

2259

STATE OF ALABAMA  
SHELBY COUNTY

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

My name is K. L. Harkins. I am seventy years old and have resided in Shelby County, Alabama, all of my life. I have been personally familiar with the ownership and possession of the following described property for the past sixty (60) years:

Two contiguous lots described as follows:

LOT # 1: Beginning at a point on the West line of the Dogwood-Maylene public road at a point 110 feet South of the point where said road intersects the South line of South half of NW $\frac{1}{4}$ , Section 21, Township 21 South, Range 3 West, and running in a Northwesterly direction along the West margin of said road 368 feet; thence run Westerly and parallel with said 80 acre line 210 feet; thence Southeasterly and parallel with the West line of said road 368 feet; thence Easterly and parallel with said 80 acre line 210 feet to point of beginning, being situated in the South half of NW $\frac{1}{4}$  and North half of SW $\frac{1}{4}$ , Section 21, Township 21 South, Range 3 West, Shelby County, Alabama.

LOT # 2: Commencing at the Southeast corner of the above described Lot #1 and running Westerly along the South boundary of said Lot #1 210 feet; thence Southerly and parallel with the Dogwood-Maylene Road 105 feet; thence Easterly and parallel with the South boundary of said described Lot #1 210 feet to the West margin and said Dogwood-Maylene Road; thence Northwesterly along the West margin of said road to point of beginning, being in the North half of the SW $\frac{1}{4}$  of Section 21, Township 21 South, Range 3 West, which lot is also described as follows, according to survey of W. M. Douglas dated January 22, 1963: Commence at the Northwest corner of the NE $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 21, Township 21 South, Range 3 West, and in an easterly direction run along the North line of said quarter-quarter section a distance of 125.0 feet; thence turn an angle of 88 deg. 40 $\frac{1}{2}$  min. to the right for a distance of 110.0 feet to a point within the right of way of Alabama Highway No. 71 (said point being a point on the West right of way line of the old Dogwood-Maylene public road before it was widened), which is the point of beginning; thence turn an angle of 12 deg. 29 $\frac{1}{2}$  min. to the left and run parallel to the West right of way line of said Highway No. 71 (and along the West right of way line of said old Dogwood-Maylene public road) for a distance of 105.0 feet; thence turn an angle of 103 deg. 49 min. to the right for a distance of 210.0 feet; thence turn an angle of 176 deg. 11 min. to the right for a distance of 105.0 feet; thence turn an angle of 103 deg. 49 min. to the right for a distance of 210.0 feet to the point of beginning.

Both of the above described lots front on the West side of the old Dogwood-Maylene/<sup>public</sup>road, which was also known as the "Elyton Road". Said Dogwood-Maylene public road has been in existence for many years and was widened and paved by Shelby County about eight (8) years ago. That portion of the present road, as now paved, on which the above described lots front, is in exactly the same place where said old Dogwood-Maylene public road (and said old Elyton Road) was located, except that the new paved road has been widened and improved.

I remember when Climax Coal Company owned both of the above described lots, prior to 1906.

by Climax Coal Company

Lot # 2 was conveyed to C. E. Eckerd about 1907. Said C. E. Eckerd, also known as Charlie Eckerd, resided in a home situated on said lot for several years before he conveyed said property to P. C. Means, about 1917. Said house burned some twenty years ago. I married the daughter of said C. E. Eckerd on the front porch of said house during the period of time when it was owned and occupied by said C. E. Eckerd. The heirs of P. C. Means conveyed said property to Cleo Broadhead about twenty years ago. Said Cleo Broadhead owned said property about ten years before she and her husband conveyed said property to Troy L. Lawley and wife, Myrtle Lynn Lawley, who conveyed said property to Lawrence W. Kendrick and wife, Lexie M. Kendrick, in 1951. Said property has been used for gardening purposes by Mr. & Mrs. Kendrick since they have owned the same.

Lot # 1 was conveyed by Climax Coal Company to G. F. Peter<sup>and others</sup> about 1920. Said G. F. Peter was concerned in the operation of Southern Coal & Coke Company, and said property was owned by said G. F. Peter or by Southern Coal & Coke Company until about 1947, when it was conveyed to R. E. Whaley, who conveyed to W. R. Broadhead. Said W. R. Broadhead conveyed said property to Troy L. Lawley and wife, Myrtle Lynn Lawley, about 1948, and was conveyed by them to Mr. & Mrs. Kendrick, along with Lot # 2 described above in November, 1951; a portion of said Lot # 1 was subsequently conveyed to Foscoe and Gladys Pickett.

I know of my own personal knowledge that Lot # 1 and Lot # 2 described above have been in the continuous, open, notorious, undisturbed, peaceable, exclusive, hostile, actual, adverse possession of said Lawrence W. Kendrick and wife, Lexie M. Kendrick, and their predecessors<sup>and successors</sup> in title named above, for<sup>or more</sup> the past sixty (60) years. I have never heard anyone question the title or ownership to said property of said Lawrence W. Kendrick and wife, Lexie M. Kendrick, and their said predecessors and successors in title.

Having been familiar with the ownership and possession of Lot No. 1 and Lot No. 2 described above for the past 60 years, I know that there has not been carried on or conducted on either Lot No. 1 or Lot No. 2 described above at any time any business of selling goods or merchandise of any character whatsoever during the past 60 years and until the present date. Said property has been used exclusively for residence and gardening purposes during said 60 years period without any selling or merchandising business or operation being carried on there. Climax Coal Company, nor any of its successors or assigns, has not claimed or possessed said property or any part thereof since its conveyance of Lot No. 2 to E. C. Eckerd in 1907 and its conveyance of Lot No. 1 to G. F. Peter and others in 1920.



Lawrence W. Kendrick and wife have resided on a house located on Lot No. 2 described above fore the past 12 years, said house having been originally built about 12.

K. L. Harkins  
K. L. Harkins

Sworn to and subscribed before me  
this 30<sup>th</sup> day of January, 1963.

William K. Berryhill  
Notary Public

STATE OF ALABAMA  
SHELBY COUNTY

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

My name is Lawrence W. Kendrick. I am 74 years of age and have been familiar with the ownership and possession of the property described above in the affidavit of K. L. Harkins for the past 40 years.

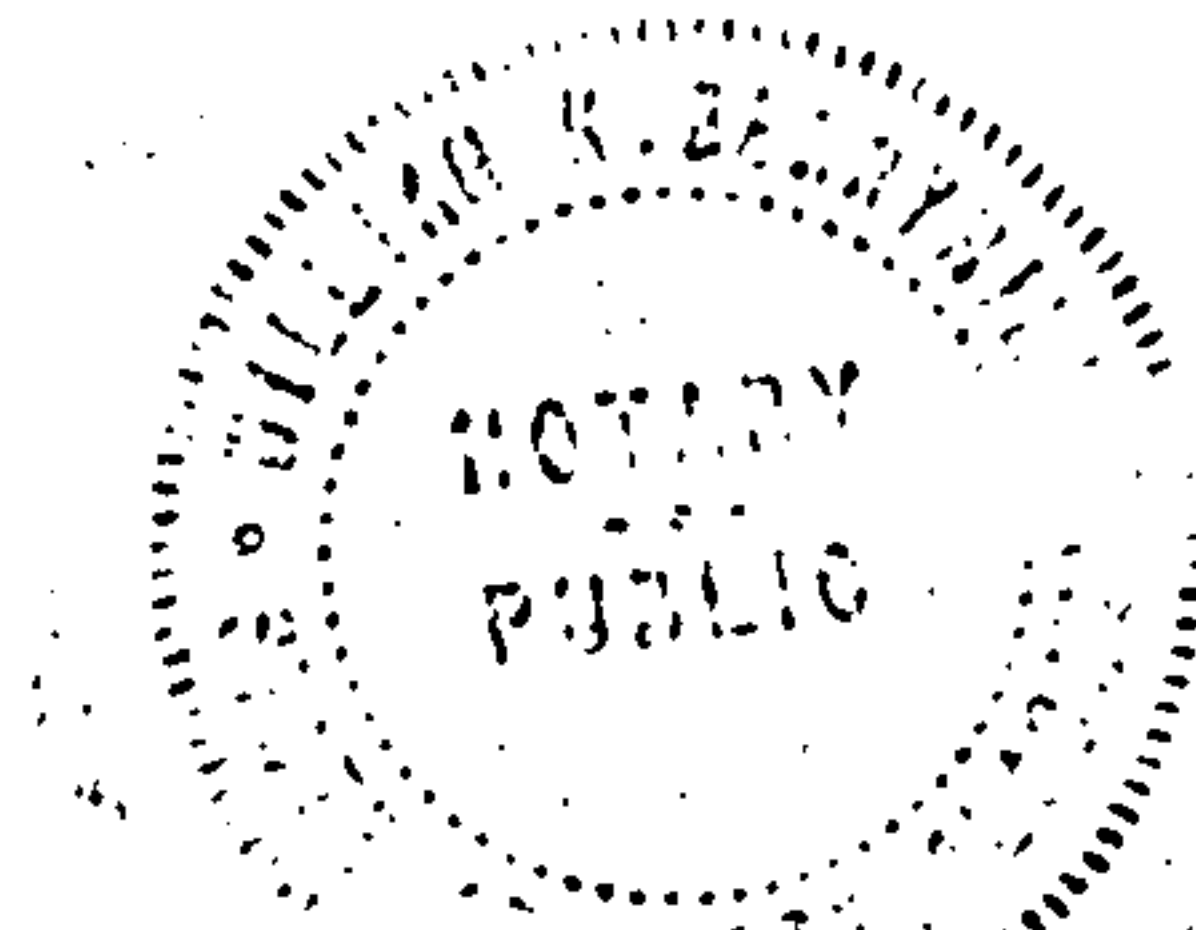
I have carefully read the above affidavit of K. L. Harkins, and I know of my own personal knowledge that the facts therein stated are true and correct as they relate to said property for the past 40 years.

Lawrence Kendrick  
Lawrence W. Kendrick

Sworn to and subscribed before me  
this 30<sup>th</sup> day of January, 1963.

William K. Berryhill  
Notary Public

MY COMMISSION EXPIRES DECEMBER 17, 1966



STATE OF ALA. SHELBY CO.  
I CERTIFY THIS INSTRUMENT  
WAS FILED ON 21<sup>st</sup>  
1/24 1963  
RECORDED & \$1.00 INTG. TAX  
& \$1.00 DEED TAX HAS BEEN  
PD. ON THIS INSTRUMENT.

Conrad M. Fowler  
JUDGE OF PROBATE