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STATE OF ALABAMA

SHELBY COUNTY

Before me, a Notary Public in and for said County and State, personally appeared John S. Herndon, who is known to me, and who being by me first duly sworn, deposes and says as follows:

My name is John S. Herndon. I am fifty-eight years of age and have lived in Shelby County, Alabama, all of my life.

I have been familiar with the ownership and possession of the following described property all of my life:

The South half of SW¹ of SE² of Section 4, Township 22, Range 2 West, less and except Ben Caters property, less and except Samuel Phines (formerly Mose Cook) property, less and except Right Of Way of U. S. Highway No. 31, and also less and except any lots lying East of U. S. Highway No. 31 which may have been conveyed by Green Herndon prior to his death.

The North half of SE¹ of SE¹, Section 4, Township 22, Range 2 West, less and except Highway Right of Way.

The above described property was owned by my Father and Mother, Green Herndon and Mary Herndon, prior to their respective deaths. My said Father died in the middle 1940's and my said Mother died in the early 1950's.

My said Father and Mother occupied said described property as their home-
stead from my earliest recollection until their respective deaths. The home which they lived in, and raised their family in, was situated on that portion of the above described property lying West of U. S. Highway No. 31. I was born in this house and lived therein with my Father and Mother until the time of their respective deaths, and thereafter until 1959, when said house was torn down. I lived in said house with my Sister, Jurusha George, and my Neice, Catherine Powell, after the death of my Mother until about one month before said house was torn down in 1959.

The well of water which we used is still open right by where the house stood.

Various portions of the above described property have been fenced in the past. Much of the fencing is torn down now, but some of it is still visible. Our family raised gardens and various small crops on various portions of said property from time to time.

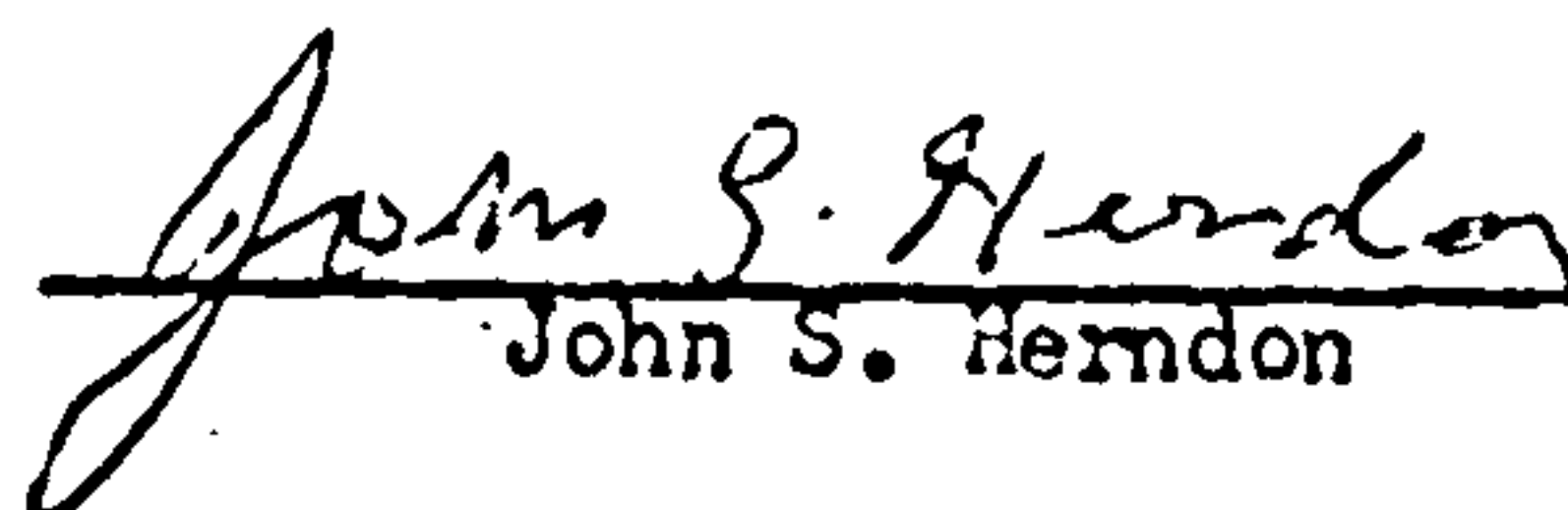
In 1950 I received a deed from the heirs of Anderson Brown to clear up my title to the above described property, said deed being recorded in Deed Book 210 at page 47, Office of the Judge of Probate of Shelby County, Alabama. At that time, and in exchange for said deed which I received, I gave a deed to Yola Brown or other heirs of Anderson Brown to clear up their title to certain property which they owned. The

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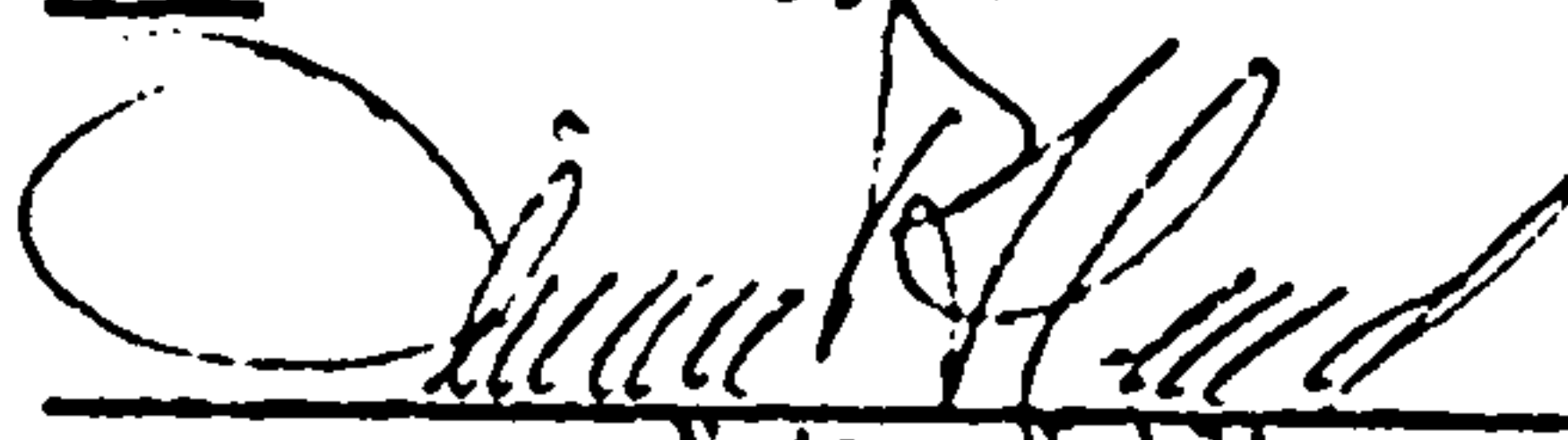
deed which I received from said heirs of Anderson Brown was intended to have included that part of the above described property lying in the South half of SW¹ of SE¹ of Section 4, Township 22, Range 2 West, and lying East of U. S. Highway No. 31, but said property was inadvertently omitted from said deed. I did not discover the error until later, and it is my understanding that said property is still being assessed for taxes by Yola Brown or some of her heirs, and the Tax Assessor of Shelby County won't let me assess this property for taxes in my name, due to these facts. I herein state that said property, of which I do not have an accurate description because of the fact that my said Mother and Father conveyed ^{by bad description} several lots lying East of U. S. Highway No. 31, has been owned and possessed by said Green Herndon and Mary Herndon and their successors in title along with the remainder of the above described property for as long as I can remember.

In 1959, the other heirs of said Green and Mary Herndon conveyed the above described property to me, as shown by deed recorded in Deed Book 207 at page 497.

To my own personal knowledge, Green Herndon and wife, Mary Herndon, and their heirs, after their respective deaths, and I, since receiving said deed recorded in Deed Book 207 at page 497, have been in actual, continuous, notorious, undisturbed, peaceable, exclusive, hostile, adverse possession of all of the above described property since I can first remember, more than fifty years ago, until the present date. During all of this time, Anderson Brown, Yola Brown, Alma Robertson, nor any of the other heirs of Anderson Brown, nor any other persons have not actually claimed, or possessed the above described property, nor any part thereof, although various deeds or tax assessments may have included said property, or said portions thereof, due to erroneous descriptions.


John S. Herndon

Sworn to and subscribed before me this
16 day of May, 1964.


Notary Public

STATE OF ALABAMA
SHELBY COUNTY

Before me, a Notary Public in and for said County and State, personally appeared Oscar Teramus, who is known to me, and who, being by me first duly sworn, deposes and says as follows:

My name is Oscar Teramus. I am 61 years of age. I have read the above affidavit of John S. Herndon. I have been personally familiar with the ownership

and possession of the property designated and described in said affidavit of John S. Herndon, for the past thirty-nine years, having lived within a mile of said property continuously for the past thirty-nine years.

I know of my own personal knowledge that the facts stated in said affidavit of John S. Herndon are true and correct, except that I have no personal knowledge of the exchange of deeds mentioned between John S. Herndon and the heirs of Anderson Brown nor of John's problem in not being able to get part of the property assessed for taxes.

I know of my own personal knowledge that Green Herndon and wife, Mary Herndon, heirs and their/successor in title, John S. Herndon, have been in the actual, continuous, notorious, undisturbed, peaceable, exclusive, hostile, adverse possession of all of the property designated and described above in the affidavit of John S. Herndon for the past thirty-nine years and until the present date. During all of the time that I have been familiar with this property, Anderson Brown, Yola Brown, Alma Robertson, nor any other persons, other than said Herndons's, have not claimed nor possessed said property, nor any part thereof.

Oscar Deramus
Oscar Deramus

Sworn to and subscribed before me on this 16th day of May, 1964.

Oliver T. Head
Oliver T. Head

STATE OF ALABAMA
SHELBY COUNTY

Before me, a Notary Public in and for said County and State, personally appeared Lepera Williams, who is known to me, and who, being by me first duly sworn, deposes and says as follows:

My name is Lepera Williams. I am 54 years of age. I have read the above affidavit of John S. Herndon. I have been personally familiar with the ownership and possession of the property designated and described in said affidavit of John S. Herndon for more than the past twenty years, and I know of my own personal knowledge that the facts stated in said affidavit of John S. Herndon are true and correct, except that I don't know about the problem of John not being able to get part of the property assessed for taxes.

I do know of my own personal knowledge that Green Herndon and wife, Mary Herndon, and their heirs and successor in title, John S. Herndon, have been in the actual, continuous, notorious, undisturbed, peaceable, exclusive, hostile, adverse possession of all of the property designated and described above in the affidavit of John S. Herndon for more than the past twenty years. No other persons have claimed or possessed said property.

Lepera Williams
Lepera Williams

Sworn to and subscribed before me on this 16th day of May, 1964.

Oliver T. Head, Notary Public

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