

STATE OF ALABAMA
SHELBY COUNTY

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

My name is O. E. Walton. I was born in 1886 and have lived in and around the hereinafter described land all of my life. Said land being described as follows:

The SE $\frac{1}{4}$ of NW $\frac{1}{4}$, EXCEPT 3 acres in northwest corner thereof, described in Deed to S. D. Salser recorded in Deed Book 53 page 99, and except a 2 acre tract for School as shown in Deed Book 39 page 516; also except 6 acres sold to James C. Burnett as described in Deed Book 242 on page 839 in Section 12;

The SW $\frac{1}{4}$ of NE $\frac{1}{4}$ and all that part of the NW $\frac{1}{4}$ of NE $\frac{1}{4}$ lying east of Pumpkin Swamp road and south of Yellow Leaf Creek in Section 12;

All that part of the SE $\frac{1}{4}$ of NE $\frac{1}{4}$, lying west of Yellow Leaf Creek; the NW $\frac{1}{4}$ of SE $\frac{1}{4}$, except 1/2 acre in northwest corner thereof, which runs 70 yards east and west and 35 yards north and south and described in Deed Book 41 on page 394 in Section 12;

All that part of the NE $\frac{1}{4}$ of SE $\frac{1}{4}$, lying south and west of Yellow Leaf Creek in Section 12;

All above in Township 20 South, Range 1 West, Shelby County, Alabama.

There has been called to affiant's attention a deed from S. A.E. Walton and others to B. A. Lester dated February 20, 1872 and recorded in Deed Book 8 page 284 in the Probate Office of Shelby County, Alabama. Affiant says he has never heard of the Lesters owning any interest in any of the above land and particularly the land in NE $\frac{1}{4}$ and SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 12. There has been called to affiant's attention a mortgage from J. C. Coats and wife to I.D. Mason dated January 1883, covering S $\frac{1}{2}$ of NW $\frac{1}{4}$ of said Section 12. Affiant says he has never heard of the Coats claiming any interest in said land and knows that any interest either they or the Lesters might have had would now be defeated by adverse possession of the land by more recent owners.

There has been called to affiant's attention a deed from John T. Wilder and wife to Sarah E. Harper dated January 22, 1901, recorded in Deed Book 41 page 394 in said Probate Office covering a 1/2 acre parcel of land in the northwest corner of NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 12, which is more particularly described in said deed. This parcel describes a cemetery located on said land where the Waltons and Harpers buried their families some 100 to 150 years ago.

There is called to affiant's attention a deed from H.C.C. Blackerby and others to Abb W. Blackerby dated December 31, 1903, recorded in Deed Book 50 page 48 covering NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 12. Affiant says apparently the parties were the heirs of A. J. Blackerby, who owned the land at one time...

Affiant says he does know that Martha F. Blackerby and Susie J. Blackerby were unmarried and lived until their deaths with Abb W. Blackerby and Mr. Abb W. Blackerby owned the forty acres, was in possession of it and claimed it against all other persons until he sold the same to Isaac Perryman in 1904 as shown by deed recorded in Deed Book 27 page 414. Affiant further says he knew Abb Blackerby well and that was the name he generally used; however, I understand his name has also appeared as W. A. Blackerby, but I know he is one and the same person. The said Isaac Perryman went into immediate possession of the land he purchased in 1904, owned it and occupied it and farmed the same until he sold it to his son-in-law Elisha Howell in 1929, as shown by deed recorded in Deed Book 89 page 36 in said Probate Office. The said I. C. Perryman, being one and the same as Isaac Perryman had in 1903 purchased certain adjoining property from J. T. Wilder and wife, as shown by deed recorded in Deed Book 27 page 413 in said Probate Office. I recall when J. T. Wilder owned the land described in said deed and he lived on it, built some barns, had parts of the land under fence and used it for a pasture each and every year until he sold it to I. C. Perryman. The said I. C. Perryman moved in the house signed on said land and occupied this land as the owner thereof and sold off a portion for a school lot and sold a 3 acre parcel to S. D. Salser in 1913. He occupied this land, along with the land he purchased later from Abb Blackerby and used the same as a farm and his homeplace and cut timber for firewood and building purposes therefrom and lived thereon for many years. As mentioned above, he sold all the land he owned to his son-in-law Elisha Howell in 1929. Mrs. Perryman died soon thereafter and I. C. Perryman moved to Birmingham and lived with his son/^{in-law} Elisha Howell, until his death and I know Elisha Howell and his wife looked after the said I. C. Perryman and his wife, Jane Perryman, provided for them and saw that they had a suitable place to live and the attention they needed until Mrs. Perryman died and then they continued to look after Mr. Perryman and he lived in their home with them until his death. For several years, the said Elisha continued to own said land and rented it out to tenants and used it to grow timber until he sold the same to Horace B. Dill in 1938, as shown by deed recorded in Deed Book 96 page 318 in said Probate Office. Mr. Dill built a small house on the land and had a garden, but was living in Birmingham and he would come down on weekends and work his garden and stay for the weekend. He sold the timber in 1948 to W. A. Fiquette who cut the same. Horace B. Dill continued to own said land and be in possession of the same each and every year until he sold it to J. Ned Chatham on November 1, 1944, as shown by deed book 120 page 111 in said Probate Office.

With reference to the above land situated in the N $\frac{1}{2}$ of SE $\frac{1}{4}$ of said Section 12, I first remember this when it was owned by my Uncle J. W. Spearman, who used the same for farming purposes and he lived in the house situated on timber land the land and used/portions of it for firewood and building timber each and every year until he sold it in 1898 to J. F. McDonald. The said J. F. McDonald lived on the land with his family and farmed it each and every year until he sold it to Noah Edmondson in 1905. The said Noah Edmondson moved his family on said land and lived in the dwelling house and farmed the land and built a pasture and used the timber for firewood and building purposes each and every year until he sold the same in 1914 to Henry Milner. Henry Milner went into possession of the land but did not live on it; however, he rented it out to tenants who farmed the same, until he sold the land to S. L. Lindsey in 1920 and took a mortgage back. Affiant says S. L. Lindsey lived there for a short time and was unable to pay for the land and moved back to Birmingham. After which, Henry Milner became the purchaser and kept the land for a short time and affiant is informed he sold it to M. G. Abney in 1925; that M. G. Abney sold to A. D. Daniel and W. V. Harrison in 1926; that they sold to C. O. Chambless a short time later in 1926, but affiant is not familiar with these transactions. However, affiant does recall when C. O. Chambless sold the same to J. A. Thompson in 1933 as shown by deed book 94 page 261. The said J. A. Thompson moved his family on said land and lived there a short time and sold the land to J. E. Ray in January 1934, as shown by deed book 94 page 262. The said J. E. Ray owned the land and was in possession of it and raised timber on it and looked after the land and claimed it until he sold the same to C. R. Chesser in August 1943. The said C. R. Chesser went into immediate possession of the land and checked on it from time to time until he sold the same to J. Ned Chatham on February 12, 1948, as shown by deed book 132 page 98 in said Probate Office.

As mentioned above, J. Ned Chatham had purchased a portion of the above described land from Horace B. Dill in 1944. At that time he moved upon the land and bought some dairy cows and put up an electric fence and started operating a dairy business. He continued this operation and in 1948 purchased certain other land as mentioned above from C. R. Chesser and took it into possession as a part of his dairy farm. He continued to live on the land and occupy it as a dairy farm each and every year until 1949 when he sold the same to J. L. Moore and W. D. Moore as shown by deed recorded Deed Book 136 page 593 in the Probate Office of Shelby County, Alabama.

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J. L. Moore and his father W. D. Moore went into immediate possession of said land and they improved the dairy, repaired and completed the dairy barn and built a two room concrete block milk house. They hired a Mr. Parker to run the dairy for them until August, 1951, when W. D. Moore and his wife sold their interest in the land to J. L. Moore. The said J. L. Moore continued in the actual possession of the land, but sold the dairy equipment and went into the beef cattle business and remodeled the house and moved into it and have continued to live there until this very day. All of the land, except for 12 acres east of the road is under fence at the present time.

Affiant says that throughout all the years he has known said land, he has never heard of anyone contesting the title or disputing the possession of J. L. Moore or his predecessors in title.

Affiant says he is familiar with the land owned by Daniel L. and Margie M. Blackerby and particularly that part which lies in the NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 12 and know the land owned by the Blackerbys in said forty lies northwest of the Pumpkin Swamp Road and does not overlap or conflict with the J. L. Moore land.


O. E. Walton

Sworn to and subscribed to before me on
this the 20th day of October, 1966.

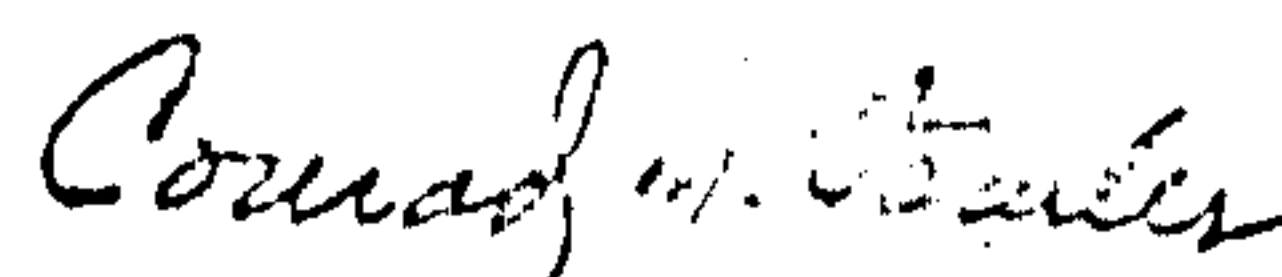

Notary Public

State of Alabama
Shelby County

STATE OF ALA., SHELBY CO.,
I CERTIFY THIS INSTRUMENT
WAS FILED ON 4 PM
10-31 1966

RECORDED & \$ ✓ INTO TAX

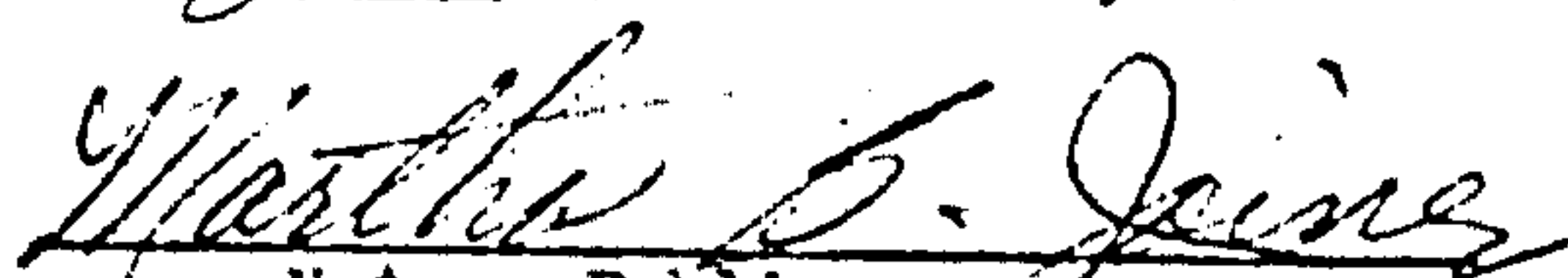
\$ ✓ USED TAX PAID
FE. ON THIS INSTRUMENT


JUDGE OF PROBATE

Before me, the undersigned authority in and for the State of Alabama at Large, personally appeared Mrs. S. D. Salser, who, after being first duly sworn to speak the truth, deposes and says: I was born in 1904 and have known the above land and persons in possession of it since that time. I have read the above affidavit made by O. E. Walton and as far back as I can remember I know the same is true and correct.


Mrs. S. D. Salser

Sworn to and subscribed to before me on
this the 20th day of October, 1966.


Notary Public