

2072

STATE OF ALABAMA )  
SHELBY COUNTY )

Before me, the undersigned authority, in and for said County and State, personally appeared Paul Wyatt, who being known to me, and being by me first duly sworn, deposes and says as follows:

That he is 50 years of age and has been familiar with the ownership, use and possession of the following described real estate since approximately the year 1930, to-wit:

A parcel of land described as follows: Begin at the NE corner of SW $\frac{1}{4}$  of NW $\frac{1}{4}$ , Section 8, Township 21, Range 2 West and run thence West along North line of said Quarter Quarter Section a distance of 525 feet to point of beginning; thence from said point of beginning, run South 450 feet; thence West 300 feet; thence North 450 feet to North line of said Quarter Quarter Section; thence East along said Quarter Quarter Section to point of beginning, situated in Shelby County, Alabama.

Further deposing, affiant says that when he first knew this land it was part of the James Massey land, and upon which was situated the dwelling in which James Massey and his family lived. At the time Mr. Massey owned this land it was practically all under fence, and portions of the same were cultivated each and every year.

Affiant is informed that at the time he first knew the land it had been conveyed by James Massey to his wife, Mattie Massey, but as stated, Mr. Massey and his family were in the sole and exclusive possession of this land.

After the death of Mattie Massey the next of kin and sole surviving heirs at law of Mattie Massey conveyed this land to James Massey by deed which is recorded in the Probate Office of Shelby County, Alabama in Deed Book 101, page 593, and which deed is dated December 29, 1936.

Further deposing, affiant says that there was no break in the possession of this property and the same James Massey continued to live on the land until he died.

In January of 1937 James Massey, who was then a widower, conveyed the above described land to his son, Eugene Massey, who was single at the time, which deed is recorded in the Probate Office of Shelby County, Alabama in Deed Book 101, page 596. At the time of this conveyance the said Eugene Massey, whom affiant knew as Boss Massey, lived in the house with his father, James Massey, and farmed the old James Massey place.

In 1938 the said Eugene Massey conveyed the above described property, and other property, to David L. Whitfield by deed recorded in the Probate Office of Shelby County, Alabama in Deed Book 105, page 102 and upon the execution and delivery of said deed, the said David L. Whitfield took actual possession of the land and rented the same to various tenants, until he sold the land back to Eugene Massey in 1948 by deed recorded in the Probate Office of Shelby County, Alabama in Deed Book 131, page 583. Upon the execution and delivery of this deed the said Eugene Massey again took actual possession of the land and he and his wife, Lula B. Massey, lived on the land and cultivated parts of the land each and every year up to and including the death of Eugene Massey, who was killed in an automobile accident on March 15, 1949. His widow, Lula B. Massey, continued to occupy the land exclusively, until the 18th day of April, 1953, when the residence situated on the above described land was destroyed by a tornado. Within a short time after the tornado, the house was rebuilt by Lula B. Massey, and she continued to live on the property.

In 1953 a suit was filed in the Circuit Court of Shelby County, Alabama by Lula Massey, seeking to sell the above described land for division. This suit was settled between the parties and the said Lula Massey was awarded the above described land in fee simple under a written agreement signed by all parties to the law suit.

The said Lula Massey continued to live in the dwelling which she had had constructed on the above described land and conveyed a portion of the same to her son, James Carden on the 10th day of October, 1955 by conveyance, recorded in the Probate Office of Shelby County, Alabama in Deed Book 175, page 421.

Upon the execution and delivery of said deed the said James Carden took actual possession of the land described in said deed and constructed a house on said property, in which he and his family resided.

On the 11th day of November, 1963, Lula Massey, James Carden and his wife, Ethel Carden executed a deed to Woodward Iron Company, and upon the execution and delivery of said deed, the said Woodward Iron Company took possession of the land and the said James Carden and his mother, Lula Massey removed their dwellings from the real estate, as did Eugene Carden, the son of James Carden, who had



built a small dwelling on a part of the land of the said James Carden.

Further deposing, affiant says that during the entire time that he has known said land, since 1930, the same has been occupied by Woodward Iron Company and their predecessors in title, as stated above, and that such possession has been exclusive, open, notorious, hostile, continuous, and adverse, and he has never heard this title questioned in any way.

Paul Wyatt  
(Paul Wyatt)

Signed, Sealed and subscribed before me

this 13<sup>th</sup> day of December, 1963.

Walter B. Barton  
Notary Public

STATE OF ALA. SHELBY CO.  
I CERTIFY THIS INSTRUMENT  
WAS FILED ON 4 PM  
1/12/64  
RECORDED & \$ MTG. TAX  
& \$ DEED TAX HAS BEEN  
PD. ON THIS INSTRUMENT.

Conrad M. Fowler  
JUDGE OF PROBATE