

2251

State of Alabama

Shelby County

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

My name is Denver Overton. I am 53 years of age and have lived in and around Sterrett, Alabama, all of my life and have all along been familiar with the following described land and the persons in possession of it. Said land being described as follows:

The NE $\frac{1}{4}$ of SE $\frac{1}{4}$ and all that part of the SE $\frac{1}{4}$ of NE $\frac{1}{4}$ lying south of Montevallo Road in Section 23, Township 18 South, Range 1 East, Shelby County, Alabama.

Affiant says when he first remembers said land part of it on the easterly side was owned by R. J. Bruner and the remainder, being mostly on the westerly side was owned by H. N. Stracener, also known as Henry Stracener, the descriptions of the parcels owned by each are shown in the deeds on record in the Probate Office of Shelby County, Alabama. Affiant says when Mr. Stracener owned a portion of the above land, there was an old house situated on it facing the old Montevallo road and the house was there when I was a small boy. I know Mr. Stracener cultivated part of the land he owned and used parts for a pasture and used a part for firewood and building timber. There was an old fence marking the west boundary of his land at the time Mr. Stracener owned it and there was an old fence along the east line of his land this continued to be under fence each and every year until Mr. Stracener sold part of the land to R. J. Bruner, being one and the same as Ray Bruner in 1938, as shown by deed recorded in Deed Book 100 page 594 in said Probate Office. He sold the remainder to R. J. Bruner and his wife Ozell Bruner later, but affiant does not recall the date. Affiant has been shown a deed recorded in Deed Book 140 page 287 in said Probate Office from the Straceners to the said R. J. and Ozell Bruner, but affiant says the Bruners were in possession of said land several years prior to 1950, so apparently they bargained to buy the land and took it into possession and Mr. Stracener gave them a deed when they paid for it. Affiant says the said R. J. Bruner and Ozell Bruner were in the actual possession of said land and cultivated portions of it and rented out portions of it to tenants until affiant contracted with the Bruners to purchase the same about the year 1947. Affiant went into immediate possession of the land at that time and began paying on it and started cultivating the same and when affiant finished paying for the land in 1951 R. J. Bruner and his wife made him a deed to the same, as shown by deed recorded in Deed Book 144 page 263 in said Probate

Office. Affiant says from the time he contracted to purchase the land he and his family moved in a house which had been constructed on the land by R. J. Bruner. Said house was situated in the northerly part of NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 23. When affiant owned said land, he claimed up to the old Montevallo road and affiant says he knows that Mr. R. J. Burner and H. N. Stracener also claimed up to the old Montevallo road, including the land where the old levee was located. Affiant repaired the fences bordering said land when he owned it, and there are some of the old fences still there. All the land was fenced in, except for the north side which was bordered by the old Montevallo public road. Affiant cultivated most of the land in the south portion thereof and used about 4 acres on the westerly side for hog pasture and some ten or more acres for cattle and stock pasture. Affiant assessed the land and paid taxes on it each and every year while he owned it and until he sold it to H^{orace} C. Spradley in 1952, as shown by deed recorded in Deed Book 154 page 36 in the Probate Office of Shelby County, Alabama. Affiant says Horace C. Spradley went into immediate possession of the land and rented it out to tenants who lived on said land and they cultivated portions of it each and every year until about two years ago when the dwelling house and barn were ~~torn~~ down. Since that time he has and certain portions are still in cultivation, used the land for growing timber/and the old fences or parts of them are still in place around the land.

I have never heard of anyone contesting the title or disputing the possession of Horace C. Spradley or his predecessors in title since I have known the land.

Denver Overton
Denver Overton

Sworn to and subscribed to before me on this
the 19th day of January, 1967.

Frances Warren
Notary Public

State of Alabama
Shelby County

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

My name is Gertrude Spradley. I am 45 years of age and have lived at Vincent and Sterrett all of my life and have all along been familiar with the land described in the affidavit of Denver Overton. I know of my own knowledge as far back as I can remember the matters and things stated in his affidavit are true and correct.

Gertrude Spradley
Gertrude Spradley

BOOK 240 PAGE 485

State of Alabama

Shelby County

Sworn to and subscribed to by Gertrude Spradley before me on this
the 17th day of January, 1967.

Frances Warren
Notary Public

RECORDED & INDEXED CO.
INSTRUMENT

RECORDED ON 2 PM
1-19 1967

☒ DID & \$ NOTG. TAX

PAID TAX HEREON
ON THIS INSTRUMENT.

Charles H. Foster
JUDGE OF PROBATE