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STATE OF ALABAMA

SHELBY COUNTY

AFFIDAVIT

Before me, the undersigned authority, personally appeared
H. L. Davis, who being duly sworn, deposes and states as follows:

1. That Affiant is over the age of twenty-one years and is a
resident citizen of Pell City, Alabama, in St. Clair County.

2. That Affiant is the grandson of W. W. Davis who died on
August 7th, 1913, in Shelby County, Alabama, and whose estate has been
administered in the Probate Court of Shelby County, Alabama. That the
Executor of the Estate of said W. W. Davis was Thomas E. Davis. That
said Thomas E. Davis was the father of your Affiant. That said Thomas
E. Davis died on January 21st, 1951, in St. Clair County, Alabama. That
your Affiant knows of his own knowledge that the Estate of W. W. Davis
was terminated with a final settlement many, many years prior to the death
of said Thomas E. Davis.

3. That under the 'Second' paragraph of the Will of said W. W.
Davis, part of the NE 1/4 of SE 1/4 lying East of Kellys Creek in Section
23, Township 18, Range 2 East and other property was devised to Calvin
H. Davis and Thomas E. Davis, sons of said W. W. Davis. No part of said
NE 1/4 of SE 1/4 lying East of said Kellys Creek in said Section was devised
to Albert S. Davis.

4. That Affiant has been advised of a certain deed from George F.
Martin to J. T. Martin and W. B. Martin, which deed is recorded in Deed
Book 66, at Page 62 in the Probate Office of Shelby County, Alabama. Said
instrument conveys no part of the NE 1/4 of SE 1/4 of said Section 23, but
does convey certain property in the East Half of the NE 1/4 of Section 23,
Township 18, Range 2 West which is described as being "30 acres, more or
less, of the East Half of NE 1/4 of said Section 23....." Your Affiant
has been acquainted with said East Half of said NE 1/4, and knows that there
is a creek known as Kellys Creek which runs in a Northerly to Southerly
direction through said East Half, and that the Martin family owns the land
on the West side of said Kellys Creek but the Davis family owns the land
on the East side of said creek in said East Half, although at one time George

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P. Martin did own land in the NE 1/4 of the NE 1/4 of said Section 23 and through mesne conveyances said property passed through many persons until it was conveyed to H. L. Davis, Ruby Edna Davis and Opal Gray Davis by deed recorded in Deed Book 184, at Page 457 in said Probate Office.

5. That the said Calvin H. Davis, a son of said W. W. Davis is now deceased, he having died over 20 years ago in Shelby County, Alabama, leaving surviving him no widow, but a son whose name is J. W. Davis. Said Calvin H. Davis left no will and there has been no administration of his Estate.

6. That said J. W. Davis is now deceased, he having recently died in Jefferson County, Alabama, where his estate is now being administered. Said J. W. Davis is survived by two daughters, Bessie L. Davis and Mildred Gladden, both of whom are over 21 years of age.

7. That affiant has been familiar with the land described on attached Exhibit "A" and signed by your affiant for over fifty years, your affiant having lived on said property and having been thoroughly familiar with the boundary lines of said property and familiar with the possession and ownership of said property. That said property was a part of the William Walton Davis estate and has been in the Davis family continuously for over 100 years. That the boundary lines of said property have been clearly established and recognized in the community of said property, and to your affiant's knowledge there has never been a dispute as to the ownership of said property or any part thereof. Said property has been fenced and in the actual open, notorious, hostile and continuous possession of said Davis Family, that is Mrs. T. E. Davis, who is also known as Essie Davis, Thomas E. Davis and J. W. Davis, since the death of said William Walton Davis in 1913, and that prior to 1913, said property was from your affiant's earliest recollection in the possession of said William Walton Davis. That your affiant is 36 years of age.

8. Further affiant deposes not.

H. L. Davis
Affiant

Sworn to and subscribed before me on this the 2 day of June, 1965.

J. B. Davis
Notary Public

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EXHIBIT "A"

The North 1/2 of the SW 1/4 and the SW 1/4 of the SW 1/4 of Section 13, Township 18, Range 2 East. Also a part of the East half of the SE 1/4, all on the East side of Kellys Creek in Section 14, Township 18, Range 2 East.

Also beginning at point where the Section line between Sections 23 and 24 crosses Kellys Creek and running up said Creek to the line on South side of the parcel of land once owned by George P. Martin, thence East along said line to a bluff; thence along said bluff Southeast to Section line; thence along Section line to the beginning point, being a part of the SE 1/4 of the SE 1/4 and also a part of the NE 1/4 of SE 1/4 all in Section 23, Township 18, Range 2 East. Also beginning at the point above described and running North along Section line to bluff; thence Southeast along bluff to a stake; thence in a line to a marked birch tree on bank of creek near the old cow ford; thence up the creek to the beginning point, being a part of the NW 1/4 of SW 1/4 and a part of SW 1/4 of NW 1/4 of Section 24, Township 18, Range 2 East.

STATE OF ALA. SHELBY CO.
I CERTIFY THIS INSTRUMENT
WAS FILED ON 4/11
1965
RECORDED BY TAX
& S. P. ...
PD. C. ...

[Signature]
JUDGE OF PROBATE

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