

474.2
STATE OF ALABAMA

SHELBY COUNTY

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

My name is Viola A. Bush. I am eighty-one years of age and have lived and resided in Shelby County, Alabama, all of my life.

I have been familiar with the ownership and possession of the following described property since 1917 and until the present date, viz.:

Lot No. 1 according to a map of Vandiver, as surveyed on October 7, 1912, by Theo O. Sparks, as shown by map or plat of said subdivision recorded in Map Book 3 at page 45, Office of the Judge of Probate of Shelby County, Alabama.

My husband, J. L. Bush, bought said property and went into possession of the same under Warranty Deed from John Watson and wife, Fannie Watson on December 20, 1917, as shown by deed recorded in Deed Book 66 at page 385, Office of the Judge of Probate of Shelby County, Alabama.

When my husband bought said property in 1917, there was a residence house situated thereon lying in the forks of the Dykes Mill Road and the Sterrett Road. My husband and I moved in said house about the time when we bought said property and we resided in said house as our homestead until the death of my husband on July 1, 1950. After my husband's death, I continued living in said house until about a year ago when the Old Dykes Mill Road was widened and improved, thereby causing the right of way to be extended to include the land on which said house had been situated. At that time, about a year ago, when said road right of way was extended, said house was sold by myself and the heirs of my said husband, J. L. Bush, and I was thereby forced to move away. Since that time, I have lived about three hundred yards away from the property described above and on which said house had been situated.

Regarding that portion of the above described property which lies to the North or Northwest of the Old Dykes Mill Road, said property was used and tended by my husband and myself and our family as a garden from the time when we first bought and moved on said property about 1917, as related above, until about two years ago. In 1917 when we bought and went into possession of said

property, there was a fence along the Northwest boundary line of said property. This fence stood until it rotted down several years ago, probably eighteen or twenty years ago. After the fence fell down, a hedge row was plainly visible, which showed where said fence had been, and this hedge row remained until about two weeks ago when it was torn down. Up until the time of my husband's death about 1951, said property was tended almost every year as a garden. My husband worked away from home from time to time, and there were a few years when we did not have a garden on this property, but from 1917 to 1950, we had a garden on said property each and every year except four or five years before my husband died^{on one occasion and for two or three years,} he gave Mr. and Mrs. George Spradley permission to tend said property for their garden. Since my husband died in 1950, my brother, Mr. Silas Adams, has lived with me, and he has tended said property as a garden for about twelve of the sixteen years since my husband has been dead.

Since 1917 when John Watson and wife, Mrs. Fannie Watson, conveyed said property to my husband, neither said John Watson nor Mrs. Fannie Watson nor any of their heirs have not possessed any part of said property. They have, from time to time, tended up to the East line of the old fence or hedge row designated above, but they have never gone on our side of said old fence or hedge row in tending any garden or in possessing said property in any way. So far as I know, they have never paid any taxes or assessed any part of said property in their names since 1917, whereas my husband and myself and my husband's heirs have regularly assessed and paid taxes on all of said property since we bought and went into possession of the same about 1917, as related above.

From 1917 and until the present date, no one other than said J. L. Bush and his heirs have owned, claimed, or possessed said property, or any part thereof, until within the past year, when about two weeks ago Mr. Walter Watson removed a newly constructed fence marking the boundaries of that portion of said property which lies North or Northwest of the Old Dykes Mill Road. I don't know what grounds Mr. Watson feels that he has to have removed this fence. I do know that previously and within the past year he tried to buy said property from our family. If Mr. Watson or any or the heirs of John and Mrs. Fannie Watson have claimed to own said property, they have never told us about their claim in any manner until within the past year, as stated above.

I know of my own personal knowledge that said J. L. Bush, and his successors in title, have been in the open, notorious, continuous, undisturbed, peace-

able, exclusive, hostile, actual adverse possession of all of said property since 1917 and until the present date. During all of this time, and until within the past year, as stated above, I have never heard of anyone else claiming to own said property or any interest therein.

Viola A. Bush
Viola A. Bush

Sworn to and subscribed before me this

30th day of June, 1965.

[Signature]
Notary Public

STATE OF ALABAMA

SHELBY COUNTY

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

My name is Silas Adams. I am sixty-nine years of age, and I have lived in the vicinity of the property described above in the affidavit of Mrs. Viola A. Bush since 1917 and until the present date. I am the brother of Mrs. Viola A. Bush.

I have carefully read the above affidavit of Mrs. Viola A. Bush relating to the ownership and possession of lot No. 1 according to a map of Vandiver, as surveyed on October 7, 1912, by Theo O. Sparks, as shown by map or plat of said subdivision recorded in Map Book 3 at page 45, Office of the Judge of Probate of Shelby County, Alabama, and I know of my own personal knowledge that the facts therein stated are true and correct.

I have never heard of a Watson or any other persons claiming to own said property or any interest therein since 1917 and until the present date until within the past year, as related above by Mrs. Bush. I know of my own personal knowledge that said J. L. Bush, and his successors in title, have been in the open, notorious, continuous, undisturbed, peaceable, exclusive, hostile, actual adverse possession of all of said property since 1917 and until the present date.

During all of this time, and until within the past year, as stated above, I
other than J. L. Bush and his heirs
have never heard of anyone/claiming to own said property or any interest therein.

Silas Adams
Silas Adams

Sworn to and subscribed before me this

30th day of June, 1965.

Allen H. Hall
Notary Public

STATE OF ALA. SHELBY CO.
I CERTIFY THIS INSTRUMENT
WAS FILED ON 8/1/65
RECORDED & INDEXED
& \$... TAX
PD. ON 11/1/65
JUDGE OF PROBATE