

244

STATE OF ALABAMA
SHELBY COUNTY

Before me, the undersigned authority in and for said County, in said State, personally appeared Andrew Hall, who, after being by me first duly sworn deposes and says:

My name is Andrew Hall. I am 86 years of age and have lived in Alabaster community all of my life, and have all along been familiar with the hereinafter described land and the persons in possession of it. Said land being described as follows:

The S $\frac{1}{2}$ of NE $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 36, Township 20, Range 3 West, Shelby County, Alabama.

Affiant recalls that Henry Daniels was living on the above described land when affiant married in 1910 and it is called to affiant's attention that Henry Daniels made a mortgage to A. L. Johnson on October 21, 1911 covering said property.

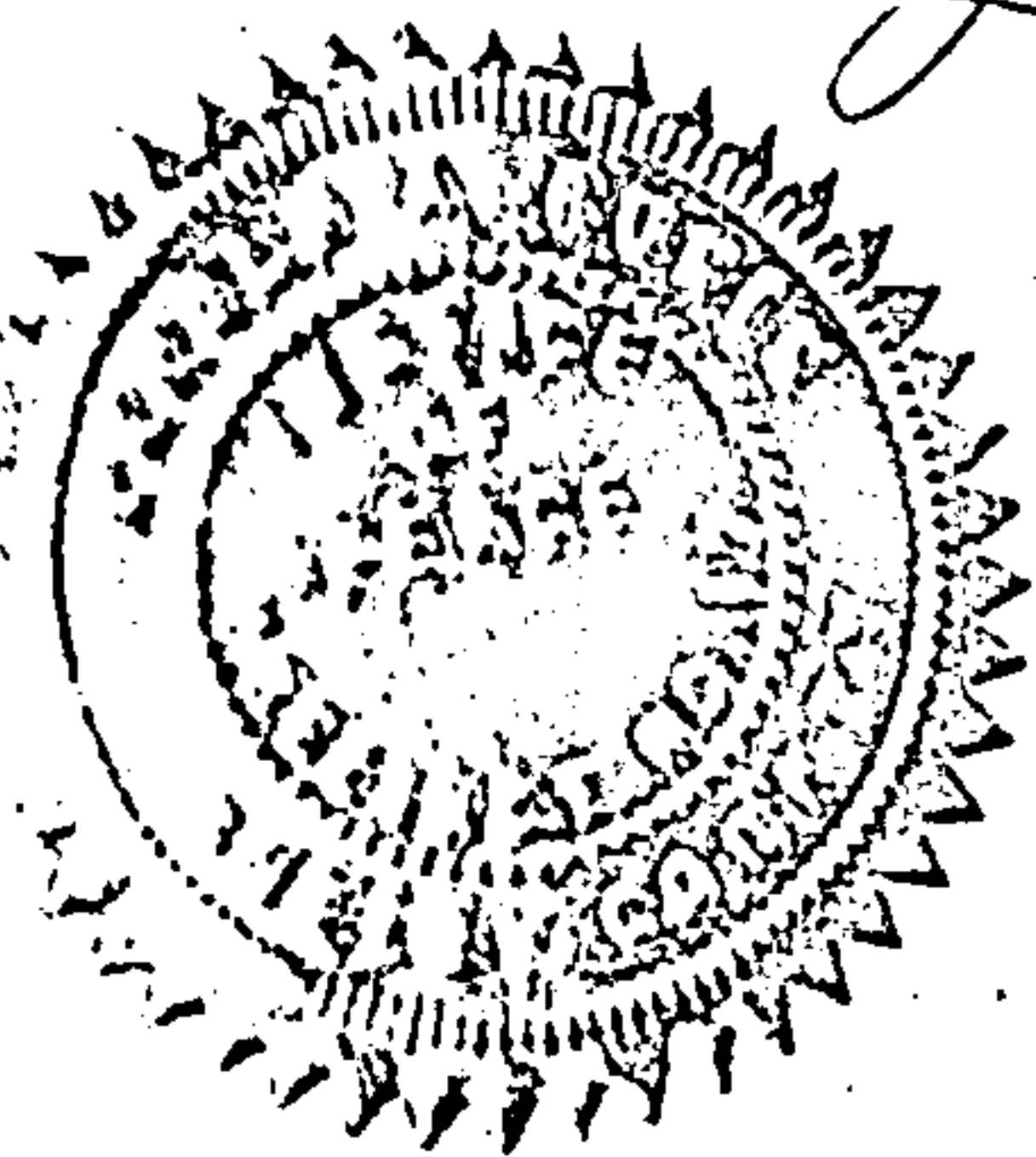
Affiant says apparently this was a purchase money mortgage, as Henry Daniels continued to own said land and live on it several years and he had a garden on a portion of the land. I moved to Acton, Alabama, after several years and Henry Daniels moved to Dolomite and I do not know who moved on the property, if anyone after that time. Henry Daniels has been dead for many years. Affiant is informed that K. B. Nickerson purchased the land at a Tax Sale in the name under which it was assessed, Henry Daniels, for the year 1914 and that a Certificate of Purchase is recorded in Deed Book 238 page 816 in the Probate Office of Shelby County, Alabama.

ANDREW HALL
His Mark (+) Andrew Hall
Andrew Hall

Sworn to and subscribed to before me on
this the 10th day of October 1966.

Harold A. Ruben
Notary Public

Justice of Peace



BOOK 238 PAGE 203

SR

STATE OF ALABAMA

SHELBY COUNTY

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

My name is C. H. Fulton. I am 74 years of age. I have read the foregoing affidavit of Andrew Hall and am familiar with the land about which he refers. I did not know from whom K. B. Nickerson purchased said twenty acres, but do recall when he purchased it for taxes. I do know that K. B. Nickerson went into immediate possession of this property and used it, along with the remainder of the property he owned adjoining the same and he and then his heirs have continued in the actual possession of the land throughout the years. The Nickersons have assessed the land and paid the taxes each and every year and looked after the property. K. B. Nickerson and I hunted birds together and we went upon this particular tract of land and hunted from time to time and he has told me on several occasions that the land belonged to him and I knew where the lines were and it was common knowledge in the community that the same belonged to him. In 1956, when K. B. Nickerson died, I went, at the request of his widow, Lois Nickerson, over all the real estate which Mr. Nickerson owned and this was one of the tracts which we looked at and viewed and I know the Nickerson estate has continued in the possession of this land. I own some land adjoining said twenty acre tract and I was negotiating with K. B. Nickerson to trade him some land for this particular parcel when he died and I know he claimed to own it at that time. I have never heard of anyone contesting their title or disputing their possession to said parcel of land.

There has been called to affiant's attention that A. L. Johnson continued to assess said property for taxes after he is said to have sold the same to Henry Daniels. Affiant says he knows there was a mix-up in the E. F. Sims property and he knows after the date of the sale that A. L. Johnson did not own nor claim any portion of said land and that neither Lela J. Finley nor W. H. Cofer, nor E. F. Sims claimed any portion of said land, but, as mentioned above, there was some mix-up due to defects in the descriptions contained in certain deeds which has been recorded. The above named parties owned property adjoining and lying in an easterly direction from this land.

BOOK 243 PAGE 234

I have also been familiar with the following described land throughout the years. Said land being:

The SW $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 36, Township 20 South, Range 3 West, EXCEPT 5 acres square in the SW corner thereof; also except tract sold to Sarah Jane Thomas as described in Deed Book 115 page 17 in the Probate Office of Shelby County, Alabama;

Also W $\frac{1}{2}$ of SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 36, Township 20 South, Range 3 West;

situated in Shelby County, Alabama.

When I first remember said land it was owned by Aaron L. Johnson and it was common knowledge that his father had owned it and Aaron L. Johnson purchased the same from the Estate. There was a house on land adjoining, being in NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 36 where Aaron L. Johnson lived, but he fenced in a portion of the above described land for pasture and cut the timber from said land and I recall on one occasion, he sold the timber to a man by the name of Hardy. The above described land, along with other property was considered as his homeplace and he continued to live there for several years. I recall the occasion in 1911 when J. W. Allen and Armster Griffin purchased a portion of the above land from A. L. Johnson and know that John Allen lived on the place about 1900 and the house appeared to be an old house at that time. Armster Griffin built a house on the SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 36 and lived in the same for many years. There was a church close to the house Griffin built and J. W. Allen, who was a colored preacher, lived in a house on the adjoining land. They farmed portion of the above described land and cut firewood and building timber from the land.

I recall when K. B. Nickerson foreclosed the property owned by Allen and Griffin on December 13, 1920, as shown by deed recorded in Deed Book 68 page 180 in said Probate Office. Armster Griffin, who had been living on said land moved off the same at the time it was foreclosed. I know that K. B. Nickerson went into immediate possession of the land described in said foreclosure deed and he sold the timber to me in 1941. The timber was cut again sometime later in the early 1950's. Mr. Nickerson continued to look after the property and to claim it adversely to all other persons until his death and since that time, his heirs have continued to be in possession of said property and I have never heard of anyone contesting their title or disputing their possession or that of their predecessors in title throughout all the years I have known the same.

There has been called to my attention a tax sale in the name J. H. Wilson Estate to State of Alabama for 1930 taxes covering NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 36. I assume this was a typographical error in the sale, as I have never known of any Wilson claiming to own any interest in said forty acres and I know they have never been in possession of any portion of the same.

There has been called to my attention a tax sale in the name A. L. Johnson for 1913 taxes covering the above described land and at which sale Mrs. F. T. Longshore became the purchaser. I know of my own knowledge that Mrs. F. T. Longshore was never in possession of any portion of the above described land and to my knowledge, she never exerted any claim as to ownership of the same.

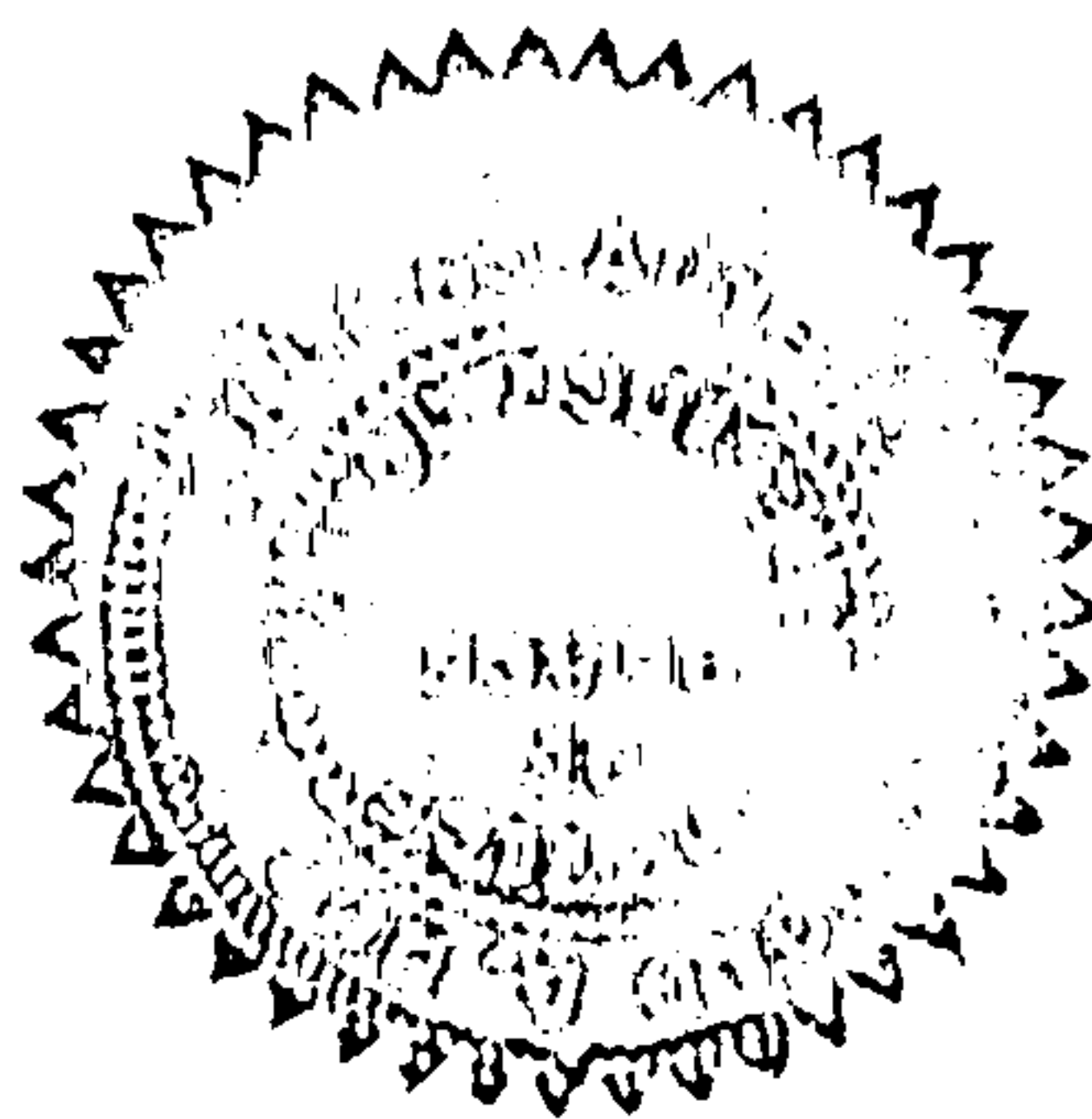
C. H. Fulton
C. H. Fulton

Sworn to and subscribed to before me

on this the 10th day of October 1966

1966.

Harold A. Rubin
Notary Public
Justice of Peace



STATE OF ALA., SHELBY CO.,
I CERTIFY THIS INSTRUMENT
WAS FILED ON 1 PM

10-10-1966

RECORDED & \$ ✓ MTG. TAX

\$ ✓ DEED TAX HAS BEEN
PD. ON THIS INSTRUMENT.

Conrad M. Fowler
JUDGE OF PROBATE