

1403

STATE OF ALABAMA)
SHELBY COUNTY)

Malcolm

Before me, the undersigned authority, personally appeared ~~MALCOLM F.~~
CHERRY, who, is known to me and who being by me first duly sworn, deposes
and says: I am acquainted with the following land situated in Shelby
County, Alabama:

The SW $\frac{1}{4}$ of SE $\frac{1}{4}$ and SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 21; and
the NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 28; all in Township 20, Range 1 East.

My father, J. E. Cherry, purchased the above described land from D. W.
Yeager and wife on the 12th day of December, 1918, and obtained a deed
bearing the aforementioned date which is recorded in the Probate Office of
Shelby County, Alabama in Deed Book 70, page 98. My father went into
possession of all of said land immediately after obtaining the aforementioned
deed and lived on the land and cultivated parts of the same each and every
year until he died April 16, 1929 and left a Will which has been probated
in the Probate Court of Shelby County, Alabama, and since his death his heirs
at law and devisees have been in possession of said land, some of them living
upon it and cultivating portions of it each and every year down to the
present time. While my father owned it as aforesaid, as stated, he lived
upon it and had open, actual, exclusive, notorious, hostile and continuous
possession of the same claiming to own it and living upon it and cultivating
portions of it each and every year and his heirs at law and devisees since
his death have had character possession of the property.

Some six or seven years after my father purchased the land and obtained
the aforementioned deed, Mr. E. L. Crumpton who was a Primitive Baptist,
claimed the church building was on a half acre tract situated in the SE
corner of SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 21; Township 20, Range 1 East, described
as follows:

Commence at the SE corner of said forty and thence West 35 yards;
thence North 70 yards, making a half acre

There arose a dispute between my father and Mr. Crumpton about the building
but Mr. Crumpton auctioned it off and it was bought by Mr. J. S. Jackson who
tore down the building and moved it away, but my father remained in possession
of the half acre tract of land along with the balance of 120 acres he had
purchased, as aforesaid, and he and his heirs at law and devisees have
remained in possession of the entire 120 acres down to the present time

including the half acre in question, and has had actual, exclusive, open, notorious, hostile and continuous possession of the same living upon the farm of 120 acres and claiming to own it, and no other person, firm or corporation have advanced any claim to the half acre tract of land and have had no possession of the same, except the said J. E. Cherry and his heirs for the last 35 or 40 years.

There is no cemetery on said half acre of land and there are no graves and have never been any graves on said half acre of land.

Mathew & Cherry

Sworn to and subscribed before

me this 12th day of November, 1960.

Hardy Ellis
Notary Public State of Georgia
for 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 22 day
of Dec 1960 at 10 o'clock A.M.
and recorded in Deed Record 213
page 185 and examined 12-22-60
and the Mortgage Tax of \$
Deed Tax of \$ has been paid.

Conrad M. Fowler
Judge of Probate

Fee \$ 1.25