

5188

STATE OF ALABAMA)
SHELBY COUNTY)

Before me, the undersigned authority in and for said county and state, personally appeared JOHN ALVY PAYNE, who, after being duly sworn to speak the truth, deposes and says as follows:

My name is John Alvy Payne. I am 65 years of age and reside in Shelby County, Alabama. I have been intimately familiar with the occupation, use, and possession of the hereinafter described real estate for a period in excess of 25 years, to-wit:

Begin at an iron stake on the East side of the Fungo Public Road where the North boundary line of the SE $\frac{1}{4}$ of Section 13, Township 20, Range 3 West intersects the Eastern boundary of said road for point of beginning; thence run along said road in a Southerly direction a distance of 118 feet to a point marked by an iron stake; thence turn to the left and run in an Easterly direction a distance of 198 feet to an iron stake; thence turn to the left and run in a Northerly direction a distance of 173 feet to a point on the Northern boundary of said SE $\frac{1}{4}$ which point is marked by an iron stake; thence run in a Westerly direction a distance of 188 feet to point of beginning, less 40 feet more or less, off of the West side of said lot, which said 40 feet has heretofore been dedicated as a public road; being a part of the NW $\frac{1}{4}$ of SE $\frac{1}{4}$, Sec. 13, Township 20, Range 3 West, being situated in Shelby County, Alabama

The above said land was a part of a larger tract purchased by Frank C. Sillery on March 2, 1921, by deed recorded in Deed Book 70 at page 409 in the Probate Records of Shelby County, Alabama. For many years prior to August 17, 1937, Frank C. Sillery and wife Mary Sillery were in the actual, open, adverse, hostile, notorious, and exclusive possession of the above described land. On said August 17, 1937, I purchased the above described land as a part of a larger tract from said Frank C. Sillery and wife Mary Sillery by deed recorded in Deed Book 100 at page 430. In the Probate Records of Shelby County, Alabama. Immediately after I purchased said lands my wife, Gary Delean Payne and I went into the actual, open, adverse, hostile, continuous, and exclusive possession of said land and so remained in possession until we sold said property to Alvie Payne, Jr. and wife Buna Jean Payne on June 5, 1965, by deed recorded in Deed Book 235 at page 872 in the Probate Records of Shelby County, Alabama. Since the time of said last mentioned deed, said Alvie Payne, Jr. and wife Buna Jean Payne have been in such possession of said land.

During the more than 20 years that I have known the possession, occupation, and use of said land, the same has been in the actual, exclusive, adverse, hostile, notorious, and continuous possession of the present owners, Alvie Payne, Jr. and wife Buna Jean Payne, and their predecessors in title as indicated

above, and no other person, firm, or corporation has been in possession of said land or any part thereof during said more than 25 years. During the time which I have known the occupation and possession of said land Josie Henderson Horhron, J. W. Corhron, Jessie Cox, and R. D. Cox have never been in possession of any part of said land or claimed to own said land or any part thereof either individually or collectively.

I know of my own knowledge that the above described land was a part of a larger tract of land described in that certain deed from A. J. Corss to Charles Coates, which deed is recorded in Deed Book 58 at page 324 and conveys, among other lands, all of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ lying East of the top of the ridge, about 15 acres, all in Section 13, Township 20, Range 3 West. The "top of the ridge" which is referred in said last mentioned deed lies to the West of the above described property and the Fungo Public Road runs to the East side of said "top of the ridge". The ridge referred to in the last mentioned deed has also frequently been referred to as "Oak Ridge" which, of course, also lies West of the above described property.

John Alvy Payne
John Alvy Payne

Sworn to and subscribed before me
this 14 day of July, 1965.

L. B. Hummer
Notary Public

STATE OF ALA. SHELBY CO.
I CERTIFY THIS INSTRUMENT
WAS FILED ON 2/27/65
RECORDED & S. INC. TAX
& S. DEED TAX HAS BEEN
PD. ON THIS INSTRUMENT.
C. H. J. J. J. J.
JUDGE OF PROBATE