

STATE OF ALABAMA

SHELBY COUNTY

AFFIDAVIT OF ADVERSE POSSESSION

6089

Personally appeared before me the undersigned authority in and for said State and County, O. W. McCall, who, first after being duly sworn deposes and says:

My name is O. W. McCall, I am 59 years old and have been a resident citizen of Harpersville, Alabama for more than 50 years. I have known the real estate known as the Harpersville Gin lot for more than 50 years. I remember when this lot was deeded from T. H. Spruell and his wife, Mattie Spruell to W. T. Taylor, Jr. in the fall of 1923 as shown by deed recorded in the Office of the Probate Judge, Shelby County, Alabama, in deed Record Book 73 at page 73.

I remember when the Harpersville Gin lot was deeded from Frank Head, Register, to H. A. Parker in the fall of 1937 as shown by deed recorded in the Office of the Probate Judge, Shelby County, Alabama, in Deed Record Book 226 at page 162. I remember that in the spring of 1956, the said Harpersville Gin lot was accurately surveyed and said survey is as follows:

Begin at the Southeast corner of SE $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 28, Township 19 South, Range 2 East, Shelby County, Alabama, thence North 86 deg. West 250 feet; thence 96 deg. 30' to the right 100 feet; thence 40 deg to the right 95.7 feet; thence 53 deg. 30' to the right 100 feet; thence 23 deg 30' to the right 111 feet; thence 70 deg. 45' to the right 90 feet to the point of beginning, containing one acre, more or less. Said lot is situated partly in the SE $\frac{1}{4}$ of SW $\frac{1}{4}$, and partly in the SW $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 28, Township 19 South, Range 2 East, Shelby County, Alabama.

I remember that H. A. Parker or the Parker Gin Company, a Corporation conveyed to Nettie Belle Darby Marston the following described real estate from the original Harpersville Gin lot when in possession of W. T. Taylor, Jr., about the same time that the said Gin lot was accurately surveyed.

Commence at the Southeast corner of the SE $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 28, Township 19 South, Range 2 East, Shelby County, Alabama; thence North 86 deg. West 250 feet to the point of beginning of the land herein conveyed; and from said point of beginning, thence 96 deg. 30' to the right 100 feet; thence 90 deg. to the left 6 feet; thence 90 deg. to the left 100 feet; thence 90 deg. to the left 6 feet to the point of beginning. Said land is situated in the SE $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 28, Township 19 South, Range 2 East, Shelby County, Alabama.

This conveyance is recorded in the Office of the Probate Judge, Shelby County, Alabama, in Deed Record Book 180 at page 56.

That the original Harpersville Gin lot when in possession of T. H. Spruell, Sr.; W. T. Taylor, Jr.; J. H. Stone; Walter Hoffman; H. A. Parker and Parker Gin Company, a Corporation, was the same land in area and size as shown by the 1956 accurate survey of said land and that it is the same land in area and size today, except for the 6 feet by 100 feet conveyed to Nettie Belle Darby Marston as shown by deed recorded in the Office of the Probate Judge, Shelby County, Alabama, in deed Record Book 180 at page 56.

That T. H. Spruell, Sr.; W. T. Taylor, Jr.; J. H. Stone; Walter Hoffman; H. A.

Parker and Parker Gin Company, a Corporation, their heirs and assigns have been in peaceful and quiet possession of the real estate herein recited by accurate survey as shown by deed recorded in the Office of the Probate Judge, Shelby County, Alabama, in Deed Record Book 179 at page 565 for more than 40 years and that the said parties have been in open, notorious, exclusive and hostile possession of said real estate for said period of time and that a cotton gin has been operated each year on these premises and that I have never heard of any person questioning title to the said real estate while owned and in possession and control of any of the parties herein named. That for more than 40 years, the said parties, their heirs or assigns, have assessed and paid taxes on the said real estate.

W. W. McCall
Affiant

Sworn and subscribed to before me this the 21st day of August, 1963.

James H. Shabutt
Notary Public

NOTARY PUBLIC
Notary Public, Alabama State at Large
My Commission expires March 30, 1966
Bonded By Employees Liability Assurance Corporation

STATE OF ALA. SHELBY CO.
I CERTIFY THIS INSTRUMENT
WAS FILED ON 9/2 1963
RECORDED & \$.....MTG. TAX
& \$.....DEED TAX HAS BEEN
PD. ON THIS INSTRUMENT.

Conrad M. Fowler
JUDGE OF PROBATE