

175
STATE OF ALABAMA

SHELBY COUNTY

Before me, a Notary Public, in and for said County and State, personally appeared T. R. Nash, who is known to me, and who being by me first duly sworn, deposes and says as follows:

My name is T. R. Nash. I have lived in and around Alabaster, Shelby County, Alabama, since 1915.

I have been personally familiar with the ownership and possession of the following described property since 1937:

From the Northeast corner of Section 2, Township 21 South, Range 3 West, run Westerly along the North boundary line of the said Section 2, Township 21 South, Range 3 West for 865.28 feet, more or less, to the point of intersection of said line with the East Right of Way line of the L & N Railroad; thence turn an angle of 83 deg. 04 min. to the left and run Southerly along the East Right of Way line of the L & N Railroad for 423.59 feet to the point of beginning of the land herein described; thence turn an angle of 89 deg. 26 min. 45 seconds to the left and run Easterly to and along the North wall of a building owned by T. R. Nash and presently occupied by the Alabama Power Company for 97.08 feet, more or less, to the West Right of way line of the U. S. 31 Highway; thence turn an angle of 90 deg. 00 min. to the left and run Northerly along the West Right of Way line of U. S. 31 Highway 41.9 feet to the Northeast corner of a building under construction, said building to be the future Farris Department Store Building; thence turn an angle of 90 deg. 00 min. to the left and run Westerly 97.49 feet along the North wall of said Farris Department Store Building and to the East Right of Way line of the L & N Railroad; thence turn an angle of 90 deg. 33 min. 15 seconds to the left and run Southerly along the East Right of Way line of the L & N Railroad 41.9 feet to the point of beginning.

According to my understanding, the above description of the property which is the subject of this affidavit was prepared from a recent survey by Mr. Alton Young, Registered Land Surveyor, Alabaster, Alabama.

When I first became familiar with the ownership and possession of the above described property in 1937, it, along with a lot adjoining said property to the North, was owned and possessed by W. J. Maxwell. I acquired title to the lot adjoining the above described property on the North, and ^I built a drug store thereon in the year 1937 which I have operated since 1937 and until the present date. About eight years ago, I built another building on said lot adjoining the subject property on the North; this building is presently occupied by the Alabama Power Company under a lease from me.

The North twenty-five feet of the above described was conveyed by said W. J. Maxwell to Mrs. Alice Adkins about the year 1942, and by Mrs. Alice Adkins to Joe F. Wagner about the year 1944. Joe F. Wagner then conveyed to O. C. Farris about the year 1954, and said O. C. Farris conveyed to L. O. Farris, the present owner, during the same year.

The above described property, less the North twenty-five feet thereof discussed in the paragraph above, was conveyed by said W. J. Maxwell to W. M. Farris about the year 1945, and by said W. M. Farris to L. O. Farris, the present owner, in September, 1961.

Said L. O. Farris is presently constructing a building on the above described property which adjoins my building, occupied by the Alabama Power Company, on the North, and which also adjoins a building owned by W. M. Farris on the South. The building owned by W. M. Farris on the South was built before 1940 and is situated on part of the property which said W. M. Farris acquired from W. J. Maxwell in 1945, as stated above.

I do not know W. H. Cofer or any of his heirs or devisees or whether or any such persons have not lived in Shelby County since 1937 when I first became familiar with the ownership and possession of the above described property. I do know that said W. H. Cofer, nor his heirs or devisees, have not owned or possessed the above described property, nor any part thereof, since 1937 and until the present date. Said W. J. Maxwell has been deceased for several years, and neither said W. J. Maxwell nor his heirs or devisees have owned or possessed any part of the above described property since the conveyances mentioned above to Mrs. Alice Adkins and to W. M. Farris since the dates of said conveyances and until the present date. It is my understanding that the North twenty-five feet of the above described property which was conveyed

by W. J. Maxwell to Mrs. Alice Adkins has always been intended to adjoin and lie adjacent to the lot which was conveyed by said W. J. Maxwell to W. M. Farris in the year 1945.

I know of my own personal knowledge that L. O. Farris and his predecessors in title, as named above, have been in the actual, notorious, exclusive, continuous, open, hostile, adverse possession of all of the above described property under color of title since 1937 and until the present date, and I have never heard of anyone disputing the title to said property of L. O. Farris and his said predecessors in title.

Sworn to and subscribed before me on this 10th day of October, 1961.

J. R. Nash
T. R. Nash
John O. Bailey
Notary Public

STATE OF ALA. SHELBY CO.
I CERTIFY THIS INSTRUMENT
WAS FILED ON

10-10-61
RECORDED & INDEXED
& \$ DED TAX HAS BEEN
PD. ON THIS INSTRUMENT

Conrad M. Foubert
JUDGE OF PROBATE

BOOK 217 PAGE 664