

2290

STATE OF ALABAMA

SHELBY COUNTY

Before me, Martha B. Joiner, the undersigned authority in and for said County in said State, personally appeared Richard T. McGraw, who, after being by me first duly sworn to speak the truth, deposes and says:

My name is Richard T. McGraw. I am 60 years of age and have lived in Vincent, Alabama, all my life and have all along been well acquainted with the hereinafter described land and the persons in possession of it. Said land being described as follows:

Commence at the northwest corner of Section 14, Township 19, Range 2 East and run thence east along the north line of said Section 14 a distance of 647.90 feet to the east line of Ala. Highway 25; thence turn an angle of 110 deg. 55 min. to the right and run in a southerly direction along the east right of way of said Highway a distance of 194.94 feet to the northwest corner of McGraw Brothers building, being the point of beginning of the lot herein described; thence turn an angle of 90 deg. to the left and run easterly 152.19 feet to the center line of a ditch; thence turn an angle of 52 deg. 53 min. to the right and run along the center of said ditch in a southerly direction 105.75 feet; turn thence an angle of 71 deg. 20 min. to the right and run southwesterly 66.40 feet; thence turn an angle of 90p deg. to the right and run northwesterly 95.14 feet; thence turn an angle of 55 deg. and 47 min. to the right and run northerly 35.71 feet to the southeast corner of McGraw Brothers building; thence turn an angle of 90 deg. to the left and run westerly along the south line of said building a distance of 100 feet to the southwest corner of same; thence turn an angle of 90 deg. to the right and run northerly to the point of beginning; according to survey of Frank Wheeler, C.E., situated in Vincent, Shelby County, Alabama.

Affiant says regarding that portion of the above described land which is 50 feet wide along the easterly side of Alabama Highway No. 25, which was formerly known as Coosa Valley road, and extending back in a southeasterly direction perpendicular to said road 100 feet, that the same is now known as the McGraw Brothers building lot and on which a building known as McGraw Brothers Mercantile business is now situated. Affiant says the northeasterly one-half of said lot, being that portion toward Pell City, is situated on a lot 25 feet along Coosa Valley Road and runs back 100 feet perpendicular to said road. Said lot was known as the G. W. Holmes lot. Affiant says it is common knowledge in the Vincent community that G. W. Holmes purchased the same from E. P. Chandler in 1900 as shown by deed recorded in Deed Book 50 page 429 in the Probate Office of Shelby County, Alabama. Affiant says there was a two story building on said Holmes lot and affiant's father, J. F. McGraw and brother S. E. McGraw, d/b/a McGraw Brothers began operating a mercantile business in said building in 1914 and operated as tenants of G. W. Holmes until 1916 when they bargained to purchase said building and lot. They continued to operate in said building each and every year and made regular payments on said building and lot until they paid it

BOOK 229 PAGE 125

out in 1923. Mr. Holmes made them a deed on November 1, 1923, which is recorded in Deed Book 73 page 157 in said Probate Office. They continued to operate said business in said building until the same was destroyed by fire in 1934.

Immediately after said fire, the said J. F. McGraw, Sr. and S. E. McGraw purchased from W. J. Florey and wife, a lot which ran 25 feet along the easterly side of said Alabama Highway 25 and extended back perpendicular with said Highway 100 feet, which said lot adjoined and lay along the southerly side of said Holmes lot, making a lot 50' x 100'. On this lot, they built the present McGraw Brothers store building and they operated the mercantile business there until their deaths. Affiant, as Executor of J. F. McGraw's Estate, and then as sole owner, continued to operate said business until approximately two years ago. Affiant says that during all that time, no one contested the title of the McGraws or their possession of the property and no one disputed their possession.

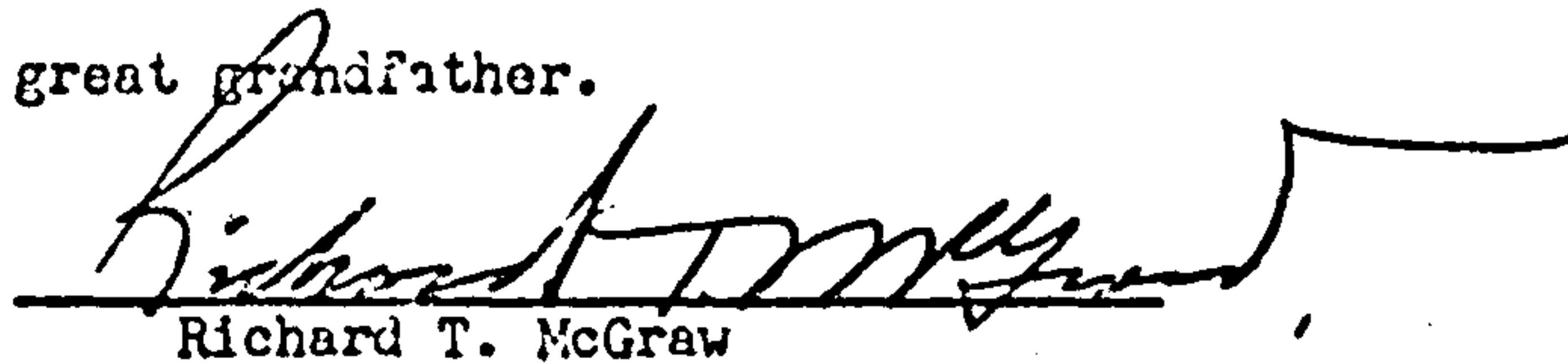
With reference to the remainder of the lot described in the beginning of this affidavit, affiant says the same adjoins said McGraw Brothers/^{store}building lot on the easterly side of it. This is an irregular shaped lot and a copy of the survey is attached to this affidavit as "Exhibit A". Hereafter affiant will refer to said irregular shaped portion as Parcel "B" for clarity. Affiant says McGraw Brothers, a partnership composed of J. F. McGraw, Sr. and S. E. McGraw, purchased all of said parcel "B" in May 1920 from Annie E. Vincent, as shown by deed recorded in Deed Book 66 page 520 in said Probate Office. Affiant further says about the year 1921, said McGraw Brothers built a warehouse on said portion "B" and used the same in connection with said McGraw Brothers mercantile business. Affiant further says that McGraw Brothers used the remainder of said parcel "B" for string wagons, farm implements and tools, cotton, lumber, bricks and building materials during each and every year and for many years a portion was rented to Shelby County and it had a small house near the warehouse to store its supplies ^{an area around it to} and park its road machinery. During a portion of 1934 and 1935 said warehouse was used as a main store building while McGraw Brothers were rebuilding the store building situated on parcel "A". Affiant further says some 8 or 10 years after the warehouse was constructed said McGraw Brothers constructed a metal cotton seed house and had wagon scales at the side of it and it was used by said partnership until about the year 1940 when the small building was torn down. Affiant further says during all the years he has known said parcel "B" he has never heard of anyone disputing the title or contesting the possession of the McGraws or the persons through whom they claim.

Affiant further says Jesse Fulenwider was unmarried when he made a deed to Julian Fulenwider in 1907, as shown by D. Book 37 page 118 in said

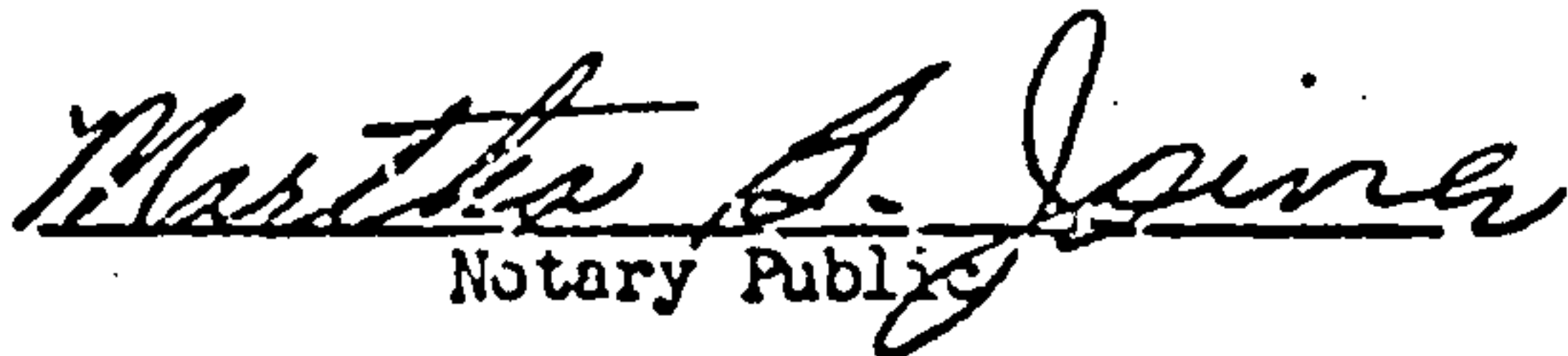
Probate Office of Shelby County, Alabama, and that Jesse Fulenwider has been dead for several years.

Affiant further says it is his understanding that the W. S. Bilbrey lot mentioned in deed from Jilian Fulenwider and wife, to Mrs. W. J. Florey recorded in Deed Book 35 page 407 in said Probate Office is one and the same lot as the G. W. Holmes lot described in Deed Book 50 page 429 in said Probate Office.

There has been called to my attention that Mrs. Anna E. Vincent made P. H. Mabry a deed to a portion of the property hereinabove described in February, 1915, as shown by deed recorded in Deed Book 59 page 291 in said Probate Office and also called to my attention that Annie E. Vincent made a deed to McGraw Brothers in 1920 covering a portion of the above described land, which deed was recorded in Deed Book 66 page 520 in said Probate Office. Affiant says all of the land in the business section in the town of Vincent belonged to affiant's great grandfather J. V. McGraw and that ^{nnie} A. E. Vincent was a daughter of the said J. V. McGraw and she inherited the lots which she conveyed as mentioned above, from my said great grandfather.


Richard T. McGraw

Sworn to and subscribed to before me
this the 9th day of September, 1963.


Notary Public

BUM 229 127

State of Alabama

Shelby County

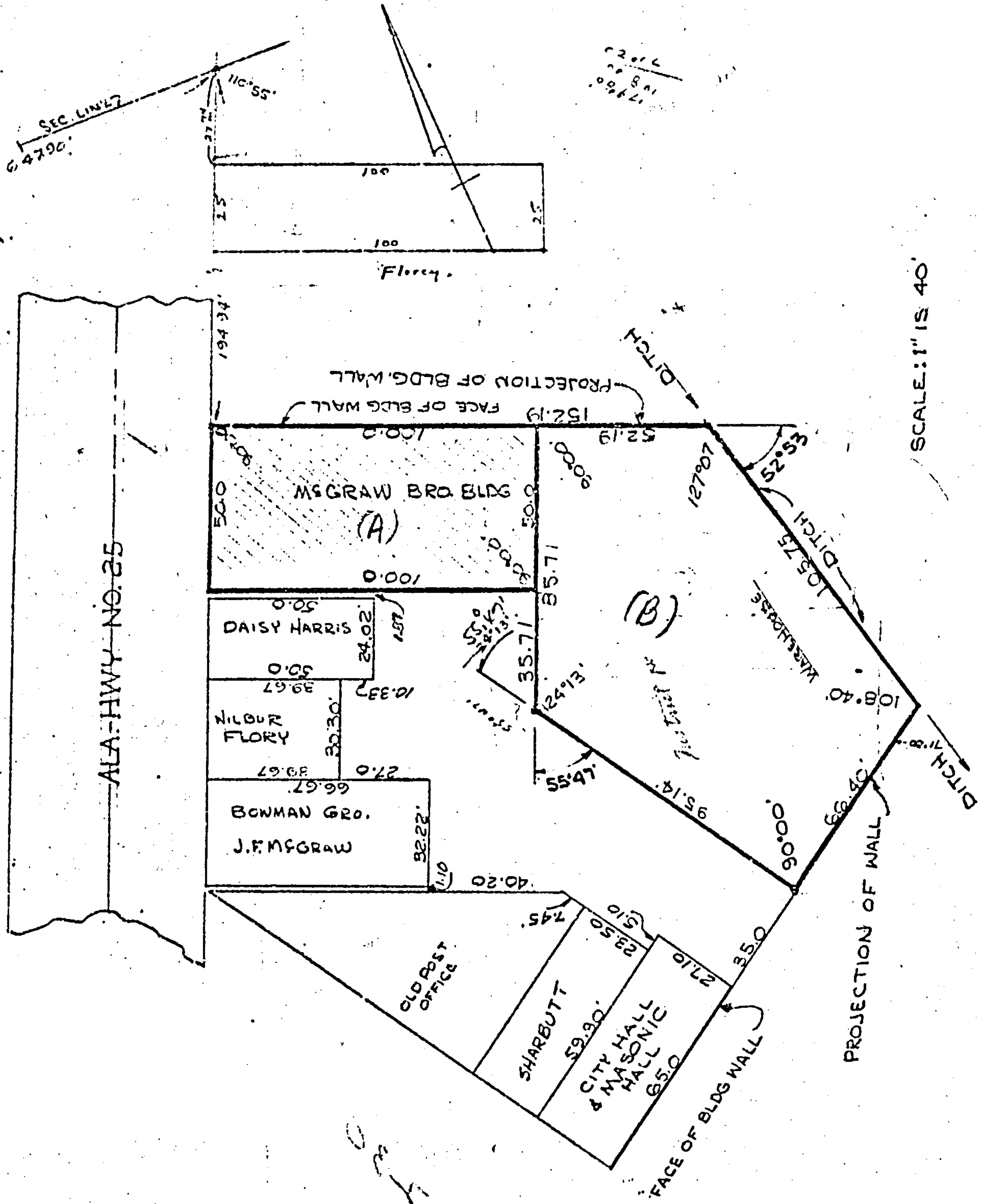
Before me, James E. Spates, the Undersigned authority in and for said County in said State, personally appeared Charlie P. Davis, Sr., who, after being by me first duly sworn to speak the truth, deposes and says:

My name is Charlie P. Davis, Sr. I am 75 years of age and have lived in the Vincent community all of my life, except for 5 years, and have all along been well acquainted with the property referred to in the foregoing affidavit of Richard T. McGraw and have known the persons in possession of it. I have worked for McGraw Brothers for the past 40 years and I was quite familiar with their business and the operation of the same and the premises on which they operated the business. I have read the affidavit of Richard T. McGraw and know the same to be true and correct.

Charlie P. Davis, Sr.
Charlie P. Davis, Sr.

Sworn to and subscribed to before me
this the 9 day of ^{Sept}~~August~~, 1963.

James E. Spates
Notary Public



STATE OF ALA. SHELBY CO.
I CERTIFY THIS INSTRUMENT
WAS FILED ON 1-20-1964
RECORDED & \$1.00 MFG. TAX
& \$1.00 DEED TAX HAS BEEN
PD. ON THIS INSTRUMENT.
Charles M. J. J. J.
JUDGE OF PROBATE

McGraw Bro. Store & Warehouse Lot
Vincent, Ala.