

3341

STATE OF ALABAMA  
SHELBY COUNTY

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

My name is Mildred Rutherford. I am 53 years of age and have been familiar with the hereinafter described land all of my life:

The South 30 acres of the SE $\frac{1}{4}$  of NW $\frac{1}{4}$ , Section 5, Township 19 South, Range 1 West, Shelby County, Alabama.

I know of said land when it was purchased by P. B. Lacey, A. N. Lacey and J. T. Lacey in 1913 and 1914. P. B. Lacey was my Daddy. I do not remember the actual purchase, but it was family history and I do know they purchased it. My father built a house on the above described land prior to World War I and he and his family, including myself, moved into the house and we lived there and occupied the land and cultivated parts of <sup>it</sup> each and every year and the same was under fence and he paid his taxes each year. On April 1, 1938, J. T. Lacey and the other heirs of A. N. Lacey, deceased, conveyed their interest in said land to my father, P. B. Lacey, as shown by deed recorded in Deed Book 105 page 373 in the Probate Office of Shelby County, Alabama. The said A. N. Lacey never married and said persons signing the deed, along with my father, P. B. Lacey were his sole and surviving heirs at law. Affiant says she knows it was the intention of said parties to convey all their interest in said land and her father treated it as covering all their interest. My father continued in the possession of said land until his death in 1954 when he died without a Will and left surviving him his widow, Ida P. Lacey, and the following children: Mildred Lacey Rutherford and Robert Lacey. On April 15, 1955, said heirs conveyed said land to J. E. Rutherford, my husband. J. E. Rutherford built a lake on the property about the year 1955 and in connection with the lake, he constructed an earth fill, with the consent of the property owners on the east side, with a pipe under the fill which created a small lake on the adjoining property owners' land. J. E. Rutherford also, with the consent of the property owners on the south line, constructed an earth fill with a pipe under it which created a small lake on the adjoining property owners' land. There is a road around the lake which J. E. Rutherford constructed and which also crosses each of said fills. There has never been any dispute between the property owners regarding the earth fills or lakes which they have created.

The said J. E. Rutherford and I sold the same to McDavid Corner, Inc. in 1948 and said corporation has been in possession of the land from that time to the present date and they have put a new fence around the property.

Affiant says that throughout all the years she has known said land, she has never heard of anyone contesting the title or disputing the possession of McDavid Corner, Inc. or the persons through whom it claims title.

Mildred Rutherford  
Mildred Rutherford

Sworn to and subscribed to before me on

this the 25 day of March, 1967.

J. E. Richardson  
Notary Public

State of Alabama

Shelby County

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

My name is Ethel Lacey. I am 75 years of age and have been familiar with the property described above in the affidavit of Mildred Rutherford for the past 55 years. I know of my own knowledge that the matters and things set out in said affidavit are true and correct.

Ethel Lacey

Sworn to and subscribed to before me on

this the \_\_\_\_\_ day of March, 1967.

Notary Public

STATE OF ALA. SHELBY CO.  
I CERTIFY THIS  
INSTRUMENT WAS FILED  
1967 APR 11 PM 1:16  
U.C. FILE NUMBER OR  
REC. OR. & PAGE AS SHOWN ABOVE  
JUDGE OF PROBATE

BOOK 247 PAGE 618