

3974

STATE OF ALABAMA     |  
TUSCALOOSA COUNTY    |

Before me, John D. McPherson, a Notary Public in and for said County, in said State, on this day personally appeared O. J. Henley, who is known to me and who, after being by me first duly sworn, deposes and says:

My name is O. J. Henley and I reside in the City of Tuscaloosa, Alabama, and have so resided for a long number of years.

By deed of date November 19, 1946, and which was filed for record in the Probate Office of Shelby County, Alabama, on November 21, 1946, and recorded in said Probate Office in Deed Book 127, at page 23, Henry Johnson and wife, Helen Johnson, conveyed to Sumter Farm and Stock Company, Inc., a Corporation, the following described property, situate, lying and being in Shelby County, Alabama, to-wit:

Beginning at the Northwest corner of the Southwest Quarter of the Northwest Quarter of Section Twenty-five, in Township Twenty-one, South of Range One West, thence run South along the Western boundary of said Section Twenty-five a distance of 264 feet to the North line of East College Street, said point being the front corner between the property now owned or formerly owned by Frank Norris and the property now owned or formerly owned by Willie S. Lokey, thence run South sixty-one degrees, thirty minutes West 269.0 feet to a point, thence run South eighty-six degrees, thirty minutes West 224.15 feet to a point on the West line of Main Street and 3.0 feet South of the North line of West College Street, thence run North along the West line of Main Street a distance of 29.75 feet, more or less, to the center of a wall between the building now occupied or formerly occupied by Farr Brothers and the building now occupied by H. L. Green Company, Inc., its lessee, or licensee, for the point of beginning; thence run West along the center line of said wall and the extension of said center line if necessary 93 feet to a point, thence run North and parallel with the West line of Main Street 28.75 feet to a point, thence run East 93 feet along the center line of the North wall of the building now occupied by H. L. Green Company, Inc., its lessee, or licensee, and the extension of said center line if necessary, to the West line of Main Street and thence run South along the West line of Main Street 28.75 feet, more or less, to the point of beginning; being a lot fronting 28.75 feet on the West side of Main Street and running back of even width 93 feet; together with a perpetual right-of-way and easement for use as a foot passage, the passage of vehicles of all kinds and description and for all other reasonable and usual purposes over an alley, which said alley is hereby dedicated to the public, and described as follows, to-wit: Begin at a point on the North line of West College Street, which is the South boundary line of the property conveyed by Eva M. Watson and Ira A. Watson, her husband, to Henry Johnson by deed dated 16 September, 1946, and recorded in the Probate Office of Shelby County, Alabama, in Deed Book 125, at page 329, 93 feet West of the West line of Main Street, and run thence in a Northerly direction parallel with the West line of Main Street 82 feet across said property so conveyed to Henry Johnson, to the Northern boundary line thereof, thence run Westerly along said



Northern boundary line 8 feet to a point, thence run Southerly 82 feet parallel with the West line of Main Street to the North line of West College Street and the Southern margin of said property so conveyed to Henry Johnson, thence run Easterly 8 feet to the point of beginning.

On the date of said deed I was Vice-President and General Manager of said Sumter Farm and Stock Company, Inc., with my headquarters at its offices in the City of Tuscaloosa, Alabama. I personally negotiated the purchase of the above described property from said Henry Johnson and wife.

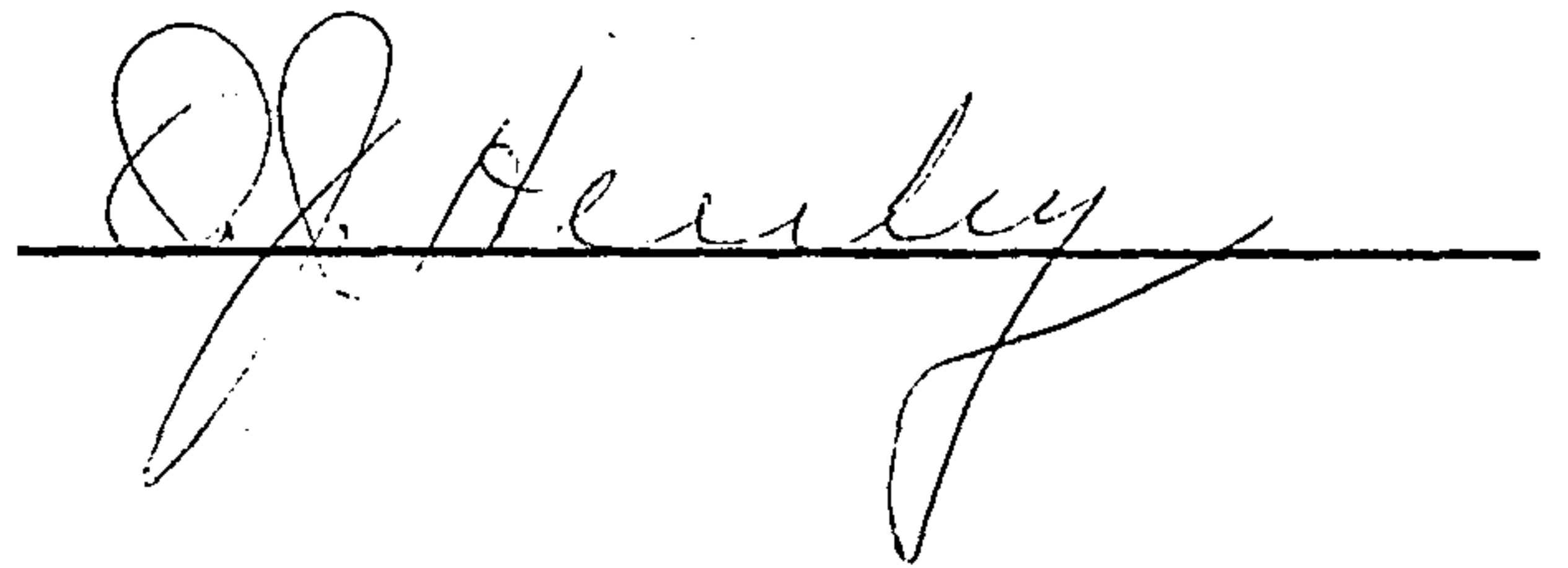
I, in my official capacity as Vice-President and General Manager of Sumter Farm and Stock Company, Inc., employed John D. McQueen, Jr. of the firm of McQueen & McQueen, Attorneys at Law, Tuscaloosa, Alabama, to examine the title to the above described property. Mr. McQueen gave to me, as such Vice-President and General Manager, his firm's written title opinion as to said property, based on an abstract of title made and certified by Shelby County Abstract Company down to October 29, 1946. Mr. McQueen also advised me, verbally, that he examined the appropriate indices in the Probate Office of Shelby County, Alabama, from October 29, 1946 down to the date of the delivery of the above referred to deed from Mr. and Mrs. Henry Johnson to Sumter Farm and Stock Company, Inc. for items of record during that period adversely affecting title to said property, and that no such items were reflected.

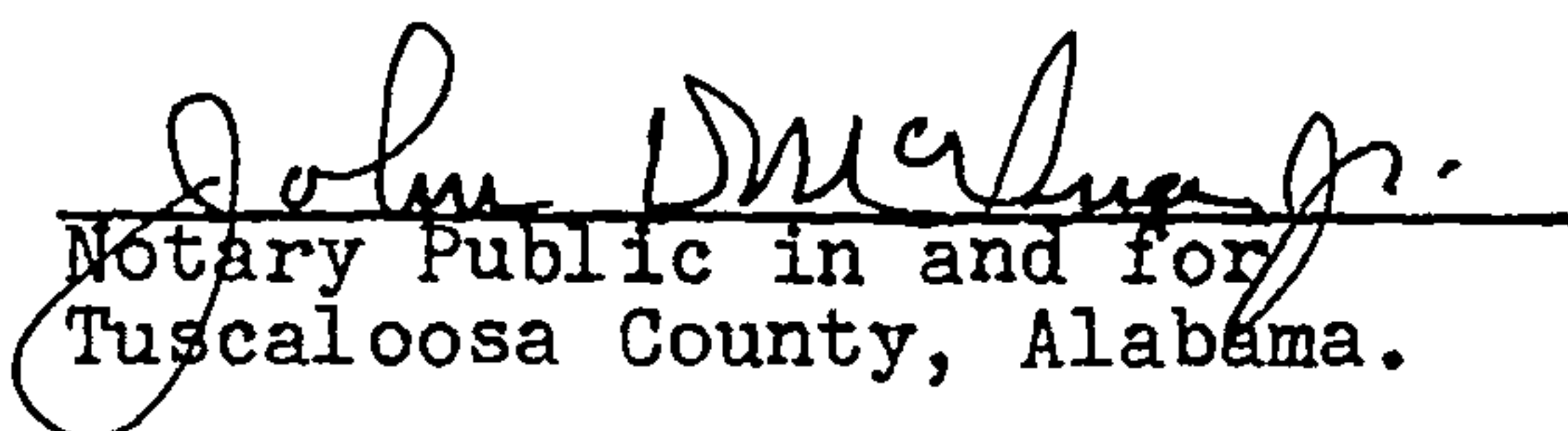
Said written title opinion advised that Henry Johnson was vested with safe marketable title to the subject property, with the legal right to sell and convey the same in fee simple, subject only to a mortgage from said Henry Johnson to Eva M. Watson, dated September 16, 1946, and recorded in the Probate Office of Shelby County, Alabama, in Mortgage Book 196, at page 334.

I am now advised that on April 21, 1947, there was filed for record in the Probate Office of Shelby County, Alabama, a deed dated September \_\_\_, 1946, from Henry M. Johnson and wife, Helen Johnson, conveying to one Harry Gordon, an undivided one-half interest in the subject property. This is the first actual notice of any kind that I or any other official of Sumter Farm and Stock Company, Inc. have received of said deed to Harry Gordon. On the date the said deed to Sumter Farm and Stock Company, Inc. was delivered and filed for

record neither I nor any other official of Sumter Farm and Stock Company, Inc., nor our attorney who handled the purchase of the subject property from Henry Johnson, had any knowledge of the unrecorded deed from Mr. and Mrs. Johnson to Harry Gordon. In fact Harry Gordon, who at that time was engaged in the real estate business in Columbiana, Alabama, actively represented Mr. and Mrs. Johnson in the sale of said property to Sumter Farm, and in my many discussions with him, he at no time mentioned or intimated that he owned any interest whatsoever in the subject property and never intimated that anyone had any interest in said property other than Henry Johnson, of course, with the exception of the above referred to mortgage to Eva M. Watson. Sumter Farm and Stock Company, Inc. purchased said property for value in good faith from Henry Johnson with no knowledge whatsoever of the above referred to deed to Harry Gordon, and with the understanding that on the date of said deed to it, Henry Johnson was vested with fee simple title in and to said property.

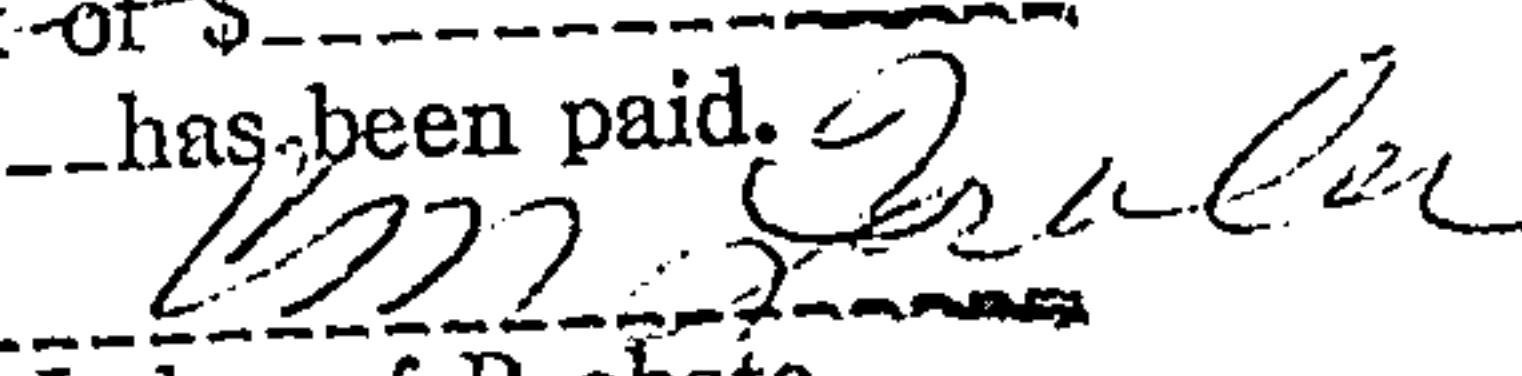
Sworn to and Subscribed  
before me this the 21<sup>st</sup>  
day of June, 1960.



  
Notary Public in and for  
Tuscaloosa County, Alabama.

STATE OF ALABAMA }  
SHELBY COUNTY }

I, Conrad M. Fowler, Judge of Probate hereby  
certify that the within deed was  
filed in this office for record the 27 day  
of June 1960 at 10 o'clock A.M.  
and recorded in deed Record 209  
page 527 and examined 6-28-60  
and the Mortgage Tax of \$          
Deed Tax of \$         has been paid.

  
Judge of Probate

Fee \$ 2.25