

3, 940
STATE OF ALABAMA

SHELBY COUNTY

Before me, Martha B. Joiner, the undersigned authority in and for said County in said State, personally appeared W. H. Coates, who, after being by me first duly sworn to speak the truth, deposes and says:

My name is W. H. Coates. I am 65 years of age and have lived in Shelby County, Alabama, all of my life. I am well acquainted with the hereinafter described land which is a portion of the old Washington Brewer homeplace. Said land being described as follows:

Part of $E\frac{1}{2}$ of $SE\frac{1}{4}$ of $NE\frac{1}{4}$ of Section 35, Township 20 South, Range 3 West and part of $W\frac{1}{2}$ of $SW\frac{1}{4}$ of $NW\frac{1}{4}$ of Section 36, Township 20 South, Range 3 West more particularly described as follows: Begin at the NW corner of $SW\frac{1}{4}$ of $NW\frac{1}{4}$ of said Section 36; thence in an easterly direction along north boundary line of said $\frac{1}{4}-\frac{1}{4}$ Section 659.71 feet; thence turning an angle of 88 deg. 48 min and 30 sec. to right in southerly direction 526.74 feet; thence turning an angle of 91 deg. 19 min. and 30 sec. to right in westerly direction 659.49 feet to east boundary line of said Section 35; thence continuing west along said last mentioned course which is a straight line 94.68 feet to point of intersection with east right of way of U.S. Highway No. 31; thence run in a northeasterly direction along easterly right of way line of said Highway to intersection with north boundary line of $SE\frac{1}{4}$ of $NE\frac{1}{4}$ of said Section 35; thence run east along north boundary of said $\frac{1}{4}-\frac{1}{4}$ Section 14.34 feet to point of beginning, containing 8.6597 acres, more or less.

Also a part of $E\frac{1}{2}$ of $SE\frac{1}{4}$ of $NE\frac{1}{4}$, Section 35, Township 20 South, Range 3 West more particularly described as follows: Begin at NE corner of said $SE\frac{1}{4}$ of $NE\frac{1}{4}$ of Section 35 and run west along north boundary of said $\frac{1}{4}-\frac{1}{4}$ a distance of 299.98 feet to point of intersection with east boundary of right of way of North bound L & N Railroad; thence turning an angle of 83 deg. 18 min. to left in southwesterly direction along east right of way of said Railroad 1120.71 feet to north line of Huckabee lot; thence turn an angle of 96 deg. 44 min. and 30 sec. to left in easterly direction 108.93 feet to west right of way line of U.S. Highway #31; thence in northerly direction along west right of way said Highway to intersection with north line of $SE\frac{1}{4}$ of $NE\frac{1}{4}$ of Section 35; thence westerly along north line of said $\frac{1}{4}-\frac{1}{4}$ section 82.88 feet to point of beginning. EXCEPTING that tract sold to W. H. & Mettie O. Coats described in Deed Book 194 page 241 in the Probate Office of Shelby County, Alabama, and excepting one foot strip sold to Huckabee as described in Deed Book 193 page 374 in said Probate Office.

All being situated in Shelby County, Alabama.

There has been called to affiant's attention an affidavit which he made on January 16, 1958, and which is recorded in Deed Book 191 page 122 in said Probate Office and affiant notes his age was shown as 44 years; however, in reality affiant was 63 years of age at that time.

When I first remember the above described property, it was a part of the Washington Brewer homeplace. I recall that the east line of said property was marked by an old fence row which was on the side of the hill/^{or mountain} which runs along the easterly line of the property. There was an old fence row along the north line of said property and there was a fence along a portion of the south line of the Washington Brewer homeplace. It is my recollection said fence along the south line ran from the southeast corner of the $W\frac{1}{2}$ of $SW\frac{1}{4}$ of $NW\frac{1}{4}$ of

209-433

said Section 36 in a westerly direction to the old chert Birmingham-Montgomery Highway. The present Highway runs generally along the same location but has been widened considerably since the first highway was built. Affiant further says he recalls there was an old chimney where the home of Washington Brewer was located and that was situated in the $W\frac{1}{2}$ of $SW\frac{1}{4}$ of $NW\frac{1}{4}$ of said Section 36 near the southerly and easterly portion of said property. After Washington Brewer, who was my Uncle, died, I looked after his said homeplace for his widow, Mary Jane Brewer, for several years while she was living in Birmingham. Soon after her death, the sole and surviving heirs at law of Washington Brewer and Mary Jane Brewer executed a deed to Frank G. Brewer on March 1, 1948, as shown by deed recorded in Deed Book 134 page 326 in said Probate Office. I recall the occasion when Frank G. Brewer, who is one and the same person as F. G. Brewer, Sr., purchased the above described tract of land, along with other land. There has been called to my attention that the description in the deed to Frank G. Brewer refers to some old land markers, but I know of my own knowledge that the land actually conveyed to Frank G. Brewer was the same as that described in the beginning of this affidavit, along with that certain tract of land purchased by me and my wife on July 3, 1958, as shown by deed recorded in Deed Book 194 page 241, the one foot strip sold to Willie Huckabee on May 7, 1958, as shown by deed recorded in Deed Book 193 page 374 and the tract sold to Shelby County Hospital Board on July 30, 1957, as shown by deed recorded in Deed Book 189 page 161. Affiant further says he continued to look after said homeplace for Frank G. Brewer during the time he owned it and affiant is very familiar with the land and went over it frequently and looked after it and sold some timber on two different occasions from the place for Frank G. Brewer, Sr. during the time he owned the land.

Affiant further says he has never heard of anyone disputing the title or contesting the possession of the heirs or devisees of Frank G. Brewer, Sr. or their predecessors in title.

Affiant further says what he has said regarding the property first described above applies equally to those certain tracts of land sold to affiant, to Willie Huckabee and to the Shelby County Hospital Board, as mentioned above.

W. H. Coates
W. H. Coates

Sworn to and subscribed to before me

this the 24th day of June, 1960.

Matthew D. Jones
Notary Public

STATE OF ALABAMA, SHELBY COUNTY

I, Conrad M. Fowler, Judge of Probate, hereby certify that the within affidavit was filed for record in this office on the 28 day of June 1960 at 8:30 o'clock, and recorded in Deed Book 209 at page 498 on the 28 day of June 1960.

Conrad M. Fowler

Conrad M. Fowler