

1188

STATE OF ALABAMA
SHELBY COUNTY

Before me, the undersigned Notary Public in and for said County and State, personally appeared Mose Cook, who is known to me, and who, being by me first duly sworn, deposes and says on oath, as follows:

My name is Mose Cook. I am 69 years of age and have lived in Shelby County, Alabama, since 1909. I have been familiar with the ownership and possession of the following described property since about 1919:

Commence at the southwest corner of the SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 4, Township 22 South, Range 2 West, and in a northerly direction along the west line of said quarter-quarter, run a distance of 141.41 feet; thence turn an angle of 93 deg. 14 min. to the right for a distance of 352.4 feet; thence turn an angle of 92 deg. 25 min. to the right for a distance of 126.6 feet; to a point on the south line of said quarter-quarter section; thence turn an angle of 85 deg. 06 min. to the right and run west along the south line of said quarter-quarter section a distance of 339.41 feet to the point of beginning.

I married my first wife, Lucy Cook, in 1916, and I rented the above described property from Hannah Oden and husband, Kersey Oden, from about 1919 until March 13, 1923, when I purchased said property from said Hannah Oden and Kersey Oden. The house which is still standing today on said property was there in 1919 when I first rented said property; my wife, Lucy Cook, and I lived in said house as our homestead from 1919 until 1950 when my said wife, Lucy Cook, died. Lucy Cook and I raised a family of five daughters in said house and exercised exclusive possession over said property since 1923 when I purchased said property from Hannah and Kersey Oden under warranty deed, paying taxes on said property each and every year, until the death of said Lucy Cook in 1950. Since 1950, I have rented said house and property to others.

I built a wire and post fence on said property about the time I bought it in 1923, said fence enclosing said property on all four sides. I have repaired said fence, which enclosed said house, my garden, and all of said property, from time to time, but it has about fallen down, now; however, parts of said fence still stand today, and it is possible to see, in most places, where said fence originally stood.

I am presently married to May Bell (or Mabel) Cook.

The above described property which I have owned since 1923 is bounded on the north and east by the Herndon property, now owned by John Herndon. Said property lies approximately 125 feet west of the west right of way of Highway 31. A dirt road runs along and parallel with the south line of said property in a westerly direction from Highway 31. The New Mount Moriah Baptist Church fronts on the west side of Highway 31 just to the south of said dirt road leading from said Highway 31, said Church lying or situated slightly southeast of the

above described property.

The above described property was surveyed by Mr. Frank W. Wheeler, a Registered Land Surveyor, in June, 1959, when Mr. Wheeler made a survey for John Herndon, and said above described property has again, on November 6, 1962, been surveyed by Mr. W. M. Douglas, a Registered Land Surveyor. Both surveyors agreed that the above described property is accurately described above, both surveyors using the same distances and angles to describe said property, and both surveyors finding said property to be located in the SW $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 4, Township 22 South, Range 2 West, as described above. It has been pointed out to me that the deed which I took from Hannah and Kersey Oden in 1923, as aforesaid, describes said property as being in the SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 4, Township 22, Range 2 West, but this deed is in error. I have never claimed any r property in the SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 4, Township 22, Range 2 West, and I have never claimed any property under said deed from Hannah and Kersey Oden other than the above described property, which I have occupied, since 1919 as aforesaid, and have owned since 1923, as aforesaid. The said deed of 1923 was intended to describe and convey the above described property.

I have been in the continuous, actual, peaceable, exclusive, notorious, hostile, open, adverse possession of allof the above described property since March 13, 1923, under said warranty deed from Hannah and Kersey Oden, as aforesaid, until the present date, claiming the said property against the claims of all persons whatever, under color of title and claim of right, ^{assessing and} paying taxes on said property and otherwise openly claiming and possessing said property. I have never heard of anyone else claiming to own said property or any interest therein, other than myself, since 1923 and until the present date. I have never heard of Susan Hart, Anderson Brown, or any of the heirs or children of said Anderson Brown, or John Johnston, or any other person claiming said property, or any part thereof or interest therein, and I know that said persons have not possessed any part of said property since 1923 and until the present date.

Mose Cook
Mose Cook

Sworn to and subscribed before me this 19th day of November, 1962

Margie H. Kirtles
Notary Public

Witnesses: Kath Bernier

STATE OF ALA. SHELBY CO.
I CERTIFY THIS INSTRUMENT
WAS FILED ON 12/11/62
RECORDED & \$.....MTG. TAX
& \$.....DEED TAX HAS BEEN
PD. ON THIS INSTRUMENT.

Conrad M. Fowler
JUDGE OF COURSE