. S. Highway 31: Each affiant says that said T. H. Hosey and wife,

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Lottie Hosey, received their title to said property in 1943 from K. B. Nickerson and wife, as shown at page 297 of Deed Book 116. Each affiant says that said T. H. Hosey and wife have sold off various tracts from the original tract which they purchased from K. B. Nickerson and wife, as aforesaid. Each affiant says that he has never heard of K. B. Nickerson or his heirs or devisees owning, possessing, occupying, or claiming any part of said property since said T. H. Hosey and wife received their title thereto, and each affiant says that he has never heard of Sam Collins or Josie L. Green and wife, Rebecca Green, or any person, owning, occupying, possessing, or claiming any part of said property under any title which is inconsistent with the title of said T. H. Hosey and wife, except that possibly the heirs of Ed Daniels or "Ardell Daniels" may own or claim Lot 2 of Block B of Nickerson's Addition, as recorded at page 61 of Map Book 3, Office of Judge of Probate of Shelby County, Alabama.

Each affiant says that, to his own personal knowledge, said T. H. Hosey and wife, Lottie Hosey and their predecessors in title, as stated above, have been in actual, open, peaceable, continuous, undisturbed, adverse possession of said portion of said Tract #87 which lies north of U. S. Highway 31, claiming the same against the world and against the claims of all persons whatsoever since said Waggoner heirs owned, occupied, and possessed said land prior to 1900, as aforesaid, and until the present date, and that to the best knowledge, information, and belief of each affiant, no person has ever questioned the possession or ownership of said T. H. Hosey and Lottie Hosey and their predecessors in title, as specified above, and except as specified above.

Each affiant further says that he is not sure as to the ownership of the four adjoining lots shown on the right of way map to be a part of Lots 3 and 4 of Block B of Nickerson's Addition to Alabaster, each of said lots appearing to front 50 feet on the northeast side of U. S. Highway 31 and to run back 100 feet from the said Highway. Each affiant says that he has been informed that Jimmy Marbury and wife, Dorothy Marbury, own one of said lots under a conveyance from T. H. Hosey and wife, as shown at page 88 of Deed Book 197, Office of Judge of Probate, Shelby County, Alabama, but each affiant says that he is not sure which lot shown on said right of way map is the said Marbury lot and that it is not clear to affiants which said lot is designated on said right of way map as Tract #87-A.

As to the property designated as Tract #88 on the survey recorded at page 113 of Right-of-Way Map Book, Office of Judge of Probate, Shelby County, Alabama:

Each affiant says that on March 13, 1959, Lillian Clay showed them a deed from K. B. Nickerson and wife to Doctor L. Williamson and Lilliam Williamson dated May 5, 1947, recorded at page 559 of Deed Book 128, Office of Judge of Probate, Shelby County, Alabama to correct a deed recorded at page 423 of Deed Book 122.

Each affiant says that said Doctor L. Williamson and said Lillian Clay were married but later divorced, and that said Lillian later married Silas Clay, Jr. Each affiant says that on March 13, 1959, said Lillian Clay showed them a deed from Doctor L. Williamson, an unmarried man to Lillian Williamson Clay and Silas Clay, Jr., describing the same property as described in the first said deed dated July 11, 1955, and recorded at page 23 of Deed Book 174.

Each affiant further says that on said occasion said Lillian Clay showed them a deed from J. E. Walker to Lillian Clay and husband Silas Clay, Jr., dated 19 June 1958 and recorded at page 177 of Deed Book 194 describing the same property, and that said Lillian Clay told them that this said deed was given by Walker because she previously gave him a deed or mortgage. Each affiant says that he has also been informed that page 277 of Deed Book 174 shows a warranty deed with right of survivorship from said Lillian Clay and Silas Clay Jr., husband and wife, to said Lillian Clay and Silas Clay, Jr., and that said Lillian Clay stated to them on said occasion on March 12, 1959, that she and Silas Clay, Jr., claim their title to said property under the above noted deeds..

Each affiant says that to his personal knowledge, the house located on said property has been located on the present house site for the past 13 years, and that said house and property was first occupied as a homestead by said Lillian and Doctor L. Williamson, and then by said Lillian and Silas Clay, Jr., as shown by the above noted deeds.

Each affiant says that he has been informed that there may be a boundary line dispute between said Tract No. 88 and Tract No. 89.

Each affiant says that, to his own personal knowledge, said Lillian Clay and husband, Silas Clay, Jr., and their predecessors in title, as stated above, have been in actual, open, peaceable, continuous, exclusive, notorious, undisturbed, adverse possession of all of said Tract # 88, claiming the same against the world and against the claims of all persons whatsoever since said Waggoner heirs owned, occupied, and possessed said land prior to 1900, as aforesaid, and until the present date, and that to the best knowledge, information, and belief of each affiant, no person has ever questioned the possession or ownership of said Lillian Clay and Silas Clay, Jr. and their predecessors in title, as specified above, except as to said boundary line dispute, as noted above.

As to the property designated as Tract # 89 on the survey recorded at page 113 of Right-of-Way Map Book, Office of Judge of Probate, Shelby County, Alabama: Each affiant says that on March 13, 1959, John Wright showed him a deed from K. B. Nickerson and wife to John Wright dated April 9, 1945, and recorded at page 564 of Deed Book 120, Office of Judge of Probate, Shelby County, Alabama, under which said John Wright claims his title to the said property.

Each affiant says that he has been informed that there may be a boundary line dispute between said Tract No. 89 and Tract No. 88, but that on March 13, 1959, said John Wright told them that he does not claim to own the house located on said Tract No. 88.

Each affiant says that the house on said property was built over fifteen years ago when Jack Swift occupied the property under rental or lease agreement from K. B. Nickerson and before said conveyance to said John Wright. Each affiant says that said John Wright and wife, Aslean Wright, have occupied said house and property as a homestead since said conveyance from K. B. Nickerson and wife until the present date.

Each affiant says that, to his own personal knowledge, said John Wright and his predecessors in title, as stated above, have been in actual, open, peaceable, continuous, exclusive, notorious, undisturbed, adverse possession of all of said Tract # 89, claiming the same against the world and against the claims of all persons whatsoever since said Waggoner heirs owned, occupied, and possessed said land prior to 1900, as aforesaid, and until the present date, and that to the best knowledge, information, and belief of each affiant, no person has ever questioned the possession or ownership of said John Wright and his predecessors in title, as specified above, except as to said possible boundary line dispute, as noted above.

As to the property designated as Tract # 89-A on the survey recorded at page 113 of Right-of-Way Map Book, Office of Judge of Probate, Shelby County, Alabama:

Each affiant says that on March 13, 1959, Effie Lee Wright, wife of John Ed Wright, showed them a deed to said Effie Lee Wright from John Ed Wright recorded at page 22 of Deed Book 159, Office of Judge of Probate, Shelby County, Alabama.

Each affiant says that said property was included in the property which John Wright bought from K. B. Nickerson, as shown at page 564 of Deed Book 120, and as related above in the paragraphs pertaining to Tract No. 89.

Each affiant says that said John Ed Wright, who is the son of said John Wright, received a conveyance to said property about 1949 and built a house thereon within two years thereafter. Each affiant says that he has been informed that the said

deed from John Wright to John Ed Wright is dated February 9, 1949, and is recorded at page 64 of Deed Book 140.

Each affiant says that, to his own personal knowledge, said Effie Lee Wright and her predecessors in title, as stated above, have been in actual, open, peaceable, continuous, exclusive, notorious, undisturbed, adverse possession of all of said Tract # 89-A, claiming the same against the world and against the claims of all persons whatsoever since said Waggoner heirs owned, occupied, and possessed said land prior to 1900, as aforesaid, and until the present date, and that to the best knowledge, information, and belief of each affiant, no person has ever questioned the possession or ownership of said Effie Lee Wright and her predecessors in title, as specified above.

As to the property designated as Tract # 90 on the survey recorded at page 113 of Right-of-Way Map Book, Office of Judge of Probate, Shelby County, Alabama:

Each affiant says that on March 13, 1959, Myrtle Drake Lopp showed them deeds from K. B. Nickerson and wife to said Myrtle Drake recorded at page 174 of Deed Book 120 page 174 and at page 554 of Deed Book 110 under which she claims her title to said property.

Each affiant says that said Myrtle Drake Lopp has occupied said property since she took possession of the same under said deeds, ^{some fifteen years ago.} Affiant K. E. Fulton says that he built the three houses located on said property since 1945. Each affiant says that presently one of said houses is occupied as a homestead by said Myrtle Drake Lopp and her husband, Albert Lopp, ^{is occupied by} one Myrtle Drake Lopp's brother, and one is used as a retail store building by said Myrtle Drake Lopp or her brother.

Each affiant says that he has been informed that Parker Supply Company and G. A. Miller have claimed a lien against the said property, or some portion thereof, as shown at page 221 of Mechanic's Lien Record Book 2, Office of Judge of Probate of Shelby County, Alabama.

Each affiant says that, to his own personal knowledge, said Myrtle Drake and her predecessors in title, as stated above, have been in actual, open, peaceable, continuous, exclusive, notorious, undisturbed, adverse possession of all of said Tract # 90, claiming the same against the world and against the claims of all persons whatsoever since said Waggoner heirs owned, occupied, and possessed said land prior to 1900, as aforesaid, and until the present date, and that to the best knowledge, information, and belief of each affiant, no person has ever questioned the possession or ownership of said Myrtle Drake and her predecessors in title, as specified above,

except as to said claim of lien, as noted above.

~~As to the property designated as Tract # 90-A on the survey recorded at page 113 of Right-of-Way Map Book, Office of Judge of Probate, Shelby County, Alabama: Each affiant says that said property was conveyed by K. B. Nickerson and wife to Willie W. Steele about 1951 and that said Willie W. Steele has owned said property since said conveyance and until the present date.~~

~~Each affiant says that he has been informed that the deed from said K. B. Nickerson and wife to said Willie W. Steele is recorded at page 144 of Deed Book 144, Office of Judge of Probate, Shelby County, Alabama.~~

~~Each affiant says that, to his own personal knowledge, said Willie W. Steele and his predecessors in title, as stated above, have been in actual, open, peaceable, continuous, exclusive, notorious, undisturbed, adverse possession of all of said Tract # 90-A, claiming the same against the world and against the claims of all persons whatsoever since said Waggoner heirs owned, occupied, and possessed said land prior to 1900, as aforesaid, and until the present date, and that to the best knowledge, information, and belief of each affiant, no person has ever questioned the possession or ownership of said Willie W. Steele and his predecessors in title, as specified above.~~

As to the property designated as Tract # 91 on the survey recorded at page 113 of Right-of-Way Map Book, Office of Judge of Probate, Shelby County, Alabama: Each affiant says that on March 13, 1959, John Daniel showed them deeds from K. B. Nickerson and wife recorded at page 153 of Deed Book 173 and at page 18 of Deed Book 140 to "John Daniel and Callie Daniel" under which said John Daniel and wife, Callie Daniel, claim their title to the said property.

Each affiant says that the house in which said John and Callie Daniel occupy as a homestead was built about 1949 on said property, and that said John and Callie Daniel have occupied said house and property as a homestead since said house was built until the present date.

Each affiant says that on March 13, 1959, said John Daniel told them that the fence between said Tract No. 91 and Tract No. 86 does not mark the true boundary line between the two said tracts and that said fence actually lies entirely on Tract No. 91. Said John Daniel further stated that the said fence was built jointly by himself and Charlie Albritton. Each affiant further states that said John Daniel told them on said occasion that he, John Daniel, claims ownership of the land of Tract No. 93, but that he does not claim to own the Church located on said land even

though said Church was built on said land without his permission.

Each affiant says that he has been informed, subsequent to March 13, 1959, by State Highway ^{Department} Representatives that Sam Jones, who lives with his wife (who is a daughter of said John Daniel) in a house located on said property, told right-of-way surveyors that said John Daniel promised to give him a deed to certain property surrounding said house if he, Sam Jones, would build said house: that he, Sam Jones, did build said house: but that said John Daniel refused to give the promised deed.

Each affiant says that, to his own personal knowledge, said John Daniel and Callie Daniel and their predecessors in title, as stated above, have been in actual, open, peaceable, continuous, exclusive, notorious, undisturbed, adverse possession of all of said Tract # 91, claiming the same against the world and against the claims of all persons whatsoever since said Waggoner heirs owned, occupied, and possessed said land prior to 1900, as aforesaid, and until the present date, and that to the best knowledge, information, and belief of each affiant, no person has ever questioned the possession or ownership of said John Daniel and Callie Daniel and their predecessors in title, as specified above, and as except the above related facts may affect the title and ownership of said John Daniel and Callie Daniel.

As to the property designated as Tract # 92 on the survey recorded at page 113 of Right-of-Way Map Book, Office of Judge of Probate, Shelby County, Alabama: Each affiant says that Maretta Holmes purchased said property from K. B. Nickerson and wife about 1951 or prior thereto. Affiant K. E. Fulton says that on March 13, 1959, Mrs. K. B. Nickerson told him that she does not claim any part of this land and that so far as she, Mrs. Nickerson, is concerned, the property lines are where Maretta Holmes says they are.

Each affiant says that he has been informed that Maretta Holmes deed to said property from K. B. Nickerson and wife is recorded at page 231 of Deed Book 144, Office of Judge of Probate, Shelby County, Alabama.

Each affiant says that, to his own personal knowledge, said Maretta Holmes and her predecessors in title, as stated above, have been in actual, open, peaceable, continuous, exclusive, notorious, undisturbed, adverse possession of all of said Tract # 92, claiming the same against the world and against the claims of all persons whatsoever since said Waggoner heirs owned, occupied, and possessed said land prior to 1900, as aforesaid, and until the present date, and that to the best knowledge, information, and belief of each affiant, no person has ever questioned the

possession or ownership of said Marett Holmes and her predecessors in title, as specified above.

As to the property designated as Tract # 93 on the survey recorded at page 113 of Right-of-Way Map Book, Office of Judge of Probate, Shelby County, Alabama: Each affiant says that on March 13, 1959, Myrtle Drake Lopp told them that she conveyed said property to the "S.A.O.H. Church of God" several years ago. Each affiant says that the Church located on said property was built about 1953 and that Myrtle Drake Lopp received her title to said property as stated in the above discussing concerning Tract No. 90.

Each affiant says that he has been informed that page 98 of Deed Book 149, Office of Judge of Probate of Shelby County, Alabama, shows a deed to said property from said Myrtle Lopp and husband, Albert Lopp, to the "Siluria Apostolic OverComing Holy Church of God" dated September 30, 1950, and that page 42 of Mortgage Book 223 shows a mortgage covering said property from "W. H. McKenzie, Rev. E. Robinson, and Willie James Sales, as Trustees and Rev. Jasper Roby, as Pastor" of said Church to J. E. Hofferma n dated April 21, 1952.

Each affiant further says that he has been informed that Rev. A. L. Lilly, 862 Lincoln St. S. W., Birmingham, Alabama., is presently the pastor of said Church.

Each affiant says that, to his own personal knowledge, said S. A. O. H. Church of God and its predecessors in title, as stated above, have been in actual, open, peaceable, continuous, exclusive, notorious, undisturbed, adverse possession of all of said Tract # 93, claiming the same against the world and against the claims of all persons whatsoever since said Waggoner heirs owned, occupied, and possessed said land prior to 1900, as aforesaid, and until the present date, and that to the best knowledge, information, and belief of each affiant, no person has ever questioned the possession or ownership of said S. A. O. H. Church of God and its predecessors in title, as specified above, except that affiants have been informed that John Daniel and wife, Callie Daniel, also claim to own said property, as stated in the above discussion concerning Tract No. 91.

As to the property designated as Tract #94 on the survey recorded at page 113 of Right-of-Way Map Book, Office of Judge of Probate, Shelby County, Alabama:

Each affiant says that on March 12, 1959, John Woolly told them that he and his wife, Elizabeth Woolly, bought said property from Lennard Garner some three years ago and that his deed has been destroyed by fire. Each affiant says that according to his best knowledge, information, and belief, that said John Woolly (who is also known as "John Woolley, Jr.") and wife do own said property. Each affiant says that

he has been informed that the deed under which said John Woolly claims his title is recorded at page 472 of Deed Book 170, Office of Judge of Probate of Shelby County, Alabama. Each affiant says that there is no house or improvement located on said property.

Each affiant says that, to his own personal knowledge, said John Woolly and wife, or the heirs at law of Leonard Garner and their predecessors in title, as stated above, have been in actual, open, peaceable, continuous, exclusive, notorious, undisturbed, adverse possession of all of said Tract # 94, claiming the same against the world and against the claims of all persons whatsoever since said Waggoner Estate owned, occupied, and possessed said land prior to 1900, as aforesaid, and until the present date, and that to the best knowledge, information, and belief of each affiant, no person has ever questioned the possession or ownership of said John Woolly and wife, or the heirs at law of Leonard Garner and their predecessors in title, as specified above.

As to the property designated as Tract # 94-A on the survey recorded at page 113 of Right-of-Way Map Book, Office of Judge of Probate, Shelby County, Alabama: Each affiant says that on March 12, 1959, Mary Della Daniels (who is also known as "Mary Della Danner" and as "Mary Della Danners"), widow of Ed Daniels (who was also known as "Ed Danner" and as "Ed Danners"), showed them a deed from T. H. Hosey and wife, Lottie Hosey, to Ed Daniels and wife Ardell Daniels dated December 24, 1947, and recorded at page 550 of Deed Book 132, Office of Judge of Probate, Shelby County, Alabama. Each affiant says that said Mary Della Daniels stated to them that the name "Ardell Daniels" shown on said deed was erroneous and that said name should have been, and was intended to have been "Mary Della Daniels" instead of "Ardell Daniels", and that said Mary Della Daniels further stated that she was the only wife of said Ed Daniels, the said Ed Daniels never having been married to anyone except her. Each affiant says that said Ed Daniels died about 1956 leaving, according to each affiant's best knowledge, information, and belief, the said Mary Della Daniels and her two children, Jones Marie Daniels (13 years old) and Virginia Mae Daniels (age 17) as his only heirs at law and next of kin.

Each affiant says that said T. H. Hosey and wife, Lottie Hosey, received their title to said property under a conveyance from K. B. Nickerson and wife in 1943. Each affiant says that a house was formerly located on said lot which was built during the lifetime of said Ed Daniels, and which was moved North of the right-of-way of present U. S. Highway #31 when the right-of-way of said highway was changed about 1953, and that said Mary Della Daniels and her children presently occupy said house as a homestead on Tract No. 95.

Each affiant says that he has heard that said Tract #94-A is also presently claimed by T. H. Hosey and wife, Lottie Hosey who reputedly say that they swapped other land

to said Ed Daniels or Mary Della Daniels in exchange for this land, but that ^{they} never received ^{their} deed.

Each affiant says that, to his own personal knowledge, said heirs at law of Ed Daniels and "Ardell Daniels" and their predecessors in title, as stated above, have been in actual, open, peaceable, continuous, exclusive, notorious, undisturbed, adverse possession of all of said Tract # 94-A, claiming the same against the world and against the claims of all persons whatsoever since said Waggoner Estate owned, occupied, and possessed said land prior to 1900, as aforesaid, and until the present date, except as noted above, and that to the best knowledge, information, and belief of each affiant, no person has ever questioned the possession or ownership of said heirs at law of Ed Daniels and "Ardell Daniels" and their predecessors in title, as specified above, and except as noted above.

As to the property designated as Tract # 94-B on the survey recorded at page 113 of Right-of-Way Map Book, Office of Judge of Probate, Shelby County, Alabama: Each affiant says that K. B. Nickerson and wife conveyed said property to Leonard Garner, an unmarried man, fifteen years ago, and that said Leonard Garner sold off various tracts from the original tract which he purchased from K. B. Nickerson, as aforesaid. Each affiant says that said Leonard Garner died on the morning of March 12, 1959, which was the morning before the afternoon in which said affiants visited said property, in connection with making this affidavit, and each affiant says that said Leonard Garner occupied the house standing on said property as a homestead for some fifteen years, until the time of his death.

Each affiant says that he has been informed that page 342 of Deed Book 116 shows a conveyance from K. B. Nickerson and wife to Leonard Garner dated December, 1943, purporting to convey Lot 1 of Block A of Nickerson's Addition, as recorded at page 61 of Map Book 3, Office of the Judge of Probate of Shelby County, Alabama. Affiants each says that he does not know if said deed is the deed under which said Leonard Garner claimed his title to said property, but that if said deed was intended to convey the subject property, then an error must have been made in the description of property contained in said deed since the subject property actually lies in Lot 1 of Block B of said Nickerson's Addition.

Each affiant says that he has been informed that Willie Pearl Kirkland claims to be the only heir at law and next of kin of said Leonard Garner as the child of said Leonard Garner, but that the mother of Willie Pearl Kirkland, Hattie Bunker, was not married to said Leonard Garner either before or after the birth of said Willie Pearl Kirkland so far as affiants know and believe. Each affiant says that Leonard

Garner was never married and that his only heir at law and next of kin, so far as affiants know and believe, is a brother, Jettie Garner, and possibly others.

Each affiant says that, to his own personal knowledge, said heirs at law of Leonard Garner and their predecessors in title, as stated above, have been in actual, open, peaceable, continuous, exclusive, notorious, undisturbed, adverse possession of all of said Tract # 94B, claiming the same against the world and against the claims of all persons whatsoever since said Waggoner Estate owned, occupied, and possessed said land prior to 1900, as aforesaid, and until the present date, and that to the best knowledge, information, and belief of each affiant, no person has ever questioned the possession or ownership of said heirs at law of Leonard Garner and their predecessors in title, as specified above.

As to the property designated as Tract # 94-C on the survey recorded at page 113 of Right-of-Way Map Book, Office of Judge of Probate, Shelby County, Alabama: Each affiant says that on March 12, 1959, Laura Booker showed them a deed from Leonard Garner, a widower, to Sam Armstrong dated December 23, 1954, and recorded at page 471 Deed Book 170 which deed said Sam Armstrong claims his title. Each affiant says that Leonard Garner obtained his title to said property from K. B. Nickerson and that the house standing on said lot was built in 1955 and has since been occupied as a homestead by said Sam Armstrong and wife, Eula Mae Armstrong.

Each affiant says that, to his own personal knowledge, said Sam Armstrong and his predecessors in title, as stated above, have been in actual, open, peaceable, continuous, exclusive, notorious, undisturbed, adverse possession of all of said Tract # 94-C, claiming the same against the world and against the claims of all persons whatsoever since said Waggoner Estate owned, occupied, and possessed said land prior to 1900, as aforesaid, and until the present date, and that to the best knowledge, information, and belief of each affiant, no person has ever questioned the possession or ownership of said Sam Armstrong and his predecessors in title, as specified above.

As to the property designated as Tract # 95 on the survey recorded at page 113 of Right-of-Way Map Book, Office of Judge of Probate, Shelby County, Alabama:

Each affiant says that K. B. Nickerson and wife conveyed said property to Will Wright and wife, Dora Wright, about 1944, as shown at page 236 of Deed Book 122, Office of Judge of Probate, Shelby County, Alabama, that said Will Wright and wife, Dora Wright, a short time later conveyed said property to "Ed Danner and wife, Mary D. Danner", as shown at page 237 of Deed Book 122.

Each affiant says that said "Mary D. Danner" is the same person as the "Mary Della Daniels" mentioned above in the discussion pertaining to Tract No. 94-A and that said "Ed Danner" was the same person as the "Ed Daniels" also mentioned above.

Each affiant says that said Mary D. Danner and her husband, Ed Danner (before his death), and her children have occupied said property as a homestead since about 1953 when a house was moved onto said property from south of U. S. Highway 31 from other property which was then owned by said Mary D. Danner and Ed Danner.

Each affiant says that, to his own personal knowledge, said Mary D. Danner and the heirs of Ed Danner and their predecessors in title, as stated above, have been in actual, open, peaceable, continuous, exclusive, notorious, undisturbed, adverse possession of all of said Tract # 95, claiming the same against the world and against the claims of all persons whatsoever since said Waggoner heirs owned, occupied, and possessed said land prior to 1900, as aforesaid, and until the present date, and that to the best knowledge, information, and belief of each affiant, no person has ever questioned the possession or ownership of said Mary D. Danner and the heirs of Ed Danner and their predecessors in title, as specified above, except that affiants say that they have been informed that R. A. Reynolds may hold a mortgage on said property, as shown at page 598 of Mortgage Book 185.

As to the property designated as Tract # 96 on the survey recorded at page 113 of Right-of-Way Map Book, Office of Judge of Probate, Shelby County, Alabama: Each affiant says that on March 13, 1959, Roberta Martin showed them a warranty deed from K. B. Nickerson and wife to Willie Martin and wife Roberta Martin dated March 11, 1948, under which said Roberta Martin claims her title to lots 9 and 10 of Block A of Nickerson's Addition to Alabaster as shown at page 61 of Map Book 3, Office of Judge of Probate, Shelby County, Alabama, said warranty deed being recorded at page 169 of Deed Book 132.

Each affiant says that said Willie Martin, husband of said Roberta Martin, died about 1955, leaving no children. Each affiant says that on March 13, 1959, said Roberta Martin stated to them that Willie Martin's father is dead, that his mother, Georgia Martin, lives in Montgomery, Alabama, that his sister, Katie Martin Williams lives in Tuskegee, Alabama, and that his brother lives in Birmingham.

Each affiant says that there are two houses located on said Lot 10 of Block A, one of which was built after the storm of 1952 and one of which was originally built twelve or fifteen years ago and which was rebuilt after said storm of 1952, and that said Roberta Martin and Willie Martin (until the time of his death), occupied one or the other of said houses as a homestead from the time of said conveyance from K. B. Nickerson

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and wife until the present date.

Each affiant says he is not sure as to the present ownership of Lot No. 24 of Block A of said Nickerson's Addition to Alabaster: that affiants do not know whether or not said Roberta Martin and the heirs of said Willie Martin own said property; that affiants have been informed that K. B. Nickerson and wife conveyed said property to Tim Williams in 1945, as shown at page 253 of Deed Book 122; that affiants have been informed that Albert Woolverton or Alberta Woolverton Jackson are now assessing said property for taxes.

Each affiant says that, to his own personal knowledge, said Roberta Martin and the heirs of Willie Martin and their predecessors in title, as stated above, have been in actual, open, peaceable, continuous, exclusive, notorious, undisturbed, adverse possession of all of said Tract # 96, claiming the same against the world and against the claims of all persons whatsoever since said Waggoner heirs owned, occupied, and possessed said land prior to 1900, as aforesaid, and until the present date, and that to the best knowledge, information, and belief of each affiant, no person has ever questioned the possession or ownership of said Roberta Martin and the heirs of Willie Martin and their predecessors in title, as specified above, except that affiants are not sure as to the ownership of said Lot No. 24 of Block A of Nickerson's Addition to Alabaster, as stated above.

As to the property designated as Tract # 97 on the survey recorded at page 113 of Right-of-Way Map Book, Office of Judge of Probate, Shelby County, Alabama:

Each affiant says that to his personal knowledge Clifford Moore and wife Tina Moore, purchased said property from Lee Byers and wife, about 1941, as shown at page 592 of Deed Book 110.

Each affiant says that said property and the house located thereon has been occupied as a homestead by said Clifford Moore and wife, Tina Moore for the past 6 years or more and until the present date.

Each affiant says that, to his own personal knowledge, said Clifford Moore and wife, Tina Moore, and their predecessors in title, as stated above, have been in actual, open, peaceable, continuous, exclusive, notorious, undisturbed, adverse possession of all of said Tract # 97, claiming the same against the world and against the claims of all persons whatsoever since said W. M. Richards owned, occupied, and possessed said land prior to 1900, as aforesaid, and until the present date, and that to the best knowledge, information, and belief of each affiant, no person has ever questioned the possession or ownership of said Clifford Moore and wife, Tina Moore, and their predecessors in title, as specified above.

As to the property designated as Tract # 98 on the survey recorded at page 113 of Right-of-Way Map Book, Office of Judge of Probate, Shelby County, Alabama: Each affiant says that to his own personal knowledge Fletcher Swayne and wife, Mattie Swayne, went into possession of said property about 1941 under a conveyence from Lee Byers and wife, as shown at page 502 of Deed Book 110, Office of Judge of Probate of Shelby County, Alabama.

Each affiant says that he has been informed that Fletcher Swayne executed a mortgage on said property, as shown at page 445 of Mortgage Book 232, which was subsequently assigned to the United States of America, as shown at page 499 of Deed Book 172.

Each affiant says that, to his own personal knowledge, said Fletcher Swayne and wife, Mattie Swayne and their predecessors in title, as stated above, have been in actual, open, peaceable, continuous, exclusive, notorious, undisturbed, adverse possession of all of said Tract # 98, claiming the same against the world and against the claims of all persons whatsoever since said W. M. Richards owned, occupied, and possessed said land prior to 1900, as aforesaid, and until the present date, and that to the best knowledge, information, and belief of each affiant, no person has ever questioned the possession or ownership of said Fletcher Swayne and Mattie Swayne and their predecessors in title, as specified above, except as noted above.

As to the property designated as Tract # 99 on the survey recorded at page 113 of Right-of-Way Map Book, Office of Judge of Probate, Shelby County, Alabama:

Each affiant says that it is his understanding that said property is presently owned by Paul O. Luck, and that possibly R. Brewer and/or H. M. Gordon own some interest in said property.

Each affiant says that he has been informed that deeds pertaining to the ownership of said property have been recorded at page 560 of Deed Book 85 and at page 247 of Deed Book 144, Office of Judge of Shelby County, Alabama.

Each affiant says that he is not familiar with the past ownership and possession of said property, except in a general way.

Each affiant says that he has read the foregoing affidavit containing thirty-four pages (including this page), and that the facts set forth therein are true and correct.

K E Fulton
K. E. Fulton

Sworn to and subscribed before me this 13 day of October, 1959.

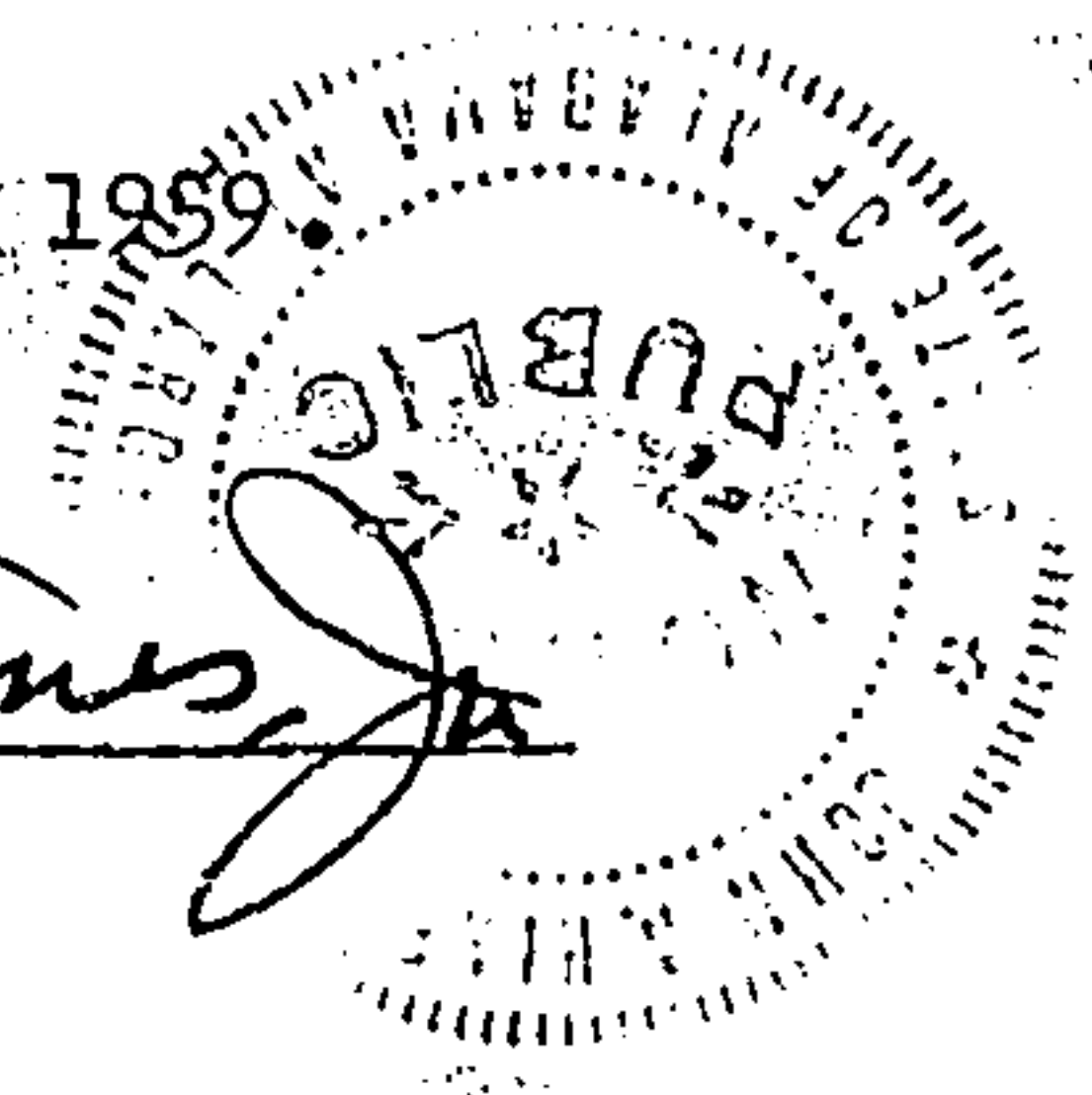
John D. Hines, Jr.
Notary Public



C. H. Fulton
C. H. Fulton

Sworn to and subscribed before me this 13 day of October, 1959.

John D. Hines, Jr.
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 14 day of Oct 1959 at 6:15 o'clock P. M. and recorded in Deed Record 265 page 260 and examined 10-14-59 and the Mortgage Tax of \$ Deed Tax of \$ has been paid.

Conrad M. Fowler
Judge of Probate

Fee \$ 25.50

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