

1603

STATE OF ALABAMA        

COUNTY OF SHELBY        

A F F I D A V I T

Before me, the undersigned authority in and for said County and State, personally appeared, Leroy V. Isbell, of lawful age, who, first being by me duly sworn on oath deposes and says as follows:

My name is Leroy V. Isbell and I am 25 years of age and a bona fide resident citizen of Shelby County, Alabama, where I have so resided for over 20 years. That for the past fifteen years (15) I have been very familiar with the use and occupancy of that certain tract of land situated in Shelby County, Alabama, described as follows:

A part of the SE 1/4 of SW 1/4 of Section 10, Township 18 South, Range 1 East, described as follows:

Beginning at a point 105 yards west of the NE corner of the SE 1/4 of SW 1/4 of Section 10 and running south 105 yards; west 105 yards; north 105 yards to north line of said 1/4-1/4 section; thence east along north line 105 yards to point of beginning.

having lived in the vicinity of said land and having been in a position during all of the said period of time to know exactly who the occupants of said land were and all the facts with respect to the use and occupancy of same.

I know that on March 28, 1946, Mr. John B. Whitfield and his wife, N. B. Whitfield, conveyed to Olen Brasher and wife, Elzanner Brasher, the above described property and after the conveyance the Brashers took possession of the property, that they walked over same, that they set out peach trees and cleared part of the land and repaired fences on the land. I know that thereafter Mr. Olen Brasher died on June 10, 1955, and his wife, Elzanner Brasher sold the above described land to Ferrell Davis, who took possession of the land and constructed good and lawful fences on same capable of turning livestock and that Ferrell Davis cut the timber off the land and built a house on the land and has resided on same, since the construction of his residence on the land.

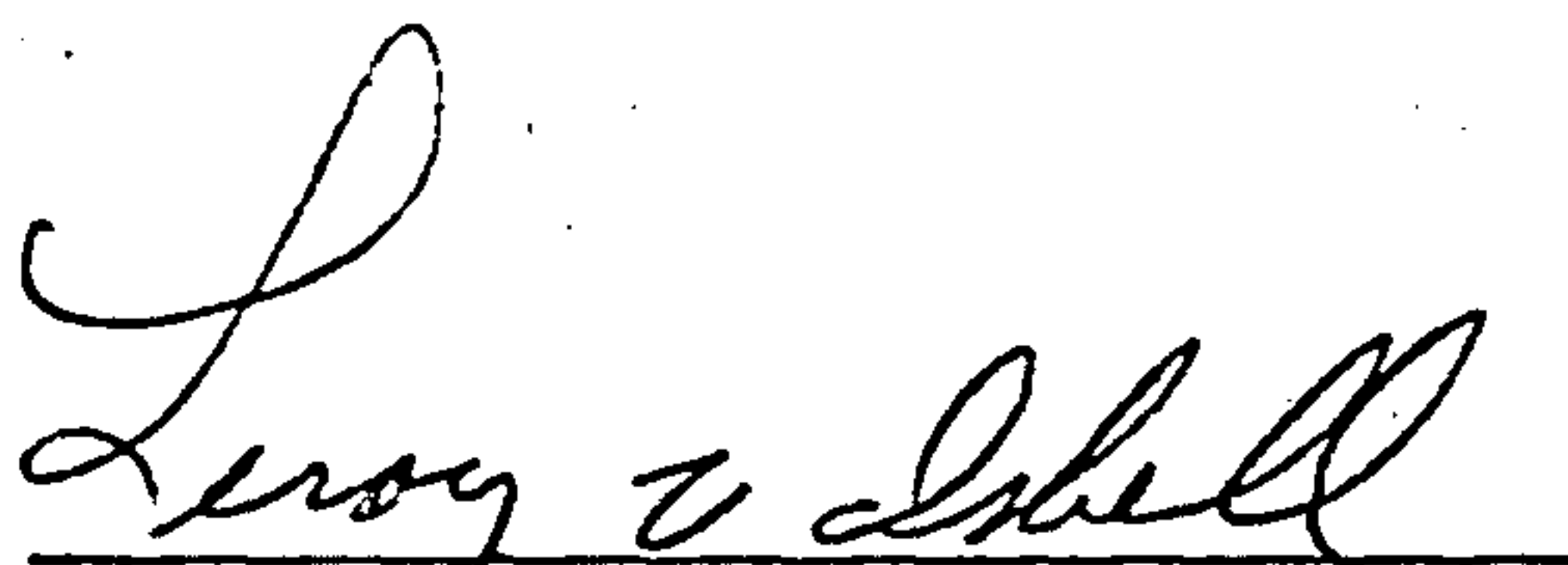
I also know that the boundaries of said land have been well marked and defined on the ground and that there has been no dispute or controversy with respect to the correct location thereof, but to the contrary they have been well established by monuments on the ground and by acquiescence and general reputation during all of the said period of time. I know that the land owned by W. T. Whitfield and wife, Inez B. Whitfield, which is adjacent to the above described land does not overlap on the said property conveyed to Ferrell Davis.

That during all the said period of time said land has been actually occupied as stated above and such occupancy and claim of title have been open, visible, notorious, continuous, peaceable, exclusive and adverse to all the world, and those claiming said lands as aforesaid have recognized no title superior to

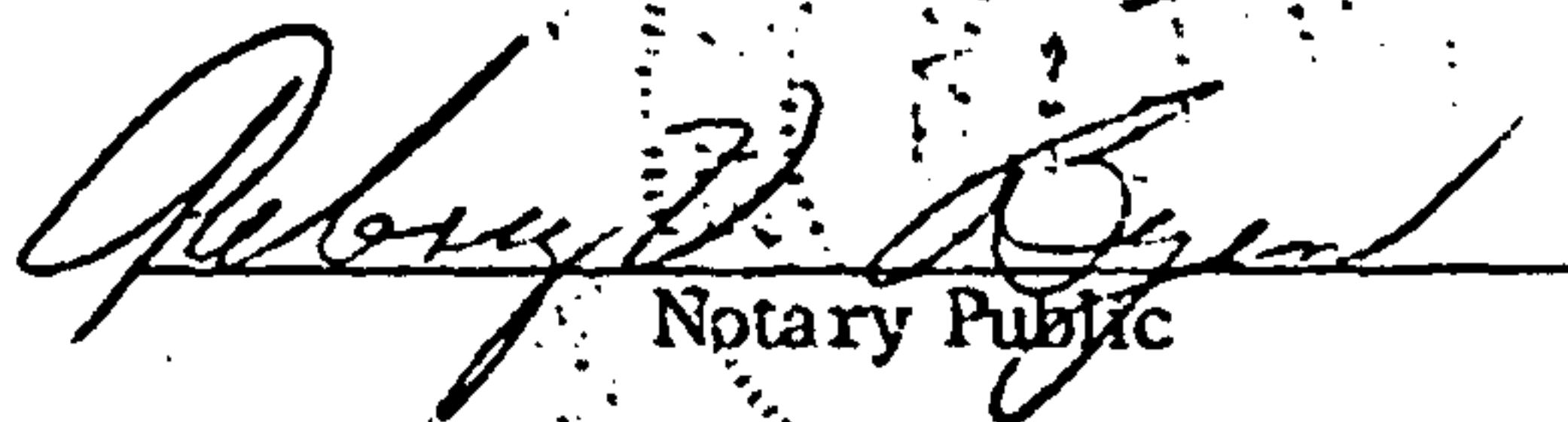
theirs during all of said period of time, and that the aforesaid occupants of said land have used and enjoyed the same and have exercised exclusive acts of ownership of same during all of said period of time without any hostile claim or interference from any source whatsoever.

That the said land at this time is now in the peaceable, open, notorious, adverse possession of Ferrell Davis, whose claim is under the above mentioned predecessors in title.

Further affiant saith not.

  
Leroy V. Isbell

Sworn to and subscribed before me  
this the 4th day of December, 1965.

  
Notary Public

