

6482.

STATE OF ALABAMA)

JEFFERSON COUNTY)

AFFIDAVIT OF FRANK LEE

Before me, a Notary Public in and for said County, in said State, this day personally appeared Frank Lee, known to me and who, after being first duly sworn, deposes and says as follows:

I am the Frank Lee who is the grantee in deed dated April 4, 1938, from K. J. George and B. George, such deed being of record in Volume 105 of Deeds, at page 129, in the Office of the Judge of Probate of Shelby County, Alabama. This deed conveyed to me the following described real estate situated in Shelby County, Alabama

The SE $\frac{1}{4}$ of SW $\frac{1}{4}$ and SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 29, Township 19, Range 1 East, except the right of way of the A. B. & C Railroad Company and one acre sold to other parties.

When I bought this land in 1938, it was completely under fence and in fact the fence even enclosed the one acre which was excepted from the conveyance. The one acre which was excepted from the conveyance was on the west side of what is now Shelby County Highway #51. This road was known as the Pumpkin Swamp Road many years ago. The excepted acre lay in the SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section 29, adjoining and abutting on the west side of what is now Shelby County Highway #51, and adjoining and abutting on the south line of the right of way of what was then the A. B. & C Railroad and is now the Atlantic Coast Line Railroad. The acre was a square which fronted about 70 yards on the highway and ran back in a westerly direction along the railroad right of way a distance of about 70 yards. The excepted one acre was in the northeast corner of that part of the above described land which lies on the west side of Shelby County Highway #51. In 1948 I bought this one acre from W. L. Kelly and wife, Beulah Kelly, and received a deed from them for it.

Before approaching W. L. Kelly and Beulah Kelly about a deed for this one acre, I made some inquiries about the title to it and W. L. Kelly and Beulah Kelly told me that it belonged to them. I have been informed that the one acre was conveyed by F. M. Baldwin to J. M. Spearman in 1907; that J. M. Spearman died and left a will under which title to the acre became vested in his daughter, Laura Jean Spearman, and that Laura Jean Spearman then died and left a will under which title to the one acre vested in W. L. Kelly and Beulah Kelly.

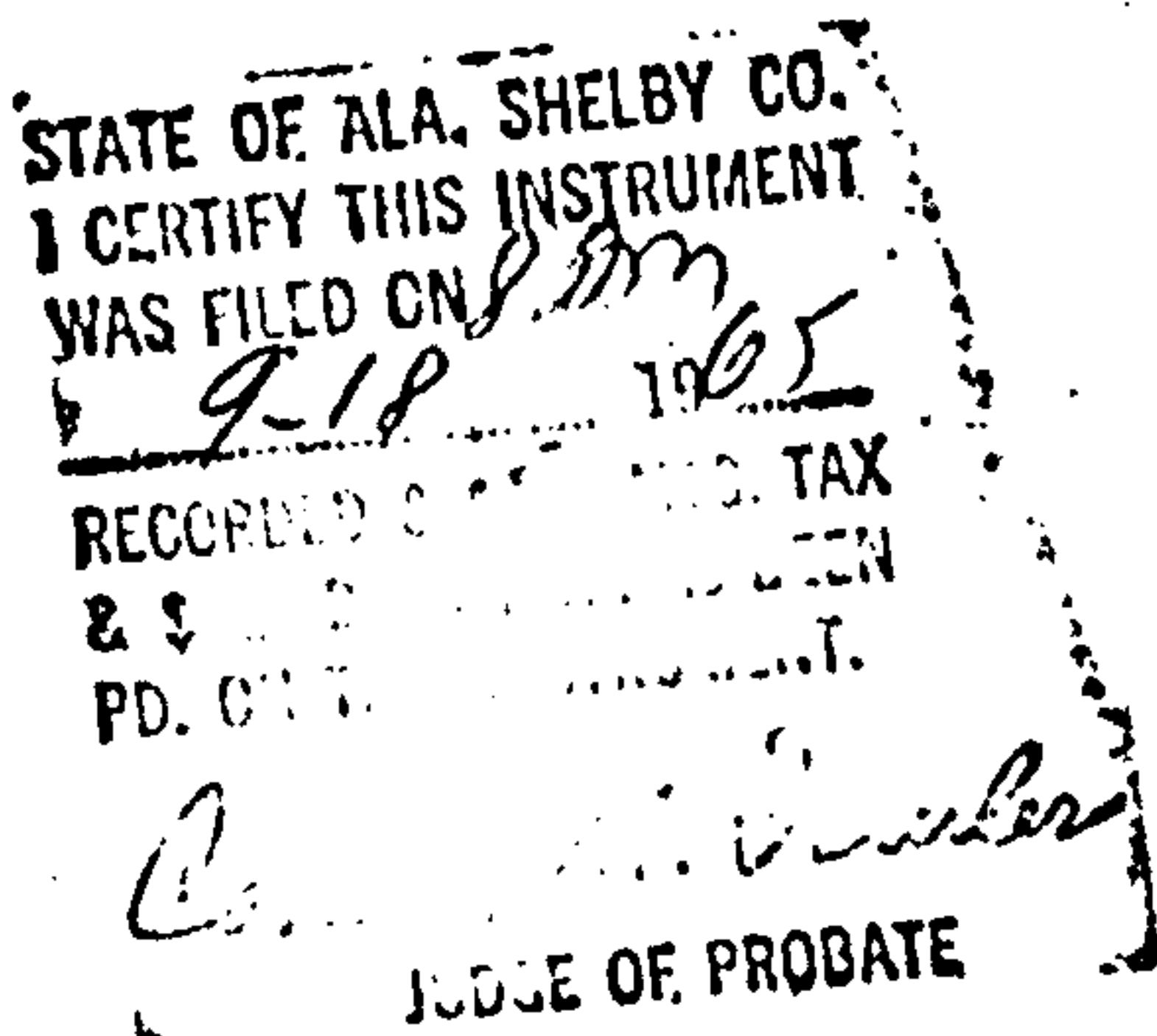
When I bought the land, particularly described above, from K. J. George and B. George in 1938, I moved on it and resided on it continuously and without interruption until about one month ago when my wife and I moved to Birmingham. During all of this time I was in the actual, continuous, exclusive and uninterrupted possession of all of the land, including the one acre and, except for the one acre, claimed to own all of the land since 1938. With respect to the one acre I have claimed to own it since my deed of it in 1948. I have had all of the land under fence since 1938 and have cultivated portions of it, lived in a house on it and exercised many other of the usual acts of ownership such as allowing cattle to graze on it, cutting timber and other growth from it.

I have recently sold and conveyed that part of this land which lies east of Shelby County Highway #51.

Frank Lee

Sworn to and subscribed before me this 16th day of September, 1965.

Kathryn R. Randle
Notary Public



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