

STATE OF ALABAMA

SHELBY COUNTY

3753
Before me, *J. A. Wallace*, the undersigned authority in and for said County in said State, personally appeared John H. Gates, who, after being by me first duly sworn to speak the truth, deposes and says:

My name is John H. Gates, I am 72 years of age and have lived in and around Helena, Alabama, since 1908, and have lived near the herelnafter described land since 1920 and have been familiar with it and the persons in possession of it. Said land being described as follows:

A part of the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 22, Township 20 South, Range 3 West more particularly described as follows: Begin at SW corner of said $\frac{1}{4}$ - $\frac{1}{4}$ Section and run east along south line of said $\frac{1}{4}$ - $\frac{1}{4}$ Section 480 feet, more or less to the southwest corner of a tract of land belonging to Mrs. Clara McGlawn; thence north along west line of said McGlawn tract 400 feet to NW corner; thence run east along north line thereof 220 feet, more or less, to west line of a road; thence run north to the SE corner of a tract of land formerly belonging to G. W. Findley, now belonging to O. H. & Jean H. Benson; thence west along south line of said Benson lot 424 feet, more or less, to SW corner of said Benson lot; thence south to the SE corner of a lot belonging to John R. Gates, which said John R. Gates lot is 49 $\frac{4}{5}$ yards by 97 yards on west side of said forty acres; thence west along south line of Gates lot 291 feet, more or less, to west line of SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section; thence south along west line of said forty acres 510 feet, more or less, to point of beginning.

Also a certain lot in the SW $\frac{1}{4}$ of NW $\frac{1}{4}$, Section 22, Township 20 South, Range 3 West, described as follows: Beginning at a point on west line of said forty at the SW corner of Ed Stobert lot and run east along south line of Stobert lot 97 yards to Jenkins land; thence run south 49 $\frac{4}{5}$ yards to north line of land formerly belonging to John H. Gates; thence west 97 yards to west line of said forty acres; thence north along west line 49 $\frac{4}{5}$ yards to point of beginning;

There is excepted from the above described land that certain parcel of land in the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 22 conveyed by James E. Lovelady and wife, Barbara Ann Lovelady to H. L. Henderson and Billie Jo Henderson on March 9, 1963, as shown by deed recorded in Deed Book 224 page 525 in the Probate Office of Shelby County, Alabama.

The above described land is more particularly and correctly described as follows:

From the southwest corner of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 22, Township 20 South, Range 3 West run northerly along the west boundary line of the said SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 22 for 530.32 feet to the point of beginning of the land herein described; thence continue northerly along the west boundary line of the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 22 for 150.0 feet; thence turn an angle of 89 deg. 51 min. 15 sec. to the right and run easterly for 293.08 feet; thence turn an angle of 88 deg. 58 min. 25 sec. to the right and run southerly 100.06 feet; thence turn an angle of 89 deg. 55 min. 20 sec. to the left and run easterly for 405.21 feet to a point on the west side of the Helena Drag Strip Road; thence turn an angle of 92 deg. 22 min. 20 sec. to the right and run southerly along the west side of said road for 199.45 feet; thence turn an angle of 89 deg. 16 min. 20 sec. to the right and run westerly for 214.61 feet; thence turn an angle of 89 deg. 40 min. to the left and run southerly for 400.88 feet, more or less, to a point on the south boundary line of the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 22; thence turn an angle of 90 deg. 15 min. to the right and run westerly along the south boundary line of the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 22 for 165.13 feet; thence turn an angle of 58 deg. 51 min. to the right and run northwesterly for 619.54 feet, more or less, to the point of beginning. This land being a part of the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 22, Township 20 South, Range 3 West and being 6.20 acres, more or less, and being situated in Shelby County, Alabama.

There has been called to affiant's attention a deed from M. S. Lee and others to Mrs. M. M. Gilliam dated August 20, 1912, recorded in Deed Book 54 page 284 in the Probate Office of Shelby County, Alabama, and affiant says the north-west corner of the Gilliam tract as described in said deed was the same as the southwest corner of the Crim lot as described in Deed Book 62 page 428 in said Probate Office. Affiant is not too familiar with the deed from Mattie Riddle and husband to LaFayette Peal dated November 23, 1912, but it is affiant's understanding said lot included the Crim lot, the Stobert lot and the Henry King lot and that said Riddle or Peal lot lay north of and adjoined the lot now owned by James E. and Barbara Ann Lovelady. Affiant says the land conveyed to Mrs. M. M. Gilliam was a part of the farm which was owned by H. R. Lee, the father of the parties who signed said deed to Mrs. Gilliam and she was an heir also and the land was conveyed for the purpose of dividing the land among the heirs. Affiant says it was not a part of the makers' of the deed homestead, but was their father's homestead.

Affiant further says he knows something about the deed from M. S. Lee and others to Henry L. Ozley dated August 20, 1912, recorded in Deed Book 60 page 341 in said Probate Office. Affiant says that the land was actually conveyed to Henry L. Oglesby, and the deed was in error when it showed his name as Ozley. Said land conveyed in said deed lay east of the Helena Drag Strip Road and east of the James E. and Barbara Ann Lovelady lot, except for a small tract which is later known as the Finley lot and a portion of the James E. and Barbara Ann Lovelady lot and affiant says there is no overlappage between the Lovelady lots and the Finley lot. Affiant further says that the southwest corner of said Oglesby lot lying west of Helena Drag Strip Road bordered on and was the same point as the southeast corner of the Riddle lot.

Affiant further says he knew Mrs. J. C. Phillips who obtained a deed from Henry L. Oglesby and wife in January, 1917, which is recorded in Deed Book 60 page 441 in said Probate Office and affiant says that he never knew of her having possession of or making any claim to the James E. and Barbara Ann Lovelady land and knows she lived around Coalmont, which is some 5 miles from Helena. Affiant further says she has been moved away from Coalmont since 1920 and he has not heard of her since, and that she was approximately 40 years of age at that time.

With further reference to the deed from M. S. Lee and others to Henry L. Oglesby recorded in Deed Book 60 page 341 mentioned above, affiant says the Finley lot and the Lovelady lot take up all the land owned by Henry L. Oglesby west of the Helena Drag Strip Road.

Affiant further says he is familiar with the land conveyed by Carrie Lou Cummings to Hillard D. Jenkins in September, 1948, as shown by deed recorded in Deed Book 132 page 555 and affiant says the southwest corner of the Jenkins lot is the same as the northwest corner of the Finley lot and the same as the northeast corner of the Crim lot which is now owned by James E. and Barbara Ann Lovelady.

Affiant further says that he and R. S. Cook purchased from the Administratrix of the Estate of W. E. England, deceased, on April 21, 1930, all of the lot known as the Crim lot and they went into immediate possession of the entire lot, as described in that certain deed recorded in Deed Book 62 page 428 in said Probate Office. It is called to affiant's attention that the Administratrix Deed out of said England Estate to affiant and R. S. Cook did not describe all of said Crim lot, but affiant says, as mentioned above, it was the intention to convey all of said lot to said parties and they went into immediate possession of the same and the same has been under fence continuously since 1930. Affiant further says regarding a deed from Rhoda Hudson, Guardian for Viola Madge Hudson, a minor, dated August 1931, and recorded in Deed Book 92 page 505, that the lot conveyed to Ed and Myrtle Stobert therein adjoins and lies immediately north of the lot affiant and Cook purchased from the Estate of W. E. England, deceased. Affiant further says the lot conveyed by affiant and R. S. Cook and their wives to John R. Gates on March 10, 1942, is the Crim lot mentioned hereinabove.

Affiant further says that R. S. Cook purchased a large portion of the above described land in 1920 from O. S. Rollings and wife, and purchased that part adjoining the Finley lot in 1922 from W. S. Esco and that R. S. Cook and affiant purchased the Crim lot in 1930 from the England Estate and affiant says that R. S. Cook built a fence around the portion he purchased in 1920 immediately after he purchased it and then in 1922, he fenced in the portion he purchased from W. S. Esco immediately. Affiant says he and R. S. Cook renewed the fence around the Crim lot when they purchased the same in 1930 and that said fences have remained around all of said land continuously each and every year since the above mentioned dates. Affiant further says R. S. Cook tended parts of said land under fence each and every year and affiant says he knows that both he and R. S. Cook and the other persons in the Chain of Title have been in the actual, open and peaceable possession of said land and he has never heard of anyone contesting their title or disputing their possession of the same.

John R. Gates
John R. Gates

Sworn to and subscribed to before me this the 27 day of April, 1963.

L. J. Dillman Notary Public

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State of Alabama

Shelby County

Before me, the undersigned authority in and for said County, in said State, personally appeared Walter L. Simmons, who, after being by me first duly sworn to speak the truth, deposes and says:

My name is Walter L. Simmons. I am 77 years of age and have known the property described in the foregoing affidavit of John H. Gates for the past 40 years and I have been familiar with it and the persons in possession of it. I have read the affidavit of John H. Gates and know the matters and things set out in his affidavit are true and correct as far as I can remember said property.

Walter L. Simmons

Sworn to and subscribed to before me
this the 27th day of April, 1963.

L. H. Hance
Notary Public

STATE OF ALA. SHELBY CO.
I CERTIFY THIS INSTRUMENT
WAS FILED ON 2/11/63
2/2 1963
RECORDED & S. & M. T. TAX
& S. & M. T. TAX HAS BEEN
PD. ON THIS INSTRUMENT.

Corneal M. Jacobs
JUDGE OF PROBATE