

4753
STATE OF ALABAMA

SHELBY COUNTY

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

My name is Willis H. Moore. I am 55 years of age and have lived in and around the following described land since I was 8 years of age. Said land being described as follows:

NW $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 14 and the NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 14, all in Township 21 South, Range 1 West, Shelby County, Alabama, except for the 14 acres owned by Upton Baker.

When I first remember the land situated in the NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section 14, it belonged to Leo Friedberger and the same was being rented by affiant's Uncle Frank Moore, Uncle Eddie Moore and his grandfather, Jim Moore, along with other lands adjoining said forty acres. They ran a goat farm on the above described forty acres. The same was under fence and they raised goats and carried on other farming operations and the same was under fence. They used the same as such until the year 1916 and soon after that time, they moved off the place. Affiant further says he recalls when R. R. Looney purchased said forty acres, along with other land in 1917, and he knows that the said R. R. Looney went into immediate possession of the land and rented it out to tenants each and every year for several years. He first rented it to Will Murphy, who was the father of Fred Murphy. The said Will Murphy lived on said land and used it as a pasture each and every year until he was killed about the year 1923. Affiant says the fences were maintained around said forty acres during all this time. After Will Murphy died, Ovin Salster rented the land and lived on adjoining land for a few years and used this land for pasture and kept the fences up. The house burned on the adjoining land about 1926 or 1927 and after that Mr. Looney rented the above described 40 acres to Fred Hughes, along with Will Wood, who tended portions of it each and every^{year} until affiant purchased it from R. R. Looney in 1942, as shown by deed recorded in Deed Book 115 page 435 in the Probate Office of Shelby County, Alabama. Affiant further says he went into immediate possession of said land, along with other land and rebuilt the fences around the 40 acres and cultivated a portion of it and used the remainder for pasture each and every year until this very day, and he has cattle on it now, except for that portion owned by Upton Baker.

I know of my own knowledge that no part of the above described land was ever the homestead of R. R. Looney.

Affiant further says regarding the land he now owns in NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section 14, when he first remembers it, it was owned by J. H. Milner and that he farmed a good portion of the same each and every year until he sold it to Fies Realty Company, Inc. in 1922 and then said Realty Company sold it to A. Page Sloss and Everett Shepherd in 1925. During the time it was owned by said Realty Company and then by Sloss and Shepherd, they rented it out to various tenants who continued to cultivate portions of the land. I remember one of the tenants was a man named Don Harless. Sloss and Shepherd sold said land to Amelia M. Embry in 1927, as shown by deed recorded in Deed Book 81 page 436 in said Probate Office. Mrs. Embry went into immediate possession of said land and she and her husband, who was looking after the land for her, grew timber on the land. While they owned it, they sold the timber to my father who cut the timber and I helped haul the timber away from the land about the year 1934. Sometime in the middle 1940's Dewey Joiner cut the timber, including the pulpwood off said land. Affiant says Mr. & Mrs. Embry actually went into possession of all of said forty acres, except for the 12 acres owned by Upton Baker and that as far as he can remember her predecessors in title have been in possession of all of the same, except for said 12 acres. Affiant says in the year 1957, Amelia M. Embry and husband sold said land to affiant and his wife and that they went into immediate possession of all of it and the same adjoined land on which affiant lives and they have been in the actual possession of said land each and every year until this very day. Affiant further says that in 1959, he built a lake, a portion of which is located on the above said forty acres.

Affiant further says he knows Upton Baker who now owns said 12 acres and also owns 2 acres situated immediately west thereof and affiant says the said Upton Baker obtained a deed to said land from his father and mother, J. F. and Pearl H. Baker in 1946. Affiant says that the said J. F. Baker was the sole heir of W. L. G. Baker.

Affiant further says that throughout all the years he has owned said property and the years he has known the same, he has never heard of anyone contesting the possession or disputing the title to him or his predecessors in title.

Willis H. Moore

Sworn to and subscribed to before me

this the 27th day of July, 1963.

Martha S. Joiner
Notary Public

