

3349

STATE OF ALABAMA

SHELBY COUNTY

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

My name is Agnes W. Armstrong. I am 64 years of age and have lived in Shelby County, Alabama, all of my life. I am familiar with the hereinafter described land and the persons in possession of it all my life. Said land being described as follows:

The NW $\frac{1}{4}$ of SW $\frac{1}{4}$ Section 25, Township 20 South, Range 1 East;

Also S $\frac{1}{2}$ of NW $\frac{1}{4}$ of SW $\frac{1}{4}$ and SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 24, Township 20 South, Range 1 East;

The S $\frac{1}{2}$ of S $\frac{1}{2}$ of SW $\frac{1}{4}$ of NW $\frac{1}{4}$, Section 25, Township 20 South, Range 1 East;

The SE $\frac{1}{4}$ of NW $\frac{1}{4}$, Section 25, Township 20 South, Range 1 East;

EXCEPTING highway right of way;

situated in Shelby County, Alabama.

There has been called to affiant's attention that a Bond of title was given by W.L. Tumlin and J. W. Tumlin to A. G. Lamar, W. C. Horton and W. O. Perry in 1918 covering certain land which included, among other lands the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 25. Affiant says she knows said persons never owned or claimed any interest in the Irvin Wingard land described above during all the years she knew it. The said Irvin Wingard was her Uncle and he occupied the land and raised his family on it, farmed parts of it and obtained firewood and building timber from portions of it each and every year as far back as she can remember.

There is called to affiant's attention a mortgage from E. W. Bentley to Wilsonville State Bank dated November 1, 1921, covering W $\frac{1}{2}$ of NW $\frac{1}{4}$ of said Section 25. I have known E. W. Bentley all of his life and I know that he never claimed or made any pretense to own any interest in the above described land.

There has been called to affiant's attention an agreement between A. F. Estes and S. P. McDonald which is recorded in Deed Book 77 page 88 in the Probate Office of Shelby County, Alabama, involving SW $\frac{1}{4}$ of NW $\frac{1}{4}$ and E $\frac{1}{2}$ of NW $\frac{1}{4}$ of said Section 25. Affiant says during all the years she knew said land that neither A. F. Estes nor S.P. McDonald nor anyone else have ever owned or claimed to own or was in possession of said land, except for Irvin Wingard, who was in the continuous ownership and occupancy throughout the years, as mentioned above.

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Affiant further says that the SW $\frac{1}{4}$ of SW $\frac{1}{4}$ and S $\frac{1}{2}$ of NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section 24 were in timber land throughout the years and that SE $\frac{1}{4}$ of NW $\frac{1}{4}$, NW $\frac{1}{4}$ of SW $\frac{1}{4}$ and S $\frac{1}{2}$ of S $\frac{1}{2}$ of SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 25 were in cultivation mostly and it was used partly as a pasture and was part of the homesite of Irvin Wingard and he raised corn, cotton and a garden on it each and every year during his lifetime and parts of these parcels were under fence. Irvin Wingard used the property as mentioned above and remained in actual possession of all of it until his death about the year 1950 or 1951. Ann W. Armstrong, Irvin Wingard's daughter, and her husband continued to live on the land until her death last August, 1966. Her husband, John Armstrong had died a short time prior to her death. Since Ann Wingard Armstrong's death, the heirs of Irvin Wingard have been in possession of said land.

The sole and surviving heirs at law of Irvin Wingard are as follows:

1. Burk Wingard, whose wife is Nona
2. Aline Wingard Ford, a widow
3. Ina Mae Wingard Davidson, a widow
4. Vera Wingard Lollar and husband, C. A. Lollar
5. Helen Wingard Lollar and husband, Richard Lollar
6. Irvin Armstrong and wife, Lucile Armstrong
7. James Hoyt Wingard and wife, Mary Wingard
8. Walter Clarence Wingard and wife, Ola Wingard
9. Alice Wingard McCarley, III and husband,
10. Mary Wingard Keathley and husband, Milo Keathley
11. John Samuel Wingard and wife, Mary
12. Thomas Wilson Wingard and wife, Vera Wingard.

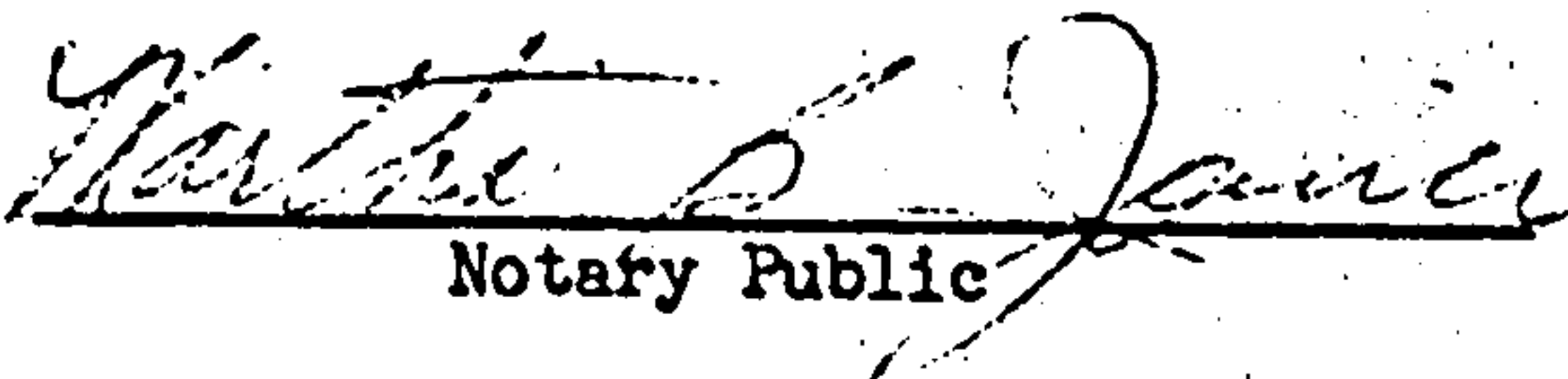
Throughout all the years, I have visited in the home of Irvin Wingard and have been very close to the family and have known the above property and I have never heard of anyone contesting their possession or disputing the title to said land.



Agnes W. Armstrong

Sworn to and subscribed to before me

this the 14th day of March, 1967.


Notary Public

State of Alabama

Shelby County

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

My name is Irvin Armstrong. I am 52 years of age and am a grandson of Irvin Wingard and am one of his heirs, my Mother, Ann. Wingard Armstrong having died last year. I have lived near the land described in the foregoing affidavit of Agnes W. Armstrong all of my life and have been on the land frequently throughout my life. The Wingard homeplace was situated in the NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section 25 and there were some barns and outhouses on this forty acres, and the same was fenced on its west, south and east side. The 10 acres lying north, being the SE $\frac{1}{2}$ of S $\frac{1}{2}$ of SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 25 was also under fence. There was a field in cultivation on the southwesterly side of SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 25 and other portion of it was used for timber growing and Irvin Wingard cut the timber from this portion and the remainder of the property on several occasions that I remember. The heirs listed by Agnes W. Armstrong are correct.

My grandfather owned the land when I was born and he continued to own the same until his death in the early 1950's and as far back as I can remember the matters and things contained in the affidavit of Agnes W. Armstrong are true and correct. I have never heard of anyone disputing the Wingard title or contesting our possession of the land.

Irvin Armstrong
Irvin Armstrong

Sworn to and subscribed to before me on
this, the 25th day of March, 1967.

[Signature]
Notary Public

STATE OF ALA. SHELBY CO.
I CERTIFY THIS
INSTRUMENT WAS FILED
1967 APR 11 PM 1:12
U.C. FILE NUMBER 03
REC. BK. 2 PAGE AS SHOWN ABOVE
Clerk of Probate
JUDGE OF PROBATE

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PAGE 172
BOOK 217