

6/69

STATE OF ALABAMA

SHELBY COUNTY

Before me, *Martha S. Jainer*, the undersigned authority in and for said County, in said State, personally appeared Will Weathers, who, after being by me first duly sworn to speak the truth, deposes and says:

My name is Will Weathers. I am 72 years of age and have lived in Shelby County, Alabama, all of my life and have all along been familiar with the following described land, viz:

The S $\frac{1}{2}$  of NE $\frac{1}{4}$  of Section 34, Township 19, Range 1 East;  
And all that part of the NE $\frac{1}{4}$  of NE $\frac{1}{4}$  of Section 34, Township 19 Range 1 East which lies south and west of Muddy Prong Creek;  
Except for a strip 20 feet wide more particularly described in deed to Leila Cardon recorded in Deed Book 124 page 381 in the Probate Office of Shelby County, Alabama;  
Being situated in Shelby County, Alabama.

There has been called to affiant's attention a mortgage from B. F. Weathers and Jessie Weathers to W. T. Fancher and Rodell Fancher dated January 30, 1920, which covered 10 acres off the SE $\frac{1}{4}$  of NE $\frac{1}{4}$  of said Section 34 and all the NE $\frac{1}{4}$  of NE $\frac{1}{4}$  of said Section lying west and south of Muddy Prong Creek. Affiant says that B. F. Weathers and was bargained to purchase said land but did not pay for it or something happened and they turned it back to the Fanchers. Affiant further says he recalls the W. T. Fancher and wife sold the same to W. G. Williams, along with other land in July 1933. Prior to the time they sold it, W. T. Fancher and his wife lived on the land, farmed portions of it and had certain portions fenced in each and every year until they sold it to the Williams. Affiant further says Mr. & Mrs. Williams moved in the house situated on the land and lived there and continued to occupy it each and every year as had their predecessors until they sold it to Guy West in 1946, as shown by deed recorded in Deed Book 125 page 307 in the Probate Office of said County. Affiant further says that Guy West moved in the house situated on said land and made improvements thereon and farmed portions of the land each and every year until this very day. Affiant further says when he first remembers said land, which was approximately 45 to 50 years ago, it was owned by occupied by W. T. Fancher and Rodell Fancher and it has been known as their homeplace.

Affiant further says B. F. Weathers died in 1937 and Mrs. Jessie Weathers has been dead some 15 years.

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Affiant further says he has never heard of J. B. Turner owning or claiming to own any of the above described land.

Will Weathers  
Will Weathers

Sworn to and subscribed to before me

this the 20<sup>th</sup> day of August, 1962.

Martha B. Joiner  
Notary Public

STATE OF ALA. SHELBY CO.  
I CERTIFY THIS INSTRUMENT  
WAS FILED ON 8/11

RECORDED & \$ 1.11 MTG. TAX  
& \$ 1.11 DEED TAX HAS BEEN  
PD. ON THIS INSTRUMENT.

Conrad M. Foulke  
JUDGE OF PROBATE

State of Alabama

Shelby County

Before me, Martha B. Joiner, the undersigned authority in and for said County in said State, personally appeared W. R. Robertson, who, after being duly sworn to speak the truth, deposes and says:

My name is W. R. Robertson. I am 73 years of age and have lived in Westover community since 1900 and have known the land described in the affidavit of Will Weathers since that time. Affiant says when he first remembers the land, it was owned by and occupied by James A. Fancher. Affiant says that after the death of James A. Fancher, the land was set aside to his widow, Mary Fancher. Affiant does not recall the exact date but before her death, she conveyed it W. T. Fancher and Della Fancher and that they went into possession of all of the S $\frac{1}{2}$  of NE $\frac{1}{4}$  of said Section 34, along with other land and affiant says there has never been excepted 5 acres from said 80 acres. He does not know when the 5 acres were ever excepted from a deed because he knows of his own knowledge that the Fanchers were in possession of the entire 80 acres. Affiant says they continued in the possession of the entire 80 acres until they sold it to W. G. Williams and Ann Williams, who went into possession of all of the land and owned and occupied it until they sold it to Guy West in 1946, and that Guy West has owned and occupied the entire 80 acres until this very day.

Affiant further says he has never heard of anyone contesting the possession or disputing the title of Guy West or his predecessors in title.

W. R. Robertson  
W. R. Robertson

Sworn to and subscribed to before me

this the 20<sup>th</sup> day of August, 1962.

Martha B. Joiner  
Notary Public

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