

3959

STATE OF ALABAMA

SHELBY COUNTY

Before me, Martha B. Joiner, the undersigned authority in and for said county in said state, personally appeared John H. Thompson, who, after being by me first duly sworn to speak the truth, deposes and says:

My name is John H. Thompson. I am 71 years of age and have lived in and around the hereinafter described land all of my life. Said land being described as follows:

Lots 5, 6, 7, 8, 9, 10, 11, 12, 13 and 15 in Block 17;

Lots 1 and 2 in Block 18;

All according to Map of Arkwright as recorded in Map Book 3 page 5 in the probate Office of Shelby, County, Alabama.

Regarding lots 1 and 2, Block 18 above affiant says:

He has knowledge of the fact that Junction Land and Industrial Company conveyed said lots to Mrs. S. F. Carr in July, 1908, as shown by deed recorded in Deed Book 54 page 598 in said Probate Office and that affiant says he does not recall the exact date, but knows approximately when the deed was made and knows Mrs. Carr's husband was T. W. Carr and knows that they went into possession of the lots and built a frame house thereon no long after she bought it and they lived on said lots and reared their family there until Mrs. S. F. Carr died sometime around the time of World War I. After which time, the said T. W. Carr died approximately 2 years prior to the year 1928, but he continued to live on the place until his death. Affiant says Mrs. S. F. Carr had three children, namely: J. A. Carr, whose wife was Gertrude Carr; Martha L. Vincent, whose husband was dead on April 16, 1928; and A. P. Carr, whose wife was named Floy Carr; that said persons were the sole heirs of S. F. Carr in April 1928, and that the said S. F. Carr died without leaving a Will. Affiant further says he recalls L. L. Harris and Julia Harris purchased said land in 1930 and they went into immediate possession of said lots and lived in the house situated thereon until Mr. Harris died in 1939 and Mrs. Harris died approximately 3 years ago. Affiant further says neither of said parties left a Will and they left surviving them as their sole heirs, namely: Pauline Harris McCrary, whose husband is Burl McCrary; Ann Harris Cunningham, whose husband is Jack Cunningham; and Reese Howell Harris whose wife is Odessa Harris. Affiant further says after the death of Mrs. Julia Harris, Reese Howell Harris, being one and the same as R. H. Harris, remained in the possession of said lots and purchased the interest of the other heirs and he has lived on it continuously since his mother's death and he has occupied the house situated thereon and has had a garden on a portion of the lots as did his

predecessors before him and he has used the same in a like manner to them. The original house burned since R. H. Harris has owned the land and he has built a new house on the lots and is now living in it.

Affiant further says he has never heard of Talladega Wholesale Grocery Company owning or claiming any interest in said lots and that it is affiant's recollection that said Company has been out of business for sometime.

Affiant further says he has never heard of S. M. Cost making any claim to own the above described lots.

Affiant further says that for several years he has been^{serving} on the Board of Revenue and Control of Shelby County, Alabama, and he is familiar with the proceeding of Shelby County vs R. H. Harris filed in Probate Minutes 18 page 345 in said Probate Office and affiant says said condemnation proceeding was for the purpose of obtaining a right of way for paving the County Road which ran along Main Street according to Arkwright Subdivision and extended south along the lots on the north portion of said subdivision and it took approximately 80 feet off the north side of the lots adjoining the south side of Main Street in said Subdivision. Affiant says this may vary some, but it is in the neighborhood of the amount taken.

Affiant further says that he has never heard of Fanny Hinds owning or claiming any interest in the above described lots.

REGARDING LOTS 5 through 15 in Block 17:

Affiant says that it has been called to his attention R. F. Cox, W. B. Browne and W. L. Farley purchased Lots 5, 6, 7 and 8 Block 17 mentioned above from Junction Land and Industrial Company on May 30, 1907, as shown by deed recorded in Deed Book 47 page 339 in said Probate Office. Affiant says, while he did not know they had purchased said lots, he does recall that L. L. Harris purchased them at a Tax Sale in 1931 and obtained a tax deed in 1936 and fenced the lot a short time thereafter and went into immediate possession of the same and farmed them each and every year until his death. After which, his widow and then R. H. Harris has continued to farm said lots each and every year until this very day. It has been called to affiant's attention that H. L. Horsley purchased Lot No. 9 from Junction Land and Industrial Company on May 30, 1907. Affiant did not know prior to this time that H. L. Horsley owned said lot, but he does recall talking to W. J. Horsley and recalls that W. J. Horsley told him he owned said lot. Affiant says W. J. Horsley conveyed said lot to L. L. Harris in 1936, as shown by deed recorded in Deed Book 96 page 206 in said

Probate Office. The said L. L. Harris went into immediate possession of the lot and had it fenced, along with other lots mentioned above, and cultivated it along with the other lots until his death. Then his widow until her death and then R. H. Harris have continued to cultivate it each and every year until this very day.

Affiant says he recalls Cecil Browne was one of the larger land owners and owned a lot of land in that area but he did not know about his owning Lots 11 to 16 in Block 17. Affiant does recall that J. O. Lee owned Lots 11, 12, 13 and 15 of Block 17; in fact, affiant says he lived in the house situated on said lots until the house burned and thereafter he and his wife, Hattie Lee, whose name is sometimes referred to as Heddie Lee, conveyed said lots to L. L. Harris and Julia Harris on August 24, 1932, as shown by deed recorded in Deed Book 94 page 35 in said Probate Office. Mr. & Mrs. L. L. Harris went into immediate possession of said lots and fenced them in, along with their other property mentioned in this affidavit and they farmed the land each and every year until Mr. Harris' death and then his widow and then R. H. Harris continued to farm it until this very day.

REGARDING LOT 10, Block 17, affiant says:

He recalls Eugene Williams who lived in Vincent, formerly owned said lot and it is affiant's information that he conveyed it to Hattie Lee and she and her husband were in possession of the lot until they sold it to L. L. Harris and Julia Harris in 1932. Mr. & Mrs. Harris and then their son, R. H. Harris have occupied said Lot 10 the same as they did the other lots in said Block 17.

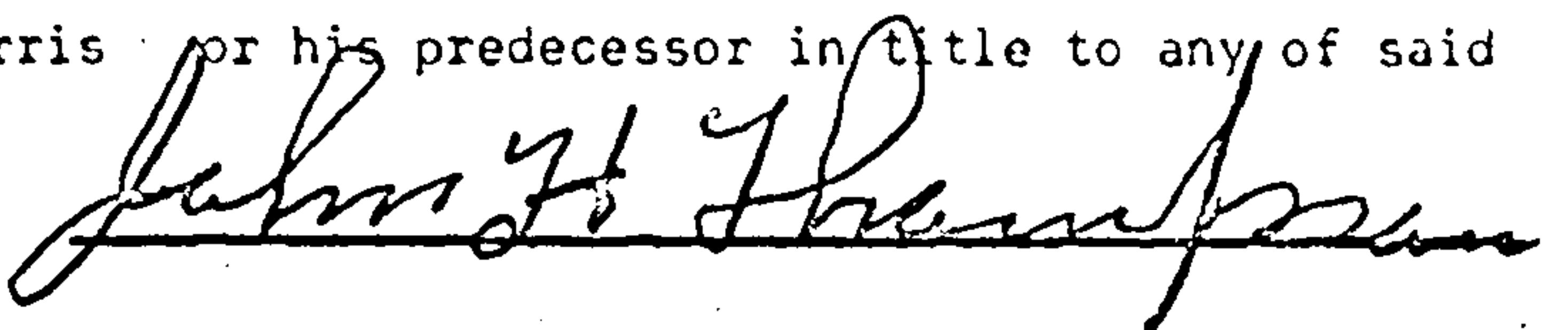
Affiant further said he has never heard of A. J. Peterson owning Lot 6 in said Block 17 and has never known of him making any claim to the same.

Affiant further says that he has never heard of Fanny Hinds owning or claiming any interest in the above described lots.

REGARDING LOT 5, BLOCK 19, affiant says:

He recalls Mr. & Mrs. R. H. Harris purchased said lot from the State of Alabama on September 22, 1954, as shown by Deed Book 169 page 438 in said Probate Office. They went into immediate possession of the same and cultivated it and used it, along with their other lots in said Subdivision, in the same manner each and every years until this very day.

Affiant further says he has never heard of anyone contesting the title or disputing the possession of R. H. Harris or his predecessor in title to any of said lots.



State of Alabama
Shelby County

Sworn to and subscribed to before me this the 16th day of December, 1961.

Martha B. Joiner
Notary Public

STATE OF ALA. SHELBY CO.
I CERTIFY THIS INSTRUMENT
WAS FILED ON 5/19/63
RECORDED & \$..... MTG. TAX
& \$..... DEED TAX HAS BEEN
PD. ON THIS INSTRUMENT.

Conrad A. Jones
JUDGE OF PROBATE