

447

STATE OF ALABAMA }
SHELBY COUNTY }

Before me, the undersigned authority, in and for said County and State, personally appeared MARY ELLA LYBRAND, who is the widow of John P. Lybrand, deceased, who, being known to me, and being by me first duly sworn, deposes and says as follows:

That she has been acquainted with the occupation, use and possession of the following described land for more than fifty years:

That certain lot of land described as commencing at the NW corner of NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 27, Township 19 S, Range 1 East, and run thence East along North line of said forty acres 420 feet; run thence South 106 feet, more or less to South right of way line of Florida Short Route Hwy for point of beginning of lot herein described; run thence south 150 feet; run thence East 100 feet, more or less, to point of intersection with the NW right of way line of the Lybrand Public Road; run thence in a Northeasterly direction along NW right of way line of Lybrand road to a point which is 178 feet SW from the point of intersection of the NW right of way line of said Lybrand Road with the south right of way line of the Florida Short Route Highway; run thence North along West boundary line of the Mt. Zion Baptist Church lot for a distance of 122 feet, more or less to South right of way line of said Florida Short Rt. Hwy; run thence in a Westerly direction and along the south right of way line of the Florida Short Route Hwy 129.5 feet, more or less, to point of beginning, situated in Shelby County, Alabama.

Further deposing, affiant says that she remembers when George H. Wesley purchased the above described land, and other land, from George M. Edwards in 1911, by deed recorded in the Probate Office of Shelby County, Alabama in Deed Book 48, page 174. Further deposing, affiant says that upon the execution and delivery of said deed that the said George H. Wesley took actual possession of the land and lived on said land for several years. Affiant remembers this well as she moved to Birmingham afterthat, and when she moved back he and his wife were still in possession of the land, and in fact, stayed in possession of the land until they sold the land to Arthur Tripp in 1919. Further deposing, affiant says that upon the execution and delivery of said deed, the said Arthur Tripp and wife, Bessie B. took actual possession of the land and actually lived upon the land, up to the time they sold the land to affiant's husband by deed dated December 6, 1924, which deed is recorded in the Probate Office of Shelby County, Alabama in Deed Book 73, page 562. Further deposing, affiant says that her husband obtained a deed of correction from the said Arthur E. Tripp and Bessie B.

Tripp by deed, which deed is dated December 6, 1924, and is recorded in the Probate Office of Shelby County, Alabama in Deed Book 110, page 426. It has been called to the attention of affiant that this deed listed as the starting point, "The NE corner of the NW $\frac{1}{4}$ " of Section 27, Township 19, Range 1 East. Affiant says that this was simply a typographical error and that the true beginning point was the NE corner of NW $\frac{1}{4}$ of NW $\frac{1}{4}$, Section 27, Township 19, Range 1 East, Shelby County, Alabama. Further deposing, affiant says that she and her husband conveyed to Ellen Lee Day and her husband, Claude R. Day by warranty deed the land described in deed from Ellen Lee Day and husband, Claude R. Day to B. H. Green and wife, Mamie Green, as described in deed dated August 27, 1942, recorded in the Probate Office of Shelby County, Alabama in Deed Book 120, page 86. Affiant has been informed that the deed to Mr. and Mrs. Day was not recorded, however, affiant remembers well the execution of this deed, and upon the execution and delivery of the deed they took possession of the land conveyed, and neither affiant, nor her husband claimed any interest in the same after the date of the execution of such deed.

Further deposing, affiant says that on August 27, 1942, she and her husband executed to B. H. Green and wife, Mamie Green a deed to certain land described by deed recorded in the Probate Office of Shelby County, Alabama in Deed Book 120, page 85. The land which was conveyed Mr. and Mrs. Green was adjacent to and immediately East of the land which affiant and her husband had previously sold to Ellen Lee Day and husband.

Further deposing, affiant says that the said B. H. Green and wife, Mamie Green conveyed to Merrel A. Burns and wife, Doris Burns the property first described above in 1955, which deed is recorded in the Probate Office of Shelby County, Alabama in Deed Book 177, page 253.

Further deposing, affiant says that she is acquainted with the location of the property claimed and owned by Mt. Zion Baptist Church of Westover, Alabama. This property of the church lies East of the Burns property and there is a clear line of demarcation between the properties. In fact, there is a rock and cement block wall separating the two properties, and I know

that there is no conflict as to the claim of ownership of these properties.

Further deposing, affiant says that she knows of her own knowledge that the present owners, Herrel A. Burns and wife, Doris Burns, and their predecessors in title, have been in the actual, hostile, open, notorious, continuous and exclusive possession of this land, continuously for a period of more than fifty years, and affiant has never heard the title of the present owners questioned in any way.

Wm. E. L. Leland

Sworn to and subscribed before me

this the 30th day of May, 1963.

Wm. E. Leland
Notary Public

STATE OF ALA. SHELBY CO.

I CERTIFY THIS INSTRUMENT

WAS FILED ON

May 31, 1963

RECORDED & \$1.00 TAX

& \$1.00 RECORD TAX HAS BEEN

PD. ON THIS INSTRUMENT.

Conrad M. J. J. J.

JUDGE OF PROBATE