

4164

Before me, a Notary Public in and for said County and State, personally appeared Lucy J. Bailey, who is known to me, and who being by me first duly sworn, deposed and says as follows:

My name is Lucy J. Bailey. I am seventy-two years of age and have resided at R. F. D., Calera, Shelby County, Alabama, all of my life. I am an unmarried woman, never having been married.

My father was Z. R. Bailey, who died intestate while a resident of Shelby County in 1923; my mother was Mary Jane Bailey, or M. J. Bailey, who died intestate while a resident of Shelby County in 1932. My said father and mother were never married except to each other.

I had only five brothers and sisters, three of whom are still living, namely, Lena Bailey Lowery, who is the widow of Berney Lowery, Charles D. Bailey, <sup>is</sup> who married to Myrtle D. Bailey, and Ruby Bailey Harper, who is a widow. My sister, Florence Bailey Long, was a widow at the time of her death in 1959. She had only two children ever born of her, namely, G. C. Long, Jr., and Helen Long Thompson, both of whom are still living and over twenty-one years of age.

My sister Clem Bailey Seale, was a widow at the time of her death in the year 1956. She had only six children ever born of her, four of whom are still living and over the age of twenty-one years, namely, Aileen Seale Sherrer, J. W. Seale, Frances Seale Hughes, and Robert Earle Seale; the fifth child of said Clem Bailey Seale was Lawrence Seale, who died in the year 1961 and whose widow is Jennie Vee Seale. Said Lawrence Seale had only two children ever born of him, both of whom are still living and over the age of twenty-one years, namely, Valera Seale Taylor and Yvone Seale Garner. The sixth child of Clem Bailey Seale, namely Elwood Seale, a son, died without ever having been married.

My said father and mother raised another child whose true name was "Monroe Morris" but who became known as "Morris Bailey". Said Monroe Morris was in no way related to either my said mother or my said father, and he was never legally adopted by them.

My sister, Lena Bailey Lowery, was formerly married to Berney Lowery (as stated above). Berney Lowery died intestate while a resident of Shelby County, Alabama, in the year 1956. Said Berney Lowery and Lena Bailey Lowery were never married except to each other, and they had only four children, all of whom are still living and over the age of twenty-one years, namely, Lizzie Lowery Frost, Ione Lowery Horn, Thomas R. Lowery, and Zemma Lowery Sproul.

225-421

I have been personally familiar with the ownership and possession of the following described property, identified as Parcel No. 1, since prior to 1912, viz.:

PARCEL NO. 1:

The NW $\frac{1}{4}$  of the NW $\frac{1}{4}$  of Section 24, and the North half of the North half of the NE $\frac{1}{4}$  of Section 23, all in Township 22 South, Range 3 West, containing eighty (80) acres, more or less.

Said property was conveyed to my father, Z. R. Bailey, in the year 1912 by Martha Sharp, who was one of the daughters of Jake Boyle and was also the Trustee for the other children of Jake Boyle. My father, said Z. R. Bailey, immediately went into possession of said property after he bought the same in 1912 and possessed it until said Berney Lowery went into possession of the same before 1919; said Berney Lowery moved in the house located on said property prior to 1919 under an agreement with my said father, and later received a deed to said property from myself and other heirs of my said father in 1925. Said Berney Lowery lived in the said house situated on said property from prior to 1919 continuously until his death in 1956, occupying the same as his homestead and living there with his wife and raising his four children thereon. Said house still remains on said property and is still furnished with household furniture; the widow of said Berney Lowery, my sister, Lena Bailey Lowery, moved out of said house in 1956 when Berney Lowery died, but she stills maintains said house and visits it regularly.

I have been personally familiar with the ownership and possession of the following described property, identified as Parcel No. 2, since prior to 1917, viz.:

PARCEL NO. 2:

The South half of the North half of NE $\frac{1}{4}$  of Section 23, Township 22 South, Range 3 West.

Also, the SW $\frac{1}{4}$  of NE $\frac{1}{4}$  of said Section 23, Township 22 South, Range 3 West, LESS AND EXCEPT 2 $\frac{1}{2}$  acres formerly owned by Mariah Nabors as shown at page 623 of Deed Book 40, Office of Judge of Probate of Shelby County, Alabama, and described as: beginning at the southwest corner of said  $\frac{1}{4}$ - $\frac{1}{4}$  section and run thence north along the west line of said  $\frac{1}{4}$ - $\frac{1}{4}$  section a distance of 521.75 feet; thence turn an angle of 92 deg. 27 min. to the right and run a distance of 208.7 feet; thence turn an angle of 87 deg. 33 min. to the right and run a distance of 521.75 feet to a point on the south line of said  $\frac{1}{4}$ - $\frac{1}{4}$  section; thence run west along the south line of said  $\frac{1}{4}$ - $\frac{1}{4}$  section a distance of 208.7 feet to the point of beginning; also LESS AND EXCEPT 8 acres in the southeast corner of said  $\frac{1}{4}$ - $\frac{1}{4}$  section, being 420 feet North and South and 840 feet East and West and being the same property that is under fence.

I remember when said property was formerly owned by Arthur Fancher, prior to 1917, and when John T. Ellis in 1947 foreclosed a mortgage which he held from said Arthur Fancher. Said John T. Ellis went into possession of said property after said foreclosure and conveyed the same to Burney Lowery in 1919. Said Burney Lowery immediately went into possession of all of said property in 1919 and occupied and possessed the same continuously until his death in 1956. The widow and children<sup>of said Burney Lowery</sup> have possessed said property subsequently to Burney Lowery's death and until the present day. Some of the heirs of said Arthur Fancher sued Burney Lowery for the possession of said Parcel No. 2 about the year 1946, but they failed to prosecute their suit and said suit was dismissed by the Court, in favor of said Burney Lowery. Neither Arthur Fancher nor any of his heirs or assigns have ever possessed said Parcel No. 2, nor any part thereof, since Burney Lowery went into possession of said property in 1919, as stated above, and until the present date. I have never heard of such persons, nor anyone else claiming adversely to Burney Lowery, making any claim whatsoever to said property, nor any part thereof, since said suit was dismissed several years ago.

Said property designated above as Parcel No. 1 and said property designated above as Parcel No. 2 join and are adjacent to each other, and they have been occupied, used, and possessed as one farm by said Burney Lowery, and by his widow and children subsequent to his death, since prior to 1920, as stated above, and until the present date. Said property--Parcel No. 1 and Parcel No. 2--has been under fence, on all sides, i.e., under one fence all the way around the outside borders thereof, for more than the past 40 years, said fence being originally constructed prior to 1920 by Burney Lowery. Said property has been used continuously by said Burney Lowery, and by his widow and children subsequent to his death, for farming purposes, i.e., cultivation of row crops and pasture for cattle, since prior to 1920 and<sup>until</sup> the present date. Over the years, various fields were cultivated and<sup>the</sup> other portions were used for pasture; the last cultivation was in 1950, the farm having been used for cattle pasture since 1950 and until this date.

I know of my own personal knowledge that Burney Lowery, and his successors in title, as stated above, have been in the open, continuous, hostile, undisturbed, notorious, peaceable, exclusive, adverse possession of said property described above as Parcel No. 1 and described above as Parcel No. 2 since prior to 1920 and until the present date. I have never heard of anyone questioning the title

or ownership of said Burney Lowery, and his successors in title, to any of said property described above as Parcel No. 1 and described above as Parcel No. 2, since prior to 1920 when Burney Lowery went into possession of the same and until the present date, except the heirs of Arthur Fancher made a claim to Parcel No. 2 at one time, said claim having been decided against said persons by the Circuit Court of Shelby County several years ago, as stated above.

I personally know or did know F. H. Hardy, John Boyle, Ruben Shivers, S. W. Pardue, Greene Nabors, Allen Poebuck, Andrew Halò, and I know of my own personal knowledge that said persons, nor their heirs or assigns, nor any persons claiming through them, have not owned, claimed, or possessed the property described above as Parcel No. 1 and described above as Parcel No. 2, nor any part thereof, since 1919, and until the present date. I cannot recall knowing Robert Woods, Amanda Woods, Amanda Jackson, Jake Jackson, Joe S. Lacey, W. H. Prestridge, nor Grady Shimm, but I do know that said persons, nor their heirs or assigns, nor any persons claiming through them, have not owned, claimed, or possessed the property described above as Parcel No. 1 and described <sup>above</sup> as Parcel No. 2, nor any part thereof, since 1919, and until the present date; I also know of my own personal knowledge that the Saint John's Baptist Church nor any of its deacons or trustees have not claimed, owned, or possessed any part of said property during said period.

Lucy J. Bailey  
Lucy J. Bailey

Sworn to and subscribed to before me  
this 11<sup>th</sup> day of May, 1963.

Willie J. Lusk  
Notary Public

STATE OF ALABAMA  
SHELBY COUNTY

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

My name is C. L. Knowles, and I am usually known as "Sam" Knowles. I am sixty-one years of age and have resided at R. F. D., Calera, Shelby County, Alabama, all of my life. I have been personally familiar with the ownership and possession of the property described above in the affidavit of Lucy J. Bailey as Parcel No. 1 and the property described above as Parcel No. 2 back as far as I can remember, and prior to 1919.

I know Mr. Z. R. Bailey during his lifetime, and I also knew his wife, Mary Jane Bailey, during her lifetime. I also knew Burney Lowery during his lifetime.

I have carefully read the above affidavit of Lucy J. Bailey, and I know of my own personal knowledge that the facts stated in said affidavit are true and correct.

I know and have known the family of Z. R. Bailey and M. J. Bailey all of my life, and I know that the heirs of said persons, as stated above in the affidavit of Lucy J. Bailey, are accurately named and designated in said affidavit.

I know of my own personal knowledge that Burney Lowery, and his successors in title, as stated above, have been in the open, continuous, hostile, undisturbed, notorious, peaceable, exclusive, adverse possession of said property described above as Parcel No. 1 and described above as Parcel No. 2 since prior to 1920 and until the present date. I have never heard of anyone questioning the title or ownership of said Burney Lowery, and his successors in title, to any of said property described above as Parcel No. 1 and described above as Parcel No. 2, since prior to 1920 when Burney Lowery went into possession of the same and until the present date, except the heirs of Arthur Fancher made a claim to Parcel No. 2 at one time, said claim having been decided against said persons by the Circuit Court of Shelby County several years ago, as stated above. I have never heard of F. H. Hardy, John Boyle, Ruben Shivers, S. W. Pardue, Greene Nabors, Allen Roebuck, Andrew Hale, Robert Woods, Amanda Woods, Amanda Jackson, Jake Jackson, Joe S. Lacey, W. H. Prestridge, nor Grady Shimm, nor the deacons or trustees of Saint John's Baptist Church, nor any persons claiming through the above listed persons, making any claim in whatsoever/or to the property designated above as Parcel No. 1 and the property designated above as Parcel No. 2 since 1919 and until the present date, said property being owned and possessed during all of said period by Burney Lowery and his family.

C. L. Knowles  
C. L. Knowles

Sworn to and subscribed before me  
this 11th day of May, 1963.

Willie J. Trust  
Notary Public

STATE OF ALA. SHELBY CO.  
I CERTIFY THIS INSTRUMENT  
WAS FILED IN  
5/21 8 AM '63  
RECORDED & INDEXED  
& \$1.00 DEED TAX HAS BEEN  
PAID. OFFICIAL RECORD BOOK 15.

James H. ...  
JUDGE OF PROBATE

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