

2085

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 the State of Alabama at Large, personally appeared CARL WHITFIELD who, being by me first duly sworn, deposes on oath and says as follows:

I live near Vandiver, Alabama with my wife, Hazel Whitfield, who is the daughter of W. Y. Stokes, deceased.

I have been familiar with the ownership and possession of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 13, Township 18 Range 1 East, since this property was purchased by W. Y. Stokes at a tax sale in the year 1939. I know that the said W. Y. Stokes took immediate possession of said land upon receiving the deed from the State of Alabama and cleared about 20 acres, which he cultivated for several years. He rented this land to several tenants who cultivated it for several years. The said W. Y. Stokes stayed in possession of said property, either cultivating it himself or through tenants, until his death in ^{about} the year 1946 or 1947.

From the date of his death, his widow, Mrs. Ada Stokes, and his four children, Mrs. Bessie Brasher, Millard Stokes, Percy B. Stokes and my wife, Hazel S. Whitfield, continued in possession of said property until they divided the lands in kind between themselves. After this division, each of said heirs continued in possession of the property conveyed to him or her until Bessie Brasher sold her portion of the

property to Robert D. and James A. Johnson in 1951 and until the remaining heirs sold their respective portions of the property to Hugh Linder in 1961.

I also know that Hugh Linder has been in actual possession of the entire NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section ¹³~~12~~ Township 18, Range 1 East, and the W $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 18, Township 18, Range 2 East, since he acquired these properties in the year 1961.

Since W. Y. Stokes acquired the property in 1939, I know that neither Ed S. Emerson or Lelia A. Emerson nor anyone else has been in possession of any part of said forty acre tract or made any claim of ownership or right of possession adverse to W. Y. Stokes and his successors in title. The possession of the said W. Y. Stokes and his heirs and successors in title has been, as above described, actual or constructive, peaceful, exclusive, continuous, open, notorious, under color of title and claim of ownership and adverse to all the world.

I knew the members of the partnership, Johnson Bros., from the time when they acquired title to the W½ of the SW¼ of the above captioned lands in 1951 until James A. Johnson conveyed said property to Robert D. Johnson by the deed recorded May 16, 1961 in the Probate Office of Shelby County, Alabama in Volume 215, Record of Deeds, Page 467. I know that there were never but two members of the partnership, Johnson Bros., they being James A. Johnson and Robert D. Johnson, and I know that they were the only two members

