

2977

STATE OF ALABAMA X
X
JEFFERSON COUNTY X

A F F I D A V I T

Personally appeared before the undersigned, a Notary Public in and for said County, in said State, A. L. Todhunter, who first being duly sworn, deposes and says:

I am one and the same person who did own that certain property described below, having purchased the same from L. B. Greene in May, 1932. At that time I gave a purchase money mortgage covering said property to L. B. Greene, which mortgage is recorded in Mortgage Book 164, at page 266, in the Office of the Judge of Probate of Shelby County, Alabama. This mortgage has been paid in full and I hold the mortgage and notes, which were secured by separate notes, and they have been marked paid in full. The last of these notes was due on May 23, 1936, and over twenty (20) years have passed since the last payment on the mortgage became due. I, in fact, paid this mortgage off in May, 1934. The property referred to is described as lying in Shelby County, in the State of Alabama, more particularly described as:

A part of the NE $\frac{1}{4}$ of Section 18, Township 18, Range 1 East, and more particularly described as follows:

Beginning at the Northeast corner of said Section 18, thence running South one-half mile to the Southeast corner of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said Section, thence West along the half section line to the Creek, thence along the Creek to the mouth of Gin House Branch, thence along Gin House Branch in a Northwesterly direction to the point where the said Gin House Branch intersects the Northern boundary line of said Section 18, thence East along said Northern boundary line to the point of beginning. Containing 90 acres, more or less. Said land herein conveyed contains the NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 18, and that part of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ lying East of Creek; and also

that part of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ lying North of the Creek; Also that part of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ lying North of said Gin House Branch, and also that part of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ lying North of said Gin House Branch, all in Section 18, Township 18, Range 1 East, There is excepted from this deed the public cemetery, known as (Kendrick's Cemetery) for the purpose of a public burying ground. Being something near two acres, and also a right of way for a road from the public road 150 yards to cemetery. Also, right of way for the Alabama Power Company, situated in Shelby County, Alabama.

Immediately after purchasing said property, my father, Herbert Todhunter, moved on the same and took possession of it, farming on this land, and lived there until I sold the same to Harold Cecil Duckett and Magdaline H. Duckett, in June of 1957. My father used the entire tract of land as his farm and during said period of time it was fenced. My father lived in the house on this place and his living and farming there was my purpose in purchasing this land. During the time that I have held title to the land I never heard of anyone making any claims to any part of this land. During said time, my father, among other things, exercised the following acts of ownership and control of said land: In 1936 Fifty Acres North of the Creek was fenced off as a pasture and beef cattle was raised and allowed to graze on this pasture. In 1946, this fence around the pasture was repaired in part and replaced in part. We kept some sort of cattle in the pasture almost continuously from the time we moved on to the farm until my father moved off of the farm in July of 1956. Each year my father raised hogs for his own personal use and cut firewood off of the

wooded part of the farm. Chickens were kept on this farm continuously. We had laying chickens and frying chickens, and we kept them penned up on the farm. We hunted wild game, that is to say, rabbit and squirrel on the place almost each year. We raised hay and truck garden crops southwest of the creek each year. Since May of 1932, my father, or myself, lived on this farm, in open, notorious, continuous and peaceable possession, until July of 1956, when the farm was sold. As I have said before, during this entire period of time, I did not hear of anyone making any claim to any part of this farm.

A. L. Todhunter
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Subscribed and sworn to before me, this 23rd
day of December, 19 57.

Paul Lush
Notary Public,
Jefferson County, Alabama.

FILED 5 APRIL 1961

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STATE OF ALABAMA, SHELBY COUNTY

I, Conrad M. Fowler, Judge of Probate, hereby certify that the within Deed was filed for record in this office on the 23rd day of December, 1957 at 10 M. o'clock, and recorded in Book 204 at page 169 on the 11 day of April, 1961.
Mortgage Tax Deed Tax X has been paid.

Conrad M. Fowler
Judge of Probate