

2621

STATE OF ALABAMA

SHELBY COUNTY

Before me, the undersigned authority in and for said County in said State, personally appeared G. S. Cross, who, after being by me first duly sworn to speak the truth, deposes and says:

My name is G. S. Cross. I am 67 years of age and have lived on the adjoining property hereinafter described all of my life and have all along been well acquainted with said land and the persons in possession of it. The same being described as follows:

A part of the SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 22, Township 19 South, Range 2 West described as follows: Commence at the northwest corner of said forty and run south 63 deg. east 206 feet; thence run south 29 deg. east to south line of Cahaba Valley Highway for point of beginning; thence continue south 29 deg. east to the south line of said forty; thence east to the southeast corner; thence north to northeast corner; thence west along north line of south right of way line of Cahaba Valley Highway; thence in a westerly direction along south right of way line of said Highway to point of beginning;

All that part of the NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 22, Township 19 South, Range 2 West lying east of a made line, which line is described as follows: From the southeast corner of NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 22 run north along east boundary line of NE $\frac{1}{4}$ of SE $\frac{1}{4}$ for 100.1 feet to point on north right of way line of said Road; thence turn an angle of 112 deg. 25 min. to left and run southwesterly along north right of way line of said road 88.6 feet to a point which is point of beginning of said made line; thence turn 112 deg. 45 min. to right and along a fence on said made line and an extension of said fence or made line a distance of 465 feet to point in center of Bishop Creek, which said point is 534 feet north and 54 feet west of the southeast corner of NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 22, Township 19 South, Range 2 West;

The W $\frac{1}{2}$ of SW $\frac{1}{4}$ of Section 23, Township 19 South, Range 2 West;

A part of the W $\frac{1}{2}$ of NW $\frac{1}{4}$ of Section 23, Township 19 South, Range 2 West, described as follows: Commence at the northwest corner of Section 23 and run along west line south 2 deg. 30 min. east a distance of 778.8 feet to point of beginning; thence run south 48 deg. east a distance of 1771 feet, more or less, along the southwest side of Gordon and N. L. Cross land to the center of Bishop Creek; thence in a northeasterly direction along center of said Creek to east line of the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 23; thence south to southeast corner of SW $\frac{1}{4}$ of NW $\frac{1}{4}$; thence west to southwest corner of said SW $\frac{1}{4}$ of NW $\frac{1}{4}$; thence north along west line of W $\frac{1}{2}$ of NW $\frac{1}{4}$ of Section 23 to the point of beginning;

All that part of the SE $\frac{1}{4}$ of NW $\frac{1}{4}$, Section 23, Township 19 South, Range 2 West that lies south and east of Center of Bishop Creek;

All that part of the NE $\frac{1}{4}$ of NW $\frac{1}{4}$, Section 23, Township 19 South, Range 2 West that lies southeast of center of Bishop Creek; also all that part of the NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 23, Township 19 South, Range 2 West that lies northwest of center of said Creek and northeast of Corille Cross lands and southeast and southwest and west of the Harry de la Torea lands;

The NE $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 23, except 2 acres in northeast corner belonging to Allan Estate; Also the northwest diagonal half of the SE $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 23; all in Township 19 South, Range 2 West;

All being in Shelby County, Alabama.

and NE $\frac{1}{4}$ of SE $\frac{1}{4}$
When I first recall the above described property located in SE $\frac{1}{4}$ of SE $\frac{1}{4}$ /of said
Section 22 and in W $\frac{1}{2}$ of SW $\frac{1}{4}$ of said Section 23, the same was owned by Walter Cross,
who is one and the same person as W. E. Cross. I can probably remember back as far
as 1908 or earlier and recall Mr. Cross lived on the west portion of the property
and he had a little store on it and cultivated portions of the land and had por
the same under fence until he sold the same to Morgan Denson in 1942. I do not
recall the exact date, but do recall the occasion when he sold the same. Morgan
Denson went into immediate possession of the land, except for the house, which
Mr. Cross continued to live in during his lifetime. Morgan Denson used the remainder
of the land as a pasture in connection with a dairy which he operated each and
every year until his death. After which, his widow, daughters and son-in-law continued
to operate the dairy until approximately 2 years ago when they discontinued the
operation and since that time Mrs. Denson has rented the land to J. E.
Bearden who has been using it for pasture purposes. Said land has been under
fence continuously from the date I first remember it until this very day and this
includes a strip of land off the southeast portion of NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 22
which lies north of Cahaba Valley Highway and south of Bishop Creek or Johnson Creek
and which was recently decreed to be the Densons property in a law suit with Siragusa.
Affiant says the remainder of the above described land was purchased by Morgan
Den and his wife, Maude D. Denson from the George L. Maske heirs and from the
W. L. DeShazo heirs.

I do not recall the exact dates, but it has been pointed out to me and
it is my recollection the Densons began purchasing the land from the Maske heirs
in 1925 and I understand purchased said land from all of said heirs over a
period of a year or so. I do not recall the exact date, but have had it
pointed out to me and do recall the occasion when Morgan Denson and Maude D.
Denson purchased the remainder of the land from the W. L. DeShazo heirs in 1945.
Immediately after Mr. & Mrs. Denson purchased said land they went into possession
of it and, in fact, had been in possession of it for many years prior to the time
they purchased it. They operated a dairy thereon until Mr. Denson's death and
his widow, daughter and son-inlaw continued to operate the dairy until approximately
two years ago and since then J. E. Bearden has rented the property. The land has
been under fence continuously for the past 50 years or more and I know Morgan
Denson and his wife, Maude D. Denson and since his death, his widow and heirs
have assessed said land and claimed it as their own to this very day. A portion
of this land adjoins property which I own and which was formerly owned by N. L.
Cross and when the land was surveyed, we executed quit claim deeds between us

establishing the lines. There is no dispute and has been no dispute between us throughout the years. Affiant further says Mrs. Maude D. Denson now lives in a dwelling house which was the old Maske homeplace and it has been situated in the same place since as far back as affiant can remember.

The heirs of George L. Maske in 1915 were as follows: Janie Maske Rhudy whose husband is Louis E. Rhudy; George D. Maske, whose wife was Mary N. Maske; Rubye Maske Hall, whose husband was William F. Hall; Vickey Maske, who was unmarried, and Edward Paul Jones, who was a minor.

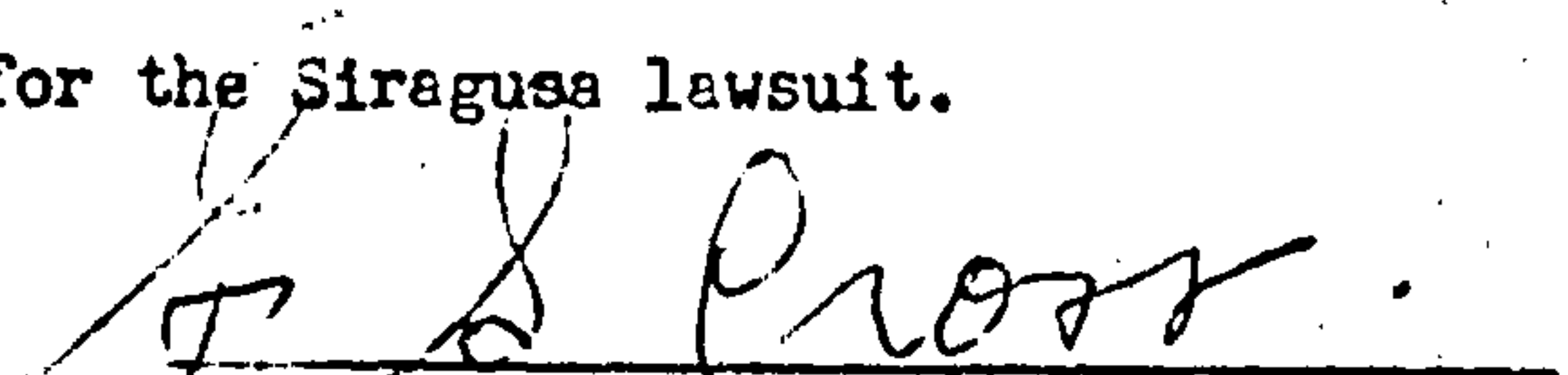
Affiant further says Wilma D. Bass, whose husband is G. W. Bass; E. S. DeShazo, whose wife is Elizabeth D. DeShazo and Maude D. Denson were the sole and surviving heirs at law of W. L. DeShazo, deceased.

Regarding the fences enclosing all the above described land, I know the same have been kept up throughout the years. The fences along the west side of NW $\frac{1}{4}$ of SW $\frac{1}{4}$, SW $\frac{1}{4}$ of NW $\frac{1}{4}$ and NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 23 have been reviewed by me recently and the old fences are located slightly west of the 40 lines in accordance with recent surveys of the land.

It has been called to my attention in 1946 that G. W. Collins and wife gave a Transmission Line Permit to Alabama Power Company across E $\frac{1}{2}$ of SE $\frac{1}{4}$ of said Section 22. I know of my own knowledge that the G. W. Collins and land lies west of the above described land/he has never owned any portion of the above described land.

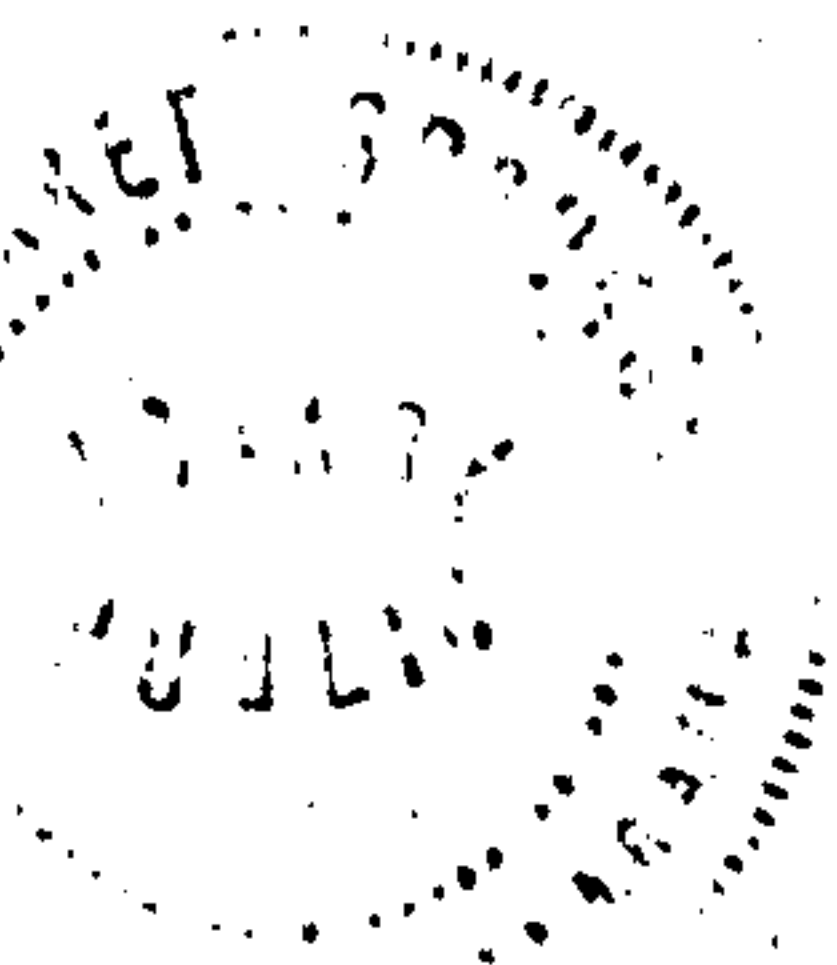
Affiant further says he knows that neither Lee Street nor Ritha Street nor any of their heirs have ever owned any portion of the above described land.

Affiant further says throughout all the years he has known said land, he has never known of anyone contesting the title or disputing the possession of Morgan Denson or his heirs, except for the Siragusa lawsuit.


G. S. Cross

Sworn to and subscribed to by G. S. Cross before me on this the 18th day of January, 1966.


Notary Public



STATE OF ALABAMA

SHELBY COUNTY

Before me, the undersigned authority in and for said County in said State, personally appeared Maude D. Denson, who, after being by me first duly sworn to speak the truth, deposes and says:

My name is Maude D. Denson. I am 68 years of age and have read the above affidavit made by G. S. Cross and as far back as I can remember, which is as early as 1910, I know all the matters and things he has stated above are true and correct.

Maude D. Denson
Maude D. Denson

Sworn to and subscribed to before me on this
the 18th day of January, 1966.

Margaret Scruggs
Notary Public

State of Alabama

Shelby County

Before me, the undersigned authority in and for said County in said State, personally appeared Dorothy D. Mahan who, after being by me first duly sworn to speak the truth, deposes and says:

My name is Dorothy D. Mahan I am 41 years of age and have also read the foregoing affidavit made by G. S. Cross and as far back as I can remember, I know all the matters and things he has stated above are true and correct.

Dorothy D. Mahan
Dorothy D. Mahan

Sworn to and subscribed to before me on
this the 18th day of January, 1966.

Margaret Scruggs
Notary Public

STATE OF ALA. SHELBY CO.
I CERTIFY THIS INSTRUMENT
WAS FILED ON 1/22 1966
RECORDED 12 66
& S. 12 66
PD. C. 12 66

Conrad M. D. Mahan
JUDGE OF PROBATE