

STATE OF ALABAMA

SHELBY COUNTY

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

My name is W. L. McGuire. I am 64 years of age and have lived in Sterrett, Shelby County, Alabama, all of my life and have for many years been acquainted with the persons in possession of the following described land;

Lot 1 in Block I Byers Map of Sterrett, Alabama, as shown by map recorded in Deed Book 11 page 332 in the Probate Office of Shelby County, Alabama;

Also part of NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 19, Township 18, Range 2 East, being more particularly described as follows: From the easternmost corner of Lot 1 Block I of said Byers Map of Sterrett, Alabama, run northwesterly along the line of said Lot 1 of Block I a distance of 20 feet to point of beginning; thence continue in the same northwesterly direction 358.45 feet; thence 67 deg. to right and run northeasterly 120.29 feet; thence 113 deg. to right and run southeasterly 405.57 feet; thence 90 deg. to right and run southwesterly 110 feet to the point of beginning;

situated in Shelby County, Alabama.

Affiant says when he first remembers said land it was owned by Asa Falkner, who he understands purchased the same from R. M. and M. J. Hollis in 1916. It is called to affiant's attention that the lot described as being 110 feet wide in said deed was also described as being in the NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 19, Township 18, Range 2 East. Affiant says this is incorrect and said lot is actually situated in the NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section 19. Affiant says said 110' lot adjoins Lot 1 in Block I according to Byers Map of Sterrett. Affiant further says that the said Asa Falkner lived in a dwelling house situated on said 110' lot and used Block I as a part of the yard until March 10, 1917, when he conveyed the same to his daughter Josephine Falkner. She continued to live in the dwelling house situated thereon and occupied it the same as had her father until October 14, 1954, when she conveyed the same to Millard H. McGuire and Jimmie S. McGuire, affiant's son and daughter-in-law, as shown by deed recorded in Deed Book 174 page 497 in said Probate Office. Affiant says his son and daughter-in-law went into immediate possession of said premises and moved upon the same and rebuilt the house. They cultivated a garden on said 110' strip each and every year until they moved away this Spring. They assessed the property and paid the taxes each year until this date. Affiant says that the southwesterly boundary of Lot 1 Block I is marked by Waters Street which is open; that the northwesterly and southeasterly boundaries are marked by High Street and Shelby Avenue, which have not been opened. Affiant says the northeasterly line of said 110' strip or lot which is described as running 455 feet runs along an old fence row which has been in its present location for at least

40 years and that the northwesterly end of the 110' lot which is described as running 120.29 feet in a northeasterly and southwesterly direction runs along an old fence row which has also been there for some 40 years.

Affiant says he knows throughout all the years that he has known the property he has never heard of anyone contesting the title or disputing the possession of Millard H. McGuire and Jimmie S. McGuire or their predecessors in title.

There is called to affiant's attention a deed from W. L. and N. J. Johnson to J. T. Baugh dated February 10, 1900, recorded in Deed Book 178 page 219 in said Probate Office. The makers of the deed were affiant's father-in-law and mother-in-law and he knows the property described and conveyed lies northwesterly of and does not touch the above described land. Regarding a deed from R. J. Byers and A. E. Byers to W. L. Johnson dated January 19, 1900, recorded in Deed Book 79 page 599, affiant says the land described in said deed in the same property as that conveyed to J. T. Baugh mentioned above.

There is called to affiant's attention a deed from R. M. Hollis to H. B. Spradley dated May 8, 1937, recorded in Deed Book 100 page 407 in said Probate Office. The lot conveyed lies southeast of Shelby Avenue and does not encroach upon the above described land.

Regarding a deed from W. L. and Nancy Johnson to H. B. Spradley dated May 21, 1943, recorded in Deed Book 140 page 148 in said Probate Office, affiant says the lot conveyed to Mr. Spradley lay northeasterly and adjoined said 110' lot described in the beginning of this affidavit, but there is no overlappage between the two lots and a fence divides the same.

There is called to affiant's attention a deed recorded in Deed Book 191 page 12 in said Probate Office from the widow and heirs at law of William L. Johnson, Sr. to Guy and Ozell Johnson covering certain property which affiant says lies northeast of and ^{does not} adjoins the property described in the beginning of this affiant at any point.

I have read the tax assessments for 1961, 1962, 1963, 1964 and 1965 of Millard H. McGure and wife Jimmie McGuire and I know of my own knowledge it was the intention of the parties to be assessing the property described hereinabove for each of these years.

There is called to affiant's attention the assessment of H. B. Spradley which is described as follows:

Parcel A

Lot NW $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 19, Township 18, Range 2 East, Begin inters north line Storrett Road w/ road W 100 feet; N 115' East 100'; S 115' to beginning.

PARCEL B

Lot NW $\frac{1}{4}$ of SW $\frac{1}{4}$ Sec. 19, Tp 18, Range 2 East; Begin at corner above Lot East 100'; NW 520 feet; SW 100'; SE 520 feet to beginning.

Affiant says Parcel B adjoins and lies northeast of the 110' lot described in the beginning of this affidavit and Parcel A being 100' x 115' adjoins said 520' lot and lies northeast thereof and neither of said lots encroach upon the McGuire land.

W. L. McGuire
W. L. McGuire

Sworn to and subscribed to before me
this the 25th day of May, 1966.

William R. Spradley
Notary Public

State of Alabama
Shelby County

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

My name is S. C. Spradley. I am 72 years of age and have lived in the Sterrett community all of my life and have all along been familiar with the above described land. I know the matters and things mentioned above by W. L. McGuire in his affidavit are true and correct.

S. C. Spradley
S. C. Spradley

Sworn to and subscribed to before me
this the 25th day of May, 1966.

William R. Spradley
Notary Public

