

4153

STATE OF ALABAMA)
JEFFERSON COUNTY)

Personally appeared before me, the undersigned authority, S. M. Tatum, who being by me first duly sworn deposes and says as follows:

My name is S. M. Tatum and I live at Route 1, Siluria, Alabama. I am one and the same person as who purchased certain lands described in the deed at Deed Book 66, page 110 in the Office of the Judge of Probate of Shelby County, Alabama, and Deed Book 83, at page 60 in the same office. The first was a portion of land which I purchased from J. Frank Wilson and the second from W. F. Eddings and Mabel L. Eddings, his wife. The first, that from Wilson, was purchased in 1919. I moved into that neighborhood and on to that land on January 5, 1920. I remember that date because of a snow storm. When I purchased these lands there were old fence lines around a portion of the lands and after I moved into possession we, Mr. Durden's son and I, placed fences around the remaining portions of those lands. Mr. Durden owned at that time a portion of the lands to the West of those purchased by me and all of the lands on the West side of the Highway South of me. The fence line as established by us at that time was by a mutual agreement and while it has never been surveyed, it has never been questioned by any person. The three acres referred to in the deed from Wilson was determined by an old ditch which I was told was constructed during slavery times. It is still visible today and we agreed that the ditch was the dividing line despite the fact that the fence was placed on my side of the ditch. The portion of the lands on the West side of me not owned by Durden were owned by Crim and there was an old fence line on that line which is still visible.

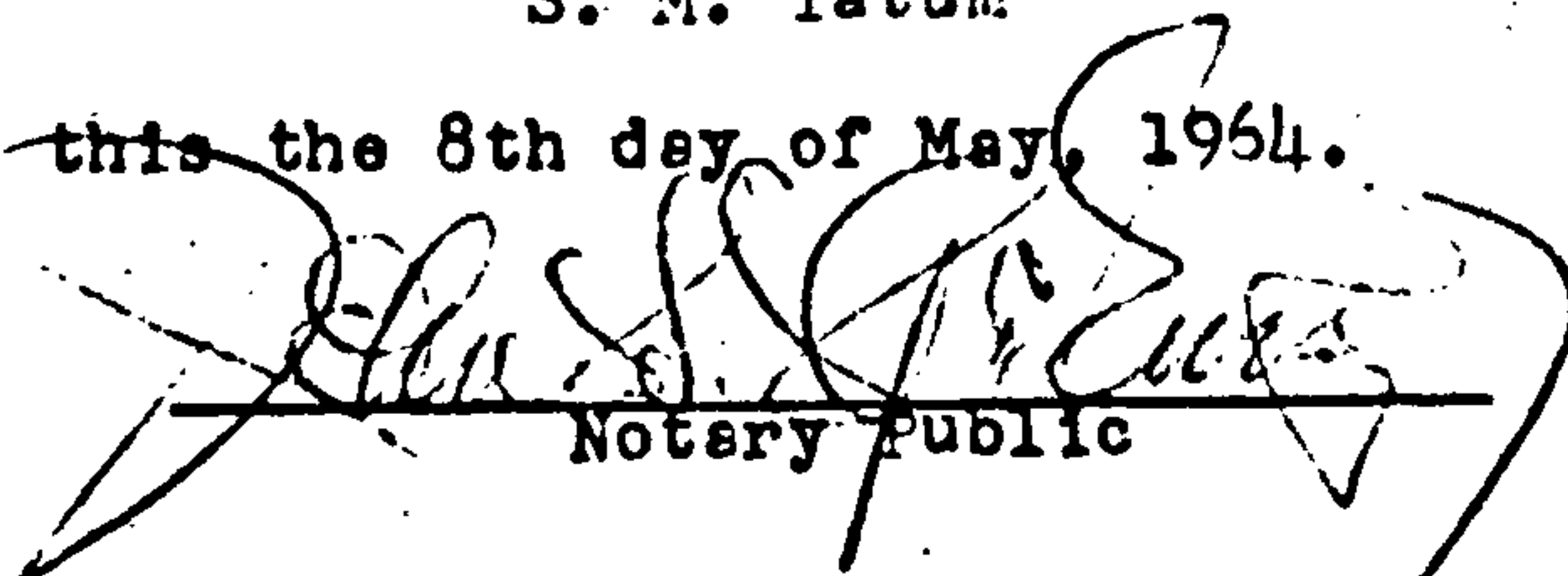
In 1927 I purchased additional lands to the North of that from Eddings. The highway was the boundary on the East. On the North side of this a Mr. Wyatt owned from the highway across two 40's. I established and built a fence along the North side which was agreeable with Mr. Wyatt.

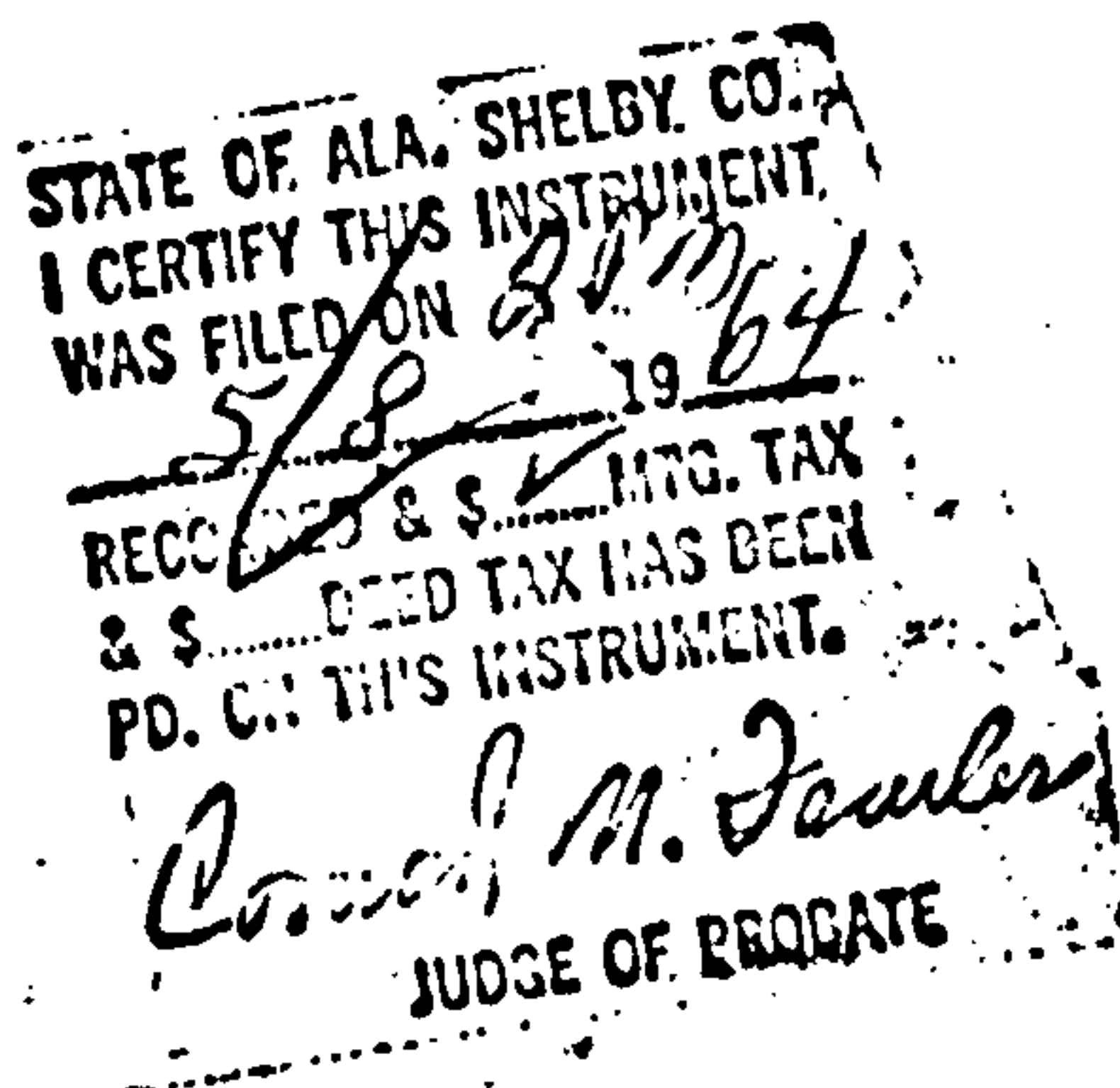
During the entire time that I have lived there and I continue to live in the same house today across the highway on some of the property purchased at that same time, there has never been any question with anyone regarding any of the land lines. As stated above, all fences were placed at a point acceptable with me and the adjacent owner or there was already a fence line there, none of which has ever been questioned. I have never had any surveying done and to my knowledge, none of my neighbors have surveyed any of the adjacent lines. From the dates of my purchase I farmed and pastured all of the lands described in those deeds. There was a fence around all of it and my possession was such that anyone riding down the highway or living in the neighborhood would have seen evidences that I claim to own the same. It was open, notorious and adverse to any other person's interest. I sold a portion of the land to Mr. and Mrs. Newton in January of 1949, a deed to which is recorded in Deed Book 136 at page 289 in the Office of the Probate Judge of Shelby County, Alabama. They built a house thereon in which tenants of theirs have lived since that time. They have continued to farm and pasture the same lands and their fences are in the same place as established by me and my neighbors. No one during the entire time they have owned the same and to the present date has ever questioned their ownership to any portion of these lands.

Further deponent saith not.


S. M. Tatum

Sworn to and subscribed before me this the 8th day of May, 1964.


Notary Public



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