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STATE OF ALABAMA

SHELBY COUNTY

Before me, O. T. Gay, the undersigned authority in and for said County in said State, personally appeared D. W. Litton, who, after being by me first duly sworn to speak the truth, deposes and says:

My name is D. W. Litton. I am 54 years of age and have lived in Brierfield, near Shelby County and Bibb County line, since 1926 and I have been familiar with the hereinafter described property since about the year 1930. Said land being described as follows:

SE $\frac{1}{4}$  of Section 12, Township 24, Range 11 East,  
Shelby County, Alabama. (Mineral & mining rights excepted).

Affiant says when he first became familiar with the land Paul O. Luck and R. Brewer sold the same to Roden Coal Company. At the time Roden Coal Company purchased said land, affiant was employed by said Company to supervise and care for all the land owned by the Company. In connection with his duties, he looked after the boundary lines to see that they were properly marked and to see that no timber was stolen and to keep trespassers off the same and he built fire lines across the property and kept the roads open on the land, from October 1946 until 1951. Said Company from time to time and on an average of at least once a year, would go upon the land and cut mining timbers therefrom. Not too long after Roden Coal Company purchased the land in 1946, said Company cut the saw timber from the land. I also handled the tax assessments on the land and paid the taxes for the Company and know the same was assessed and paid each and every year while the Company owned it. In June 1951, Roden Coal Company sold that part of the SE $\frac{1}{4}$  of said Section 12 lying south of Shoal Creek, along with other land to D. W. Litton Lumber Company. The grantee in the deed was in actuality a partnership composed of affiant and C. B. Roden, we being the sole owners and partners in said Company. The said C. B. Roden and I operating under said partnership cut the remaining timber from the land, including the saw timber and pulpwood, cleared a portion of it for pasture and later we fenced in the area south of the creek which we purchased and the same is still under fence to this day. On August 29, 1955, I conveyed my interest in the partnership to C. B. Roden and he ~~has~~ continued in the actual possession of said land south of the Creek until October, 1956, when he and his wife conveyed the same to A. J. Bowron, Jr. and Roden/Coal Company. Said grantees went into immediate possession south of the Creek of the land/and continued to grow timber on it and the same continued to be under fence. Affiant further says Roden Coal Company continued in possession of all SE $\frac{1}{4}$  of said Section 12 lying north of Shoal Creek until the present date, but in 1956, the Company sold a one-half interest in the same to A. J. Bowron, Jr. and the ownership since that time has been a joint ownership, and I continued to look

after the property for them until the past few months, but they have continued in the actual possession of the same to this present date.

Affiant further says regarding the following described land, that he was employed by a sawmill at Brierfield about the year 1927 when he first became familiar with it. Said land being described as follows:

The NE $\frac{1}{4}$  of NW $\frac{1}{4}$ , Section 11, Township 24, Range 11 East,  
Shelby County, Alabama (Mineral & mining rights excepted).

Affiant says at that time J. E. Mayhan lived in a dwelling house situated on said land. When affiant first saw said house it appeared to be an old house. It was common knowledge that Mr. Mayhan had lived therefor many years prior to that time. He appeared to be about 50 years of age at that time. Affiant says J. E. Mayhan cultivated portions of said forty, along with other land, and had portions under fence. Affiant further says J. E. Mayhan lived on said land until his death and after his death, his widow and children continued to live on said land for a number of years and in 1946, the widow and surviving heirs sold the land to Lizzie G. Fountain. The said Lizzie G. Fountain went into immediate possession of said land and while she owned it she sold the saw timber from it and tore the old house down. She and her husband sold the same in March, 1947, to William Penn Fountain and affiant is informed they continued in possession of it until the same was sold to Roden Coal Company in November, 1947. Affiant further says Roden Coal Company planted a portion of the land in pine trees and marked and ran the lines around it and cut some saw timber and mining timber off the land and did other acts of ownership, including making fire lanes and keeping the same open. In 1956 Roden Coal Company sold a one-half interest in said land to A. J. Bowron, Jr. and they continued in the actual possession of said land as had their predecessors before them up until this very day. Affiant further says in connection with his duties with said Roden Coal Company, he also looked after this property, along with all the other owned by said Company until the past few months.

Regarding the following described land:

NW $\frac{1}{4}$  of NW $\frac{1}{4}$ , NE $\frac{1}{4}$  of NW $\frac{1}{4}$ , SW $\frac{1}{4}$  of NW $\frac{1}{4}$ , SE $\frac{1}{4}$  of NW $\frac{1}{4}$ , NW $\frac{1}{4}$  of SW $\frac{1}{4}$ ,  
NE $\frac{1}{4}$  of SW $\frac{1}{4}$ , NW $\frac{1}{4}$  of NE $\frac{1}{4}$ , NE $\frac{1}{4}$  of NE $\frac{1}{4}$ , SW $\frac{1}{4}$  of NE $\frac{1}{4}$ , SE $\frac{1}{4}$  of NE $\frac{1}{4}$ ,  
, All in Section 12, Township 24, Range 11 East;

Also E $\frac{1}{2}$  of NE $\frac{1}{4}$  and NW $\frac{1}{4}$  of NE $\frac{1}{4}$ , All in Section 11, Township 24,  
Range 11 East;

Also all of Section 1, Township 24, Range 11 East;

Also W $\frac{1}{2}$  of W $\frac{1}{2}$  of Section 6, Township 24, Range 12 East;  
and NW $\frac{1}{4}$  of SW $\frac{1}{4}$ ,

Also W $\frac{1}{2}$  of NW $\frac{1}{4}$  and SE $\frac{1}{4}$  of NW $\frac{1}{4}$ , Section 7, Township 24, Range 12 East;

All being situated in Shelby County, Alabama.

affiant further says he first knew the land in the early 1930's when he was employed in the operation of a sawmill at Brierfield and the land was owned by Southern Mineral Land Corporation. He was employed by Deason Land Company and Deason Land Company purchased the timber on said land from Southern Mineral Land Corporation and affiant helped cut the timber during the early 1930's. The lines were well marked and the Corporation had timber men supervise the land and keep out trespassers and keep down fires and said supervision continued each and every year until Southern Mineral Land Corporation sold the surface rights to Roden Coal Company in 1944. The said Roden Coal Company went into immediate possession of said land and I rechecked the lines and remarked them. Roden Coal Company obtained mining timber therefrom constantly from time to time in connection with the operation of the mines and cut the saw timber therefrom two or three times and also cut the pulpwood from time to time. Affiant says he was looking after the land and checked it regularly and kept fire lanes open and assessed and paid the taxes for the Company each and every year until said Company sold a one-half interest to A. J. Bowron, Jr. in 1956, and thereafter affiant continued to look after said land and care for it in the same manner as mentioned above until the past few months.

Regarding the following described land:

NE $\frac{1}{4}$  of NW $\frac{1}{4}$ , Section 7, Township 24, Range 12 East,  
Shelby County, Alabama,

affiant says he first became acquainted with this land when <sup>36 acres of</sup> the same was purchased by Roden Coal Company from W. T. and Katie F. Reaves in 1946 and the other 4 acres was purchased at a Tax Sale in 1947. Roden Coal Company went into immediate possession of said land when it purchased the same and cut the mining and saw timber from it and continued to cut mining timbers from it each and every year while the mine was in operation. I helped survey the land for the Company and remarked the lines and constructed fire lanes through it and kept trespassers off it and looked after it continuously for the Company until it sold a one-half interest to A. J. Bowron, Jr. in 1956, and then I continued to look after it as I had in the past until the past few months.

Regarding the following described land:

SE $\frac{1}{4}$  of SW $\frac{1}{4}$  and SW $\frac{1}{4}$  of SE $\frac{1}{4}$ , Section 6, Township 24, Range 12 East,  
Shelby County, Alabama,

Affiant first became familiar with 32 acres off the SW $\frac{1}{4}$  of SE $\frac{1}{4}$  and all the SE $\frac{1}{4}$  of SW $\frac{1}{4}$  in April, 1946, when the same was purchased by Roden Coal Company from

Affiant further says the Roden Coal Company went into immediate possession of said land as they purchased the same and he helped survey the land for the Company and remarked the lines and constructed fire lanes through it and kept trespassers off it and that said Company cut the mining and saw timber from the land and continued to cut mining timbers from it each and every year while the mine was in operation. Affiant says he continued to look after the land each and every year for Roden Coal Company and in 1956 said Company sold a one-half interest in the land to A. J. Bowron, Jr. and he still continued to look after the land continuously until the past few months.

NW $\frac{1}{4}$  of SW $\frac{1}{4}$ , Section 7, Township 24, Range 12 East,  
Shelby County. Alabama,

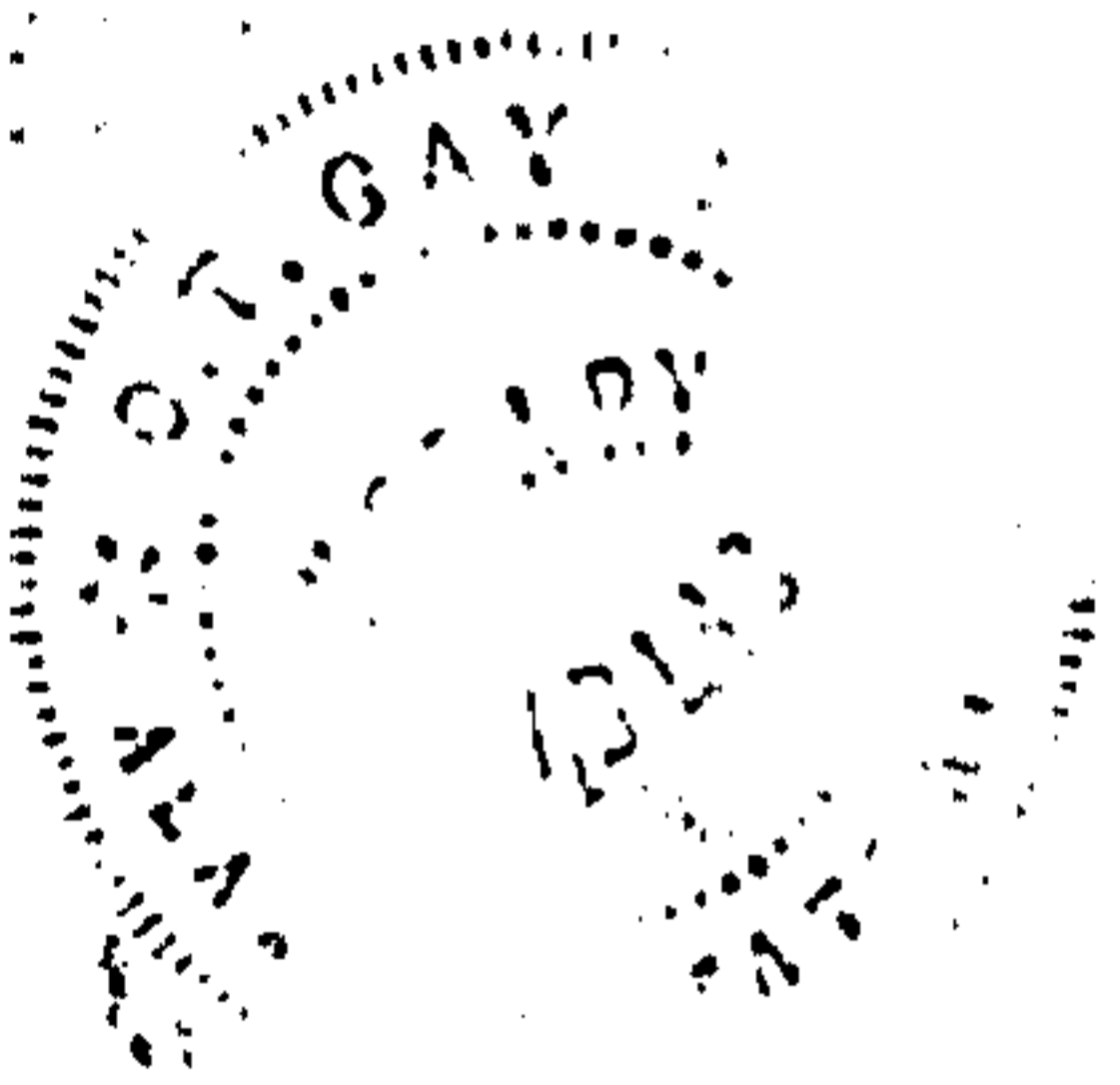
affiant says he first became familiar with this land in 1944 when Roden Coal Company purchased the same from Southern Mineral Land Corporation. At said time affiant was employed by Roden Coal Company, as mentioned above, and he remarked the boundary lines of said land and looked after the land as their agent, and handled the tax assessments and paid the taxes for the Company. Not too long after Roden Coal Company purchased the land, it cut the saw timber and from time to time cut mining timbers from the land. In June, 1951, Rode Coal Company sold that part of said forty acres lying south of Shoal Creek, along with other land to D. W. Litton Lumber Company. As mentioned above, affiant and C. B. Roden operated said Company as a partnership, and we cut the reamining timber from said land, including the saw timber and pulpwood, cleared a portion of it and later fenced in the same and it is still under fence to this day. On August 29, 1955, I conveyed my interest in the partnership to C. B. Roden and he continued in the actual possession of said land south of the Creek until October, 1956, when he and his wife conveyed the same to A. J. Bowron, Jr. and Roden Coal Company. Said grantees went into immediate possession of the land south of the creek and continued to grow timber on it and the same continued to be under fence. Affiant further says Roden Coal Company continued in possession of the land north of Shoal Creek from 1944 until the present date, except for a one-half interest sold to A. J. Bowron, Jr. in 1956, and they owned the same jointly and I continued to look after the property for them until the past few months, but they continued in the actual possession of it to this present date.

Affiant further says regarding any claim of W. G. and S. G. Hardeman, at one time in the early 1930's, affiant was cutting saw timber for Deason Lumber Company who had purchased the timber from Southern Mineral Land Corporation and either W. C. Hardeman or S. G. Hardeman questioned their right to cut the timber, but Southern Mineral Land Corporation prevailed and they cut the timber from the forty acres. We did not hear any more from the Hardemans. Later William Allen Oates obtained a quit claim deed to said forty acres from J. L. and Henry W. Fancher and made some claim to the same and attempted to build a fence around a portion of the same; however, Roden Coal Company had him to move his fence and later Roden Coal Company conveyed its interest in the portion south of the Creek /to D. W. Litton Lumber Company, mentioned above. Sometime after said partnership the portion south of the Creek of purchased/said forty acres, we had the same enclosed by a fence and the fence was placed on the line where we claimed to own and the fence is still there and in good condition and has been there continuously since soon after 1950.

  
D. W. Litton

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

  
Notary Public



STATE OF ALABAMA

SHELBY COUNTY

Before me, *D. J. Gay*, the undersigned authority in and for said County in said State, personally appeared Cleary C. Broadhead, who, after being by me first duly sworn to speak the truth, deposes and says:

My name is Cleary C. Broadhead. I am 62 years of age and have lived on the Shelby County-Bibb County line all my life and have all along been familiar with the land described in the foregoing affidavit of D. W. Litton. In fact my father looked after that portion of said land formerly belonging to Southern Mineral Land Company for said Company for some 12 to 15 years until about the year 1930. After that Mr. Charles Morgan looked after said land until his death sometime around 1944. After Roden Coal Company purchased said land I was employed by said Company to post "No trespassing" signs on said land I posted all of said land for said Company.

In addition to the above, affidavit says regarding surface rights to SE $\frac{1}{4}$  of Section 12, Township 24, Range 11 East, affiant recalls when P. O. Luck and R. Brewer sold the timber on said land to J. A. Deason Lumber Company about the year 1935 and it took several months to cut said timber.

Regarding the NE $\frac{1}{4}$  of NW $\frac{1}{4}$ , Section 11, Township 24, Range 11 East, affiant says he remembers J. E. Mayhew living on said property some 50 years ago and that he continued to live on same until his death.

Regarding NW $\frac{1}{4}$  and NE $\frac{1}{4}$  and N $\frac{1}{2}$  of SW $\frac{1}{4}$  of said Section 12 and other land formerly owned by Southern Mineral Land Company and Southern Mineral Land Corporation and which is described in said D. W. Litton affidavit, affiant says he can remember said land since he was 8 or 10 years old and when he first remembers it, it was owned by and in the possession of Southern Mineral Land Company and said Company had an Engineer by the name of Ehrenburg survey and set up corners and mark all of their land lines and they put up "no trespassing" signs on the land. Affiant recalls said Company sold the saw timber on said land to George R. Moore and he cut the timber when affiant was 10 or 12 years old. Said Company always had someone on the ground looking after its said land. I also recall when said Company sold said land to Southern Mineral Land Corporation and said Corporation continued in the actual possession of said land and continued to look after the land as had its predecessor in title.

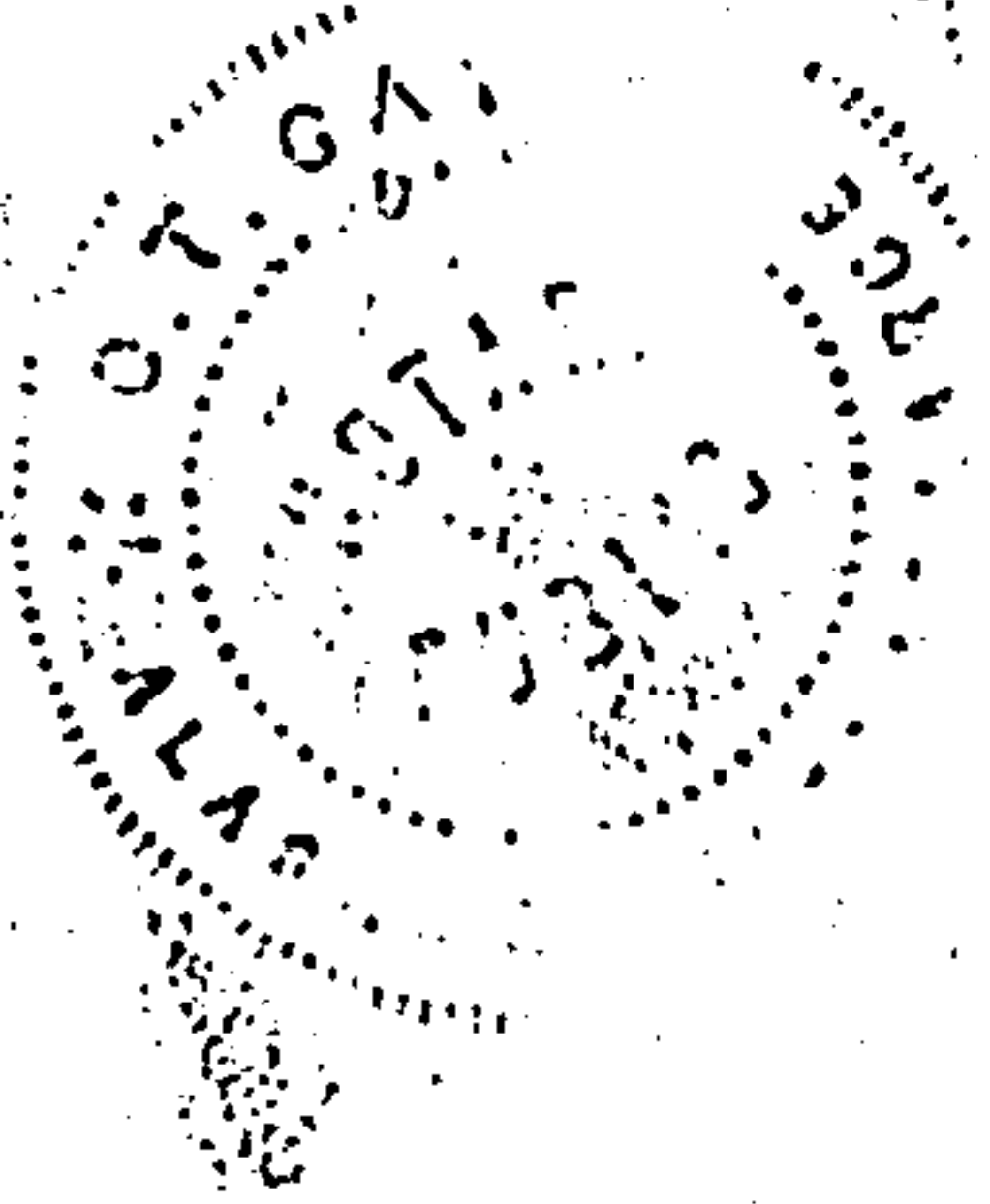
Regarding the NE $\frac{1}{4}$  of NW $\frac{1}{4}$ , Section 7, Township 24, Range 12 East and SE $\frac{1}{4}$  of SW $\frac{1}{4}$  and SW $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 6, Township 24, Range 12 East, affiant has known this since Roden Coal Company purchased it and knows the matters and things stated in the D. W. Litton affidavit are true and correct.

Affiant says he has read said affidavit of D. W. Litton and he knows the same to be true and correct. He is not too familiar with the early title to SE $\frac{1}{4}$  of SW $\frac{1}{4}$  and SW $\frac{1}{4}$  of SE $\frac{1}{4}$  of said Section 6 and NE $\frac{1}{4}$  of NW $\frac{1}{4}$  of said Section 7, but knows the same since Roden Coal Company purchased it and knows said affidavit to be true and correct since that time.

Cleary C. Broadhead  
Cleary C. Broadhead

Sworn to and subscribed to before  
me this the 17th day of September, 1963.

O. J. Gay  
Notary Public



State of Alabama

Shelby County

Before me, O. J. Gay, the undersigned authority in and for said County in said State, personally appeared Robert D. Gunlock, who, after being by me first duly sworn to speak the truth, deposes and says:

My name is Robert D. Gunlock. I am 60 years of age and have lived near the land described in the affidavit of D. W. Litton for the past 55 years and have all along been familiar with it and the persons in possession of it.

Regarding the SE $\frac{1}{4}$  of SW $\frac{1}{4}$  and SW $\frac{1}{4}$  of SE $\frac{1}{4}$ , Section 6, Township 24, Range 12 East, affiant says he purchased 8 acres off the east side of SW $\frac{1}{4}$  of SE $\frac{1}{4}$  of said Section 6 from Merchants & Planters Bank in 1925. Shortly after affiant purchased said 8 acres he had it surveyed and marked the lines and put down steel markers for the corners. Said 8 acres joined affiant's homeplace and affiant lived on said homeplace, including said 8 acres throughout all the years from 1925 to 1949 when affiant sold said 8 acres to Roden Coal Company.

Affiant has read the affidavit made by D. W. Litton and the affidavit of Cleary C. Broadhead and knows the matters and things stated therein are true and correct as far back as affiant can remember.

Robert D. Gunlock  
Robert D. Gunlock

Sworn to and subscribed to before me

this the 17th day of September, 1963.

O. J. Gay  
Notary Public

STATE OF ALA. SHELBY CO.  
I CERTIFY THIS INSTRUMENT  
WAS FILED ON  
12/10 1963  
RECORDED & \$..... MFG. TAX  
& \$..... DEED TAX HAS BEEN  
PD. ON THIS INSTRUMENT.

Conrad M. Darden  
JUDGE OF PROBATE