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STATE OF ALABAMA

SHELBY COUNTY

AFFIDAVIT

Before me, a Notary Public in and for said County and State, personally appeared Bertha Smith, who is known to me, and who, being by me first duly sworn and says as follows:

My name is Bertha Smith. I am over 21 years of age and reside in Shelby County upon the following described property:

A part of the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ and a part of the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 8, Township 21 South, Range 1 East, described as follows: Begin at the Southwest corner of the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section and run North 0 deg. 30 min. West 181.5 feet; thence North 86 deg. 20 min. East 163 feet; thence South 59 deg. 0 min. East 133 feet to a point; thence South 68 deg. 45 min. East 358.6 feet to a point on the North Right of Way of the Southern Railroad and 50 feet from the center thereof; thence along said North Right of Way line along a curve concave Southwesterly to intersection of said Right of Way line with West line of Section 8; thence North along said Section line 345 feet to point of beginning.

Also all West half of NW $\frac{1}{4}$ of Section 8, Township 21 South, Range 1 East, lying South of Southern Railroad Right of Way.

Also all West half of East half of NW $\frac{1}{4}$ of Section 8, Township 21 South, Range 1 East, lying South of Southern Railroad Right of Way.

I am the widow of G. E. Smith, who died on December 31, 1960.

G. E. Smith and I acquired title to a parcel of land 105 feet East and West by 420 feet North and South lying in the Northwest corner of the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 8, Township 21 South, Range 1 East (which is a part of the above described property), from Mrs. S. E. Crowson in 1922. This parcel was formerly known as the "Nelson's Chapel Methodist Protestant Church" property. It is my understanding that said Nelson's Chapel Methodist Protestant Church conveyed said parcel to John H. Stone before the year 1900 and that said John H. Stone later conveyed said property to Mr. or Mrs. S. E. Crowson. In any event, said Nelson Chapel Methodist Protestant Church disbanded and ceased to exist more than forty years ago, to my personal knowledge. The church house which existed on said parcel was partitioned off into rooms and has been occupied by me as my homestead, from 1922 until 1931 when a storm blew it away, my husband and I re-built on the same spot and have lived there until the present date. Said Nelson Chapel Methodist Protestant Church, nor none of its congregation, members, nor its Trustees, have/occupied, claimed, or possessed said parcel or any part thereof since 1922 and until the present

date, to my personal knowledge, said Nelson Chapel Methodist Protestant Church having gone out of existence many years ago, as stated above. There are two marked graves on said parcel and what appears to be several unmarked graves.

That portion of the above described property which lies North of the Right of Way of the Southern Railroad, except the Nelson Chapel Methodist Protestant Church property, was acquired by me by Warranty Deed from Mrs. Lillian E. Rose in 1933. That part of the NW $\frac{1}{4}$ and NW $\frac{1}{4}$ of Section 8, Township 21 South, Range 1 East, which lies South of the Right of Way of the Southern Railroad, was intended to have been acquired, but was apparently not included in the description in my deed from Mrs. Rose, which is recorded at page 252 of Deed Book 94, Office of the Judge of Probate of Shelby County, Alabama. I have occupied said property lying South of the Right of Way of the Southern Railroad in the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 8, Township 21 South, Range 1 East, since 1933. Mrs. Lillian E. Rose moved to Birmingham and married William McCabe shortly after I purchased said property from her, and she, nor none of her heirs or devisees, nor any other person or persons, have owned, occupied, claimed, or possessed said property since 1933. I do not know the present whereabouts of said Mrs. Lillian E. Rose McCabe.

My husband and I conveyed a portion of the above described property to Marvin H. Lyon and wife, Willie Mabel Lyon, in 1948 (Deed Book 134, page 599), and said Marvin H. Lyon and wife, Willie Mabel Lyon, conveyed back to my husband in 1957 the same portion of the above described property (Deed Book 185, page 220) that we had previously conveyed them in 1948.

My husband, until the time of his death, and I, until the present date, have been in the actual, peaceable, exclusive, notorious, continuous, hostile, open, adverse possession of all of the above described property since 1942 and until the present date--as stated above, Marvin H. Lyon and wife, Willie Mabel Lyon, owned a portion of said property from 1948 until 1957, but in 1957, they conveyed said portion back to my husband. As to that portion of the above described property which lies North of the Right of Way of the Southern Railroad and that portion of the above described property in the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 8, Township 21 South, Range 1 East, which lies South of the Right of Way of the Southern Railroad, the actual, peaceable, exclusive, notorious, continuous, hostile, open, adverse possession of myself as extended since 1933 and prior thereto, as stated above, until the present date.

I have never heard of anyone claiming to own any portion of the above described property adverse to the claim of myself and my late husband, during all of said time, and until the present date.

Bertha Smith
Bertha Smith

Sworn to and subscribed before me
this 27th day of October, 1961.

[Signature]
Notary Public

STATE OF ALABAMA
SHELBY COUNTY

AFFIDAVIT

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

My names is E. B. Hughes. I am forty-eight years of age and have lived on adjoining property to the property described above in the affidavit of Mrs. Bertha Smith for the past twenty-three years. I have been familiar with the possession and ownership of the property described above in the affidavit of Mrs. Bertha Smith for the past twenty-three years. During the past twenty-three years and until the present date, I know of my own personal knowledge that Mrs. Bertha Smith and her husband, G. E. Smith, until the time of his death, were in the actual, peaceable, exclusive, notorious, continuous, hostile, open, adverse possession of all of the above described property in the affidavit of Mrs. Bertha Smith. I have never heard of anyone questioning the title of Mrs. Bertha Smith or G. E. Smith.

E. B. Hughes
E. B. Hughes

Sworn to and subscribed before me
this 27th day of October, 1961.

[Signature]
Notary Public

STATE OF ALA. SHELBY CO.
I CERTIFY THIS INSTRUMENT
WAS FILED ON 10-27-61
RECORDED & \$..... MTG. TAX
& \$..... DEED TAX HAS BEEN
PD. ON THIS INSTRUMENT.

Conrad M. Fowler
JUDGE OF PROBATE

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