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STATE OF ALABAMA  
SHELBY COUNTY

Before me, the undersigned Notary Public in and for said County and State, personally appeared J. W. McCullers, who is known to me, and who, being by me first duly sworn, deposes and says on oath as follows:

My name is J. W. McCullers. I am 72 years of age and have been familiar with the ownership and possession of the following described property for the past fifty-five years or more:

All of the NE $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 15, Township 20 South, Range 1 West, except four acres in Southwest corner of said forty. Also, all that part of the NW $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 14, Township 20 South, Range 1 West which lies West of the Pumpkin Swamp Road.

Said property, together with other property, was purchased by J. C. Harper from J. L. Peters in 1905, as shown by deed recorded in Deed Book 35 at page 518, Office of the Judge of Probate of Shelby County, Alabama. All of said property at that time was under fence and was occupied as one farm or homestead by said J. C. Harper, who was also known as Judge C. Harper, the house thereon being situated in the NE $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 15, Township 20 South, Range 1 West, except four acres in the Southwest corner of said forty, and the remaining portion of said property, to wit, that part of the NW $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 14, Township 20 South, Range 1 West which lies West of the Pumpkin Swamp Road, was under fence at that time and was connected by said fencing as a part of said homestead purchased by said J. C. Harper from said J. L. Peters; that immediately after <sup>said</sup> J. C. Harper went into possession of said land he actually lived upon the same and cultivated portions of it and was thus in the open, continuous, notorious, undisturbed, peaceable, exclusive, hostile, actual, adverse possession of said land until he sold and deeded it to J. W. Bullard. Affiant does not remember the exact number of years said J. C. Harper remained in possession of said land but it was something like ten years or more. That immediately after said J. C. Harper sold the land to J. W. Bullard, said J. W. Bullard moved upon said land and remained in the open, continuous, notorious, undisturbed, peaceable, exclusive, hostile, actual, adverse possession of the same, cultivating portions of it for about year until he sold it to N. H. Edmondson; that immediately after said sale of said land to N. H. Edmondson, said N. H. Edmondson moved upon said land and remained in the open, continuous, notorious, undisturbed, peaceable, exclusive, hostile, actual, adverse possession of the same



for four or five years until he sold and deeded it to H. L. Smith on the 31st day of May, 1921; that said H. L. Smith had possession of said land from the date of his purchase from said N. H. Edmondson until the purchase money mortgage executed by said H. L. Smith to said N. H. Edmondson, and recorded in the Probate Office of Shelby County, Alabama, in Mortgage Book 129 at page 205 was foreclosed as is evidenced by foreclosure deed, dated December 14, 1922, and recorded in the Probate Office of Shelby County, Alabama, in Deed Book 77 at page 11; that immediately upon the execution of said foreclosure deed above named said N. H. Edmondson went in possession of said land and remained in the open, continuous, notorious, undisturbed, peaceable, exclusive, hostile, actual, adverse possession of said land and cultivating portions of it and living upon said land until he deeded all of the NE $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 15, Township 20 South, Range 1 West, except four acres in the Southwest corner of said forty to B. B. McCullers, who was affiant's father, by deed dated December 7, 1929, and recorded in Deed Book 89 at page 46, affiant having previously made an affidavit concerning this portion of said property on June 10, 1932, said affidavit being recorded in Deed Book 95 at page 437.

Said N. H. Edmondson also, by deed dated December 7, 1929, deeded that part of the NW $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 14, Township 20 South, Range 1 West which lies West of the Pumpkin Swamp Road to affiant, as shown in Deed Book 115, page 222; thereafter, on December 7, 1929, affiant went into possession of said land and remained in the open, notorious, continuous, undisturbed, peaceable, exclusive, hostile, actual, adverse possession of the same until he subsequently conveyed portions of the same to various individuals.

Affiant states that he formerly had possession of several old deeds, mortgages, and other papers pertaining to the property with which this affidavit is concerned, possibly including the unrecorded deeds from J. C. Harper to J. W. Bullard, from J. W. Bullard to N. H. Edmondson, and from N. H. Edmondson to H. L. Smith which are mentioned above, but that all of said old deeds, mortgages, and other papers are now lost or destroyed.

Affiant further states that J. C. Harper, and his successors in title as named above, and their successors in title, have been in the open, continuous, notorious, undisturbed, peaceable, exclusive, hostile, actual, adverse possession of all of said property since 1905 and until the present date, and that affiant has never heard of anyone questioning the title to said property of said J. C. Harper and his successors in title. The fencing which surrounded said property in 1905 was still standing on December 7, 1929, when affiant was deeded a portion of said property, and the house which was

occupied by J. C. Harper in 1905 stood until AFTER 1929 Neither J. C. Harper, J. W. Bullard, nor H. L. Smith, all of whom are now deceased, nor their respective heirs or devisees, have ever possessed or claimed said property or any part thereof, since December 7, 1929.

The Pumpkin Swamp Road crosses the NW $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 14, Township 20 South, Range 1 West in a northerly to southerly direction. Said road has been a public road for many years and was improved and paved some thirteen years ago. Said road is now known as the "Columbiana-Chelsea Highway". Said Columbiana-Chelsea Highway, as it crosses the NW $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 14, Township 20 South, Range 1 West, is situated in the same roadbed as the old Pumpkin Swamp Road, the old Pumpkin Swamp Road being entirely within the bounds of the right of way of the present Columbiana-Chelsea Highway in said quarter-quarter section.

J. W. McCullers  
J. W. McCullers

Sworn to and subscribed before me on this the 12<sup>th</sup> day of August, 1963.

William K. Benghill  
Notary Public



STATE OF ALABAMA  
SHELBY COUNTY

Before me, the undersigned Notary Public in and for said County and State, personally appeared G. H. Vick who is known to me, and who, being by me first duly sworn, deposes and says on oath as follows:

My name is G. H. Vick. I am 58 years of age and have been familiar with the ownership and possession of the property described above in the affidavit of J. W. McCullers for the past 43 years. I have read the above affidavit of J. W. McCullers, and I herein state that I know of my own personal knowledge that the facts and statements set forth in said affidavit of J. W. McCullers are true and correct as they apply to said property during the period in which I have been familiar with the ownership and possession of said property.

G. H. Vick

Sworn to and subscribed before me on this the 12<sup>th</sup> day of August, 1963.

William K. Benghill  
Notary Public



STATE OF ALABAMA  
SHELBY COUNTY

Before me, the undersigned Notary Public in and for said County and State, personally appeared <sup>G.B. Bentley</sup> ~~William K. Bentley~~ who is known to me, and who, being by me first duly sworn, deposes and says on oath as follows:

My name is G.B. Bentley. I am 72 years of age and have been familiar with the ownership and possession of the property described above in the affidavit of J. W. McCullers for the past 72 years. I have read the above affidavit of J. W. McCullers, and I herein state that I know of my own personal knowledge that the facts and statements set forth in said affidavit of J. W. McCullers are true and correct as they apply to said property during the period in which I have been familiar with the ownership and possession of said property.

G.B. Bentley

Sworn to and subscribed before me on  
this the 17<sup>th</sup> day of August, 1963.

William K. Bentley  
Notary Public

MY COMMISSION EXPIRES DECEMBER 17, 1968

STATE OF ALA. SHELBY CO.  
I CERTIFY THIS INSTRUMENT  
WAS FILED ON 10 AM  
8-15 1963  
RECORDED & \$    MTG. TAX  
& \$    DEED TAX HAS BEEN  
PD. ON THIS INSTRUMENT.

Conrad M. Fowler  
JUDGE OF PROBATE