

2067
STATE OF ALABAMA

SHELBY COUNTY

Before me, *Martha B. Joiner*, the undersigned authority in and for said County, in said State, personally appeared A. C. Gilbert, who, after being duly sworn to speak the truth, deposes and says:

My name is A. C. Gilbert. I am 78 years of age and have lived on or near the hereinafter described land all of my life, the same being described as follows:

The South 360 feet of the southeast diagonal half of the NW $\frac{1}{4}$ of NW $\frac{1}{4}$, Section 15, Township 19 South, Range 2 West, Shelby County, Alabama.

Affiant says Robert Bailey purchased the above described land, along with other land in 1881, as shown by deed recorded in Deed Book 37 page 593 in the Probate Office of Shelby County, Alabama. Affiant says Frank Bailey purchased the above described land from the sole and surviving heirs at law of Robert Bailey in 1910, as shown by deed recorded in Deed Book 43 page 240 in said Probate Office. Affiant says the said Robert Bailey had died without leaving a will and his widow had also died prior to the time said deed was made to Frank Bailey. Regarding the mortgage from R. C. Foster to Frank Bailey made in October, 1927, as shown by mortgage recorded in Mortgage Book 149 page 495 in said Probate Office, affiant says he recalls that Frank Bailey sold some land north of the above described land to R. C. Foster or to Mr. Joseph Smolian, by whom Mr. Foster was apparently employed, but affiant says the inclusion of the above described land in the mortgage was in error, as he knows of his own knowledge that neither R. C. Foster nor Joseph Smolian ever owned any interest in the above described land.

Regarding a mortgage from J. A. Bird and wife ^{Jessie Bird} to Mattie Newsome recorded in Mortgage Book 167 page 162 covering the SW $\frac{1}{2}$ (V shaped) of the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 15, affiant says that Jessie Bird did own some land in the forty lying south of the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 15, but she never owned any portion of the above described land nor did J. A. Bird or Mattie Newsome own any portion of it.

Affiant further says Lewis Bailey died without leaving a will and left no children and left surviving him his widow, Lorene Bailey, and certain brothers and sisters, all of whom are named in that certain deed from Howard Bailey and others to Lorene Bailey dated March 25, 1961, recorded in Deed Book 215 page 474 in said Probate Office.

BOOK 228 PAGE 893

Affiant further says that Frank Bailey had the above described land, along with other lands fenced in and he cultivated it and used portions for pasture each and every year during the time he owned it. In fact, he built a house on the land prior to 1910, which house was located in the southeast corner of said forty acres and he reared his family there until 1921, when he moved to another house and he rented the house out on this land to tenants each and every year until he sold it to Lewis Bailey in 1938. Affiant says Lewis Bailey moved into the house situated on said land and lived there most of the time while he owned it, but for a few years, he rented it out to tenants. Lewis Bailey also built a new house on the land and lived in it until his death. His wife, Lorene Bailey has continued to live in the house until the present time.

Affiant further says throughout all the years he has known said land, he has never heard of anyone contesting the title or disputing the possession of Lorene Bailey, or the persons through whom she claims.

A. C. Gilbert
A. C. Gilbert

Sworn to and subscribed to before me
this the 27th. day of December, 1963.

Martha B. Joiner
Notary Public

State of Alabama
Shelby County

Before me, Martha B. Joiner, the undersigned authority in and for said County, insaid State, personally appeared Lorene Bailey, who, after being duly sworn to speak the truth, deposes and says:

My name is Lorene Bailey and I am 49 years of age and as far back as I can remember, I know the matters and things stated by A. C. Gilbert in the foregoing affidavit are true and correct.

Mar Lorene Bailey
Lorene Bailey

Sworn to and subscribed to before me on
this the 27th day of December, 1963.

Martha B. Joiner
Notary Public

STATE OF ALA. SHELBY CO.
I CERTIFY THIS INSTRUMENT
WAS FILED ON 11/27/63
RECORDED & \$ 1.00 TAX
& \$ 0.00 DEED TAX HAS BEEN
PD. ON THIS INSTRUMENT.

Conrad M. Joiner
JUDGE OF PROBATE