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A F F I D A V I T

STATE OF ALABAMA)
)
JEFFERSON COUNTY)

Before me, General Lawrence O. O., a Notary
Public in and for said County in said State, personally
appeared HUGH LINDER who, being by me first duly sworn,
deposes on oath and says as follows:

I am a general surgeon practicing and living in
Birmingham, Alabama and I am the identical grantee in the
following warranty deeds conveying to me farm lands situated
in Shelby County, Alabama, and recorded in the Probate Office
of Shelby County, Alabama, viz.:

1. Deed from Homer J. Kile and wife, Bertie Kile,
dated October 8, 1953, recorded in Deed Book 162, Page 548.
2. Deed from Carl Whitfield and wife, Hazel
Whitfield, dated January 23, 1961, recorded in Deed Book
213, Page 681.
3. Deed from James A. Johnson and wife, Irene
Johnson, dated January 23, 1961, recorded in Deed Book 213,
Page 680.
4. Deed from J. F. Brasher and wife, Mary Kendrick
Brasher, and C. B. Brasher and wife, Sadie Powell Brasher,
dated January 28, 1961, recorded in Deed Book 213, Page 678.
5. Deed from Robert D. Johnson and wife, Evelyn
Johnson, dated March 25, 1961, recorded in Deed Book 215,
Page 469.

Prior to purchasing the property described in deed
from Homer J. Kile and wife in 1953, I inspected all of said
property subsequently conveyed to me by the Kiles and ascer-
tained that Mr. Kile was in possession of all of said property
and that no one else was in possession of any part of same.
At that time, Mr. Kile and his wife were living in a house

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across the Leeds-Vincent Highway, then known as Alabama Highway 21 and now known as Alabama Highway 25. The property on which they were living was a part of the farm that they were then operating, consisting of some 640 acres. Upon closing my purchase in October, 1953, I was immediately put in possession of the property described in said deed from Mr. and Mrs. Kile to me. This property consisted of approximately 440 acres lying East of said Leeds-Vincent Highway.

At that time, there was a dairy barn on the property and, shortly thereafter, I built a residence and placed a manager in possession of the entire property to operate it for me as a cattle ranch. We began to extend the fences and clear land and plant grasses for pasture. From the time I took possession of said property, I, through my manager, have asserted numerous acts of dominion and possession over all of said property and I have been in open, notorious, continuous, exclusive and peaceable possession of same under claim of ownership and adverse to all the world down to the present time with the exception of 6 acres located in the NE corner of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 12, which I sold to Carl Whitfield and which he has been in possession of since that time.

During said period of time and down to the present, my possession has not been disturbed by anyone and no one has asserted any claim or right of possession or ownership adverse to me except a slight dispute between Mr. Leslie Baker with reference to the location of the fence line between the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 13 and the NE $\frac{1}{4}$ of the

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NE $\frac{1}{4}$ of Section 14 adjoining part of my property on the North side. The slight dispute with Mr. Baker arose out of my straightening the fence line formerly erected by Mr. Kile.

Since I have owned the property, there has never been a railway on any part of the property except through the S $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 13 and I have never heard of any railway existing prior to my purchase of the property. At the time of my purchase, there was no fence along this part of the railway and I have constructed a fence paralleling the railroad tracks on the NE side of same.

The purchase money mortgage which I gave Homer J. Kile and which is recorded in the Probate Office of Shelby County, Alabama in Mortgage Book 229, Page 329, has been paid and discharged in full, and I am advised that same has been duly satisfied of record.

As stated above, I purchased additional properties in 1961 and, upon receiving deeds to each of these tracts, I immediately took possession of the property conveyed to me. I have inspected this property from time to time and know that no one else has been in possession or asserted any claim of ownership or right of possession adverse to me.

Continuously since I purchased the respective properties described in the deeds listed above, I have assessed the properties for taxation and paid taxes thereon.

I have made no repairs or improvements to any part of the properties described in said deeds within the last

six (6) months which have not been fully paid for.

Hugh Linder
Affiant

Sworn to and subscribed before me
this 26th day of January, 1965.

Ormond Somerville
Notary Public

A F F I D A V I T

STATE OF ALABAMA)
COUNTY OF SHELBY)

Before me, Ormond Somerville, a Notary
Public in and for said County in said State, personally
appeared CARL WHITFIELD who, being by me first duly sworn,
deposes on oath and says as follows:

I reside in the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 12, Town-
ship 18 South, Range 1 East, near Vandiver, Alabama. I am
the identical grantee named in that certain deed from Hugh
Linder and wife, Eleanor S. Linder, dated January 30, 1961
and recorded in the Probate Office of Shelby County, Alabama
in Deed Book 213, Page 673, which said deed conveyed to me a
six-acre tract lying in the NE corner of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$
of said Section 12. I have lived at my present location for
many years and have been familiar with the ownership and

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possession of the Bear Creek Farm which Dr. Linder purchased from Homer J. Kile in 1953. I have hunted and worked on this property and know of my own knowledge that Dr. Hugh Linder took immediate possession of the property upon receiving the deed from Homer J. Kile and wife in 1953 and that he has held open, notorious, continuous, exclusive and peaceable possession to all of said property described in said deed and that such possession has been under claim of ownership and adverse to all the world. I have never heard of anyone asserting any claim adverse to that of Dr. Linder since he bought the property.

My wife and I sold Dr. Linder the N $\frac{1}{2}$ and the W $\frac{1}{2}$ of the S $\frac{1}{2}$ of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 13, Township 18, Range 1 East, containing 25 acres, more or less, and I assisted him in purchasing the balance of said quarter-quarter section in 1961, and I know that he took immediate possession of said property, as well as the W $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 18 and that no one else has been in possession of any part of said 120 acres since Dr. Linder purchased same.

I have been familiar with said Bear Creek Farm for a period of over 40 years, and I know that there has been no railroad built or existing across any part of same except the Central of Georgia Railraod which now extends across a part of the S $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 13, Township 18 South, Range 1 East.

Care Whitfield
Affiant

Sworn to and subscribed before me
this 22 day of January, 1965.

Ormond Somerville
Notary Public

State of Alabama at Large

STATE OF ALA. SHELBY CO.
I CERTIFY THIS INSTRUMENT
WAS FILED ON 8th
1/29 1965
RECORDED & S. TAX
& S. DEED T. & S. CH
PD. CH T. & S. CH

Conrad H. ...
JUDGE OF PROBATE

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