

3061

STATE OF ALABAMA
SHELBY COUNTY

Personally appeared before me the undersigned authority in and for said State and County, J. H. Thompson, who first after being duly sworn deposes and says:

That I am 77 years old and that I reside in Seat 10, Shelby County, Alabama, and have so resided in said Seat for 77 years. That I know and am familiar with the ownership and possession of Smith Island and Prince Island in the Coosa River, Seat 10, Shelby County, Alabama, and said Islands being situated in a portion of Sections 13, 18 and 24, Township 20 South, Ranges 2 and 3 East, Shelby County, Alabama.

Affiant further deposes and says that Prince and Smith Islands, as aforesaid were deeded from Jabez P. Fluker and his wife Sarahann Fluker to William Chancellor in the year 1869 and as shown on deed of record recorded in the office of the Probate Judge, Shelby County, Alabama, in deed book 60 at page 233. That Prince and Smith Islands were situated in Shelby County, Alabama, at said time and date and continues to be situated in Shelby County, Alabama to the present time. That on the 7th day of March, 1957, the median or thread of the Coosa River was made the line between Talladega and St. Clair County, (94 So. 752). Prior to said time, the St. Clair County line also extended to the high water mark of the east side (Talladega County side) of the Coosa River. William Chancellor owned, occupied, assessed and paid taxes on the aforesaid Smith and Prince Islands exclusive including other lands from about the year 1870 to the time of his death and including the year 1907 when he died intestate.

Other deeds of record prior to 1900 completed the chain of title in and to Walter H. Chancellor or W. H. Chancellor of ownership to Smith Island are recorded in the Office of the Probate Judge, Shelby County, Alabama in deed record book 55 at page 543; final record 1899 at page 106 relative to the petition of certain parties to the sale and division of certain lands situated in Shelby County, Alabama, owned by

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Richard Wood; and in the Minute Book of 1894 at page 502; in deed record book 24 at page 441; in deed record book 24 at page 439; in deed record book 55 at page 313; in deed record book 56 at page 513; in deed record book 57 at page 462; in deed record book 58 at page 33; in deed record book 59 at page 559; in deed record book 104 at page 103,

In the year 1909, after the death of William Chancellor, P. L. Chancellor, the administrator of the estate of said William Chancellor, conveyed to I. S. Chancellor Prince and Smith Islands as shown by deed recorded in the Office of the Probate Judge, Shelby County, Alabama, in deed book 60 at page 313. I. S. Chancellor being the same as Ike Chancellor conveyed to his wife Mary E. Chancellor Smith and Prince Islands as shown by deed recorded in the office of the Probate Judge Shelby County, Alabama, in deed book 35 at page 456. Smith or Wood Island as first being located by deed from Sessie Wood Pasley to Walter Chancellor being the same as Walter H. Chancellor or W. H. Chancellor as shown by deed recorded in the office of the Probate Judge, Shelby County, Alabama, in deed book 100 at page 538.

Ike S. Chancellor and wife Mary E. Chancellor both died intestate had the following children: Forrest Chancellor; Walter H. Chancellor; Lena Chancellor (Stone); Elizabeth Chancellor (Graham); Raymond Chancellor, deceased as a minor and unmarried, and Lee Chancellor. Ike S. Chancellor died intestate about the year 1940, and Mary E. Chancellor died intestate about the year 1941. Lee Chancellor, who is presently a single man and never married during his lifetime.

Lena Chancellor Stone, who conveyed together with her husband, I. A. Stone, all of Smith Island and Prince Island and other lands to Elizabeth, Lee, Forrest and Walter Chancellor, as shown by deed recorded in the Office of the Probate Judge, Shelby County, Alabama, in deed book 112 at pages 47 and 48.

Forrest Chancellor and his wife Emma E. Chancellor had no children either natural or adopted, and only married once in his lifetime, and Forrest departed this life testate in the year of 1962 and devised said wife his one-fourth fractional interest during her lifetime in said lands and said Islands.

Emma B. Chancellor conveyed to Lee Chancellor all of Prince and Smith Islands including other lands in that one certain deed dated December 5, 1962 and recorded in Office of Probate Judge, Shelby County, Alabama in deed book 223 at page 665.

Walter Chancellor married Mary Wilder Davis and they had no children either natural or adopted and only married once in his lifetime. Walter Chancellor and Mary Davis Chancellor divorced in the Circuit Court of Shelby County, Alabama on the 16th day of January, 1959. Walter H. Chancellor being the same person as Walter Chancellor, an unmarried man, conveyed all his rights, title and interest in and to Smith and Prince Islands, including other lands to Elizabeth Chancellor Graham, as shown by deed of record filed in the Probate Judge's Office in deed book 246 at page 743.

Elizabeth Chancellor Graham divorced her husband on April 30, 1941 in the Circuit Court of Jefferson County, Alabama, Case No. 51303.

Prince Island prior to the map survey of the United States Department of Interior, Bureau of Land Management, Washington, D. C., dated December 17, 1963 was assumed by Lee Chancellor and Elizabeth Chancellor Graham and all their predecessors in title to be located in Section 13, Township 20 South, Range 2 East, whereas in fact, the said Prince Island was located partly in Section 13 and partly in Section 18, Township 20 South, Ranges 2 and 3 East, Huntsville Meridian, Alabama.

Lee Chancellor and Elizabeth presently own Prince and Smith Island, including other lands in said sections in fee simple and all for more than 90 years, to-wit 1870, and that their predecessors in title have paid taxes and assessed for taxes Smith and Prince Islands and other lands in said sections in fee simple for more than 90 years, to-wit 1870.

Lee Chancellor and Elizabeth Chancellor and their predecessors in title have openly, notoriously, exclusively, adversely and continuously had and held possession of and owned against all the world the aforesaid

Smith and Prince Islands situated in Sections 13, 13 and 24, Township 2 and 3 East, Shelby County, Alabama, for a period of

Lee H. Chancellor
Affiant

and subscribed to before me the undersigned authority this day of March, 1967.

My Commission expires March 31, 1970

James H. Sharbutt
Notary Public

BOOK 247 PAGE 331

STATE OF ALABAMA
I CERTIFY THAT
THIS INSTRUMENT WAS
FILED FOR RECORD IN
SHELBY COUNTY, ALABAMA
ON MARCH 23, 1967
U.C.C. FILE NUMBER 93
REC. BK. 2 PAGE 665
JUDGE OF PROBATE
C. H. HARRIS