

5836

STATE OF ALABAMA

AFFIDAVIT OF ADVERSE POSSESSION TO BE RECORDED IN
THE OFFICE OF THE PROBATE JUDGE, SHELBY COUNTY, ALABAMA

SHELBY COUNTY

Personally appeared before me, the undersigned authority, in and for said State and County, I. L. SHARBUTT, who first after being duly sworn upon his oath, says:

That he is 71 years old and resides BEAT 16, VINCENT, Alabama. That he has known and has been acquainted with the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 23, Township 18, Range 2 East, Shelby County, Alabama for more than 50 years. That he knows that George W. Martin was conveyed the said forty acres of land, except the mineral and mining rights thereto, on February 23, 1907 and that the said George W. Martin having acquired title to said forty acres of land from J. N. Wilder as shown by deed recorded in the Office of the Probate Judge, Shelby County, Alabama in Deed Record Book 39 at Page 6. That he recalls and has knowledge that George W. Martin deeded to L. C. Clifton by deed dated March 9, 1920, and recorded in the Office of the Probate Judge, Shelby County, Alabama in Deed Record Book 69 at Page 40, 3 acres, more or less, situated in the NE corner of said forty and described as follows, "Begin at a huckleberry corner and run along public road in a Southerly direction to a branch; thence in an Easterly direction along said branch to the quarter-quarter section line; thence North along the quarter-quarter section line to the point of beginning, mineral and mining rights excepted."

That he recalls that L. C. Clifton conveyed to A. H. Hoyle and wife, Datie Hoyle the above described land and being the same 3 acres, more or less, on October 26, 1945, as shown by deed recorded in the Office of the Probate Judge, Shelby County, Alabama in Deed Record Book 122 at Page 189. That he recalls and knows of George W. Martin conveying to J. G. and Eunice Turner by deed dated August 15, 1952 and recorded in the Office of the Probate Judge, Shelby County, Alabama in Deed Record Book 192 at Page 127 the following described real estate; "All that part of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$, Section 23, Township 18 South, Range 2 East, Shelby County, Alabama, lying East of the Martintown Road, containing 10 acres, more or less." That the said conveyance from George W. Martin to J. G. and Eunice Turner did not include any part of the 3 acres of land situated in the Northeast corner of the said SW $\frac{1}{4}$ of the SW $\frac{1}{4}$, Section 23, Township 18 South, Range 2 East, Shelby County, Alabama, hereinabove described but the said deed did not except the said 3 acres of land which is also located East of the Martintown Road in the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$, Section 23, Township 18 South, Range 2 East, Shelby County, Alabama.

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That he has never heard of and has never known of, J. G. and Eunice Turner to claim the 3 acres, more or less, conveyed from L. C. Clifton to A. H. Hoyle and wife, Datie Hoyle on October 26, 1945 as shown by deed recorded in the Office of the Probate Judge, Shelby County, Alabama, in Deed Record Book 122 at Page 189 and that J. G. and Eunice Turner have never assessed said 3 acres, more or less, for taxes and have never fenced, worked, lived on, claimed to own, or otherwise expressed title, interest, or possession to said 3 acres of land, more or less.

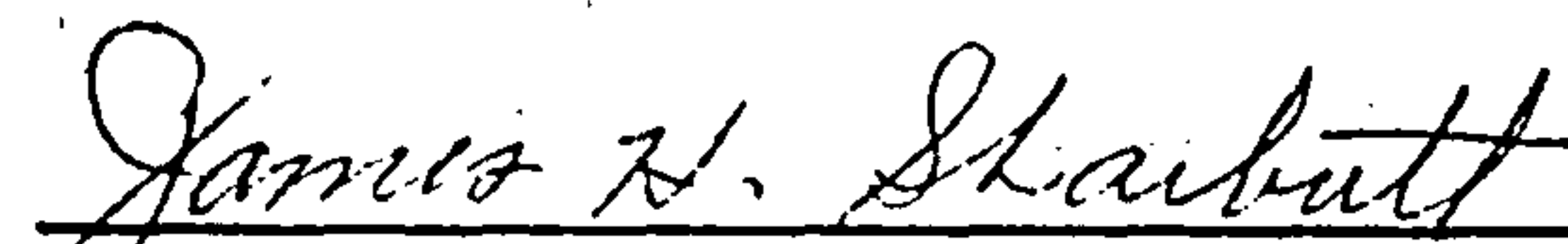
Further deposing, the affiant says that Albert Eugene Hoyle and wife, Jean Hoyle own the surface rights to the following described land; "Begin at the NE corner of SW $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 23, Township 18, Range 2 East; thence South 290 feet to the starting point of the following described tract of land; thence South 171 feet to a branch; thence in a westerly direction along said branch 544 feet to the intersection of Kendrick's Mill Road; thence in a northeasterly direction along said road 379 feet; thence in an easterly direction 241 feet to the starting point containing 2 acres, more or less and being a part of the SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 23, Township 18 South, Range 2 East, Shelby County, Alabama. And since the year 1920, the said land has been owned by the present owners, Albert Eugene Hoyle and wife, Jean Hoyle and their predecessors in title and has been occupied by them, actually, exclusively, openly, notoriously, hostilely and continuously and that he has never heard the title of the present owners or their predecessors in title, questioned in any way, and especially by J. G. Turner and wife, Eunice Turner.

This the 27th day of May, 1966.


Affiant

Sworn and subscribed to before me this the 27th day of May, 1966.

My Commission expires March 31, 1970


Notary Public

