

3396

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

My name is Neil Hale, and I am 67 years of age. I have been familiar with the hereinafter described property all of my life and the persons in possession of it. Said property being described as follows:

A part of the SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 18, Township 21 South, Range 2 West described as follows: Commence at the intersection of the south line of the S $\frac{1}{2}$ of NE $\frac{1}{4}$ of said Section 18 with the northeasterly right of way line of L & N Railroad; thence run northwesterly along said right of way line for 915 feet to the point of beginning; thence continue northwesterly along said railroad right of way line, along a curve to the left, said curve having a radius of 4410.03 feet for 538.53 feet to the end of said curve; thence tangent to said curve continue northwesterly along said railroad right of way line for 128.18 feet to a point on the north line of the SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 18; thence 133 deg. 40 min. to the right and run east along the north line of said $\frac{1}{4}$ - $\frac{1}{4}$ Section for 370.02 feet to a point on the southwesterly right of way line of U.S. Highway No. 31; thence run southeasterly along said highway right of way line for 429.59 feet; thence 36 deg. 26 min. 45 sec. right and run southerly for 50.61 feet to a point on the north right of way line of a County Road; thence 62 deg. 23 min. 47 sec. to right and run southwesterly along said right of way line of said County road; thence 62 deg. 23 min. 47 sec. to right and run southwesterly along said right of way line of said County road for 237.38 feet to point of beginning; situated in Shelby County, Alabama.

Said property is bounded on the northeasterly side by the Birmingham-Montgomery Highway, being U.S. 31, on its southeasterly line by a county dirt road leading from Highway 31 to a settlement of 2 or 3 houses and the westerly line is marked by the L & N Railroad right of way and the north line is the $\frac{1}{4}$ - $\frac{1}{4}$ section line. There is a fence along that/north line which has been there for some 20 years. Affiant further says he has been familiar with the land since 1914 and is also familiar with the description under which the land is presently described; in fact, affiant had it surveyed and was on the ground with the crew when it was surveyed and knows the description shown above in this affidavit is true and correct and is the same description the land owners have been in possession of since 1914 when John W. Ozley owned the property and on down to the present date. Affiant is informed that some of the earlier deeds contain descriptions which are not clear, but affiant knows the owners went into possession of the land described in detail above.

I first recall said land when it was owned by John W. Ozley prior to 1914. John W. Ozley lived in a house on adjoining property and cultivated the above described land. He sold said land to Jesse Clifton Garrett in July 1914 and the said Jesse Clifton Garrett built a house on adjoining property and held this land only a short time and sold it to J. A. Garrett, who went into immediate possession of the land as the owner and lived on adjoining property

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and cultivated this land until he sold it back to Jesse Clifton Garrett in 1918. J. A. Garrett also known as John Garrett and his wife Lena Garrett have been dead for more than 3 years. The said Jesse Clifton Garrett lived on adjoining property and cultivated this property until 1921 when he sold it to Lon Fort, a colored man, as shown by deed recorded in Deed Book 69 page 535 in the Probate Office of Shelby County, Alabama. Affiant says Lon Fort owned all that part of SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 18 lying northeast of the L & N Railroad and north of said dirt road which is referred to above. It is my recollection that Lon Fort cultivated the land during the time he owned it and until he sold it to J. W. Nash in 1923. J. W. Nash went into possession of the land, built a house on it and lived there during all the years he owned it and he cultivated portion of the lot each and every year until he sold the same to my father and mother in 1938, as shown by deed to J. L. Hale and Hattie Hale recorded in Deed Book 96 page 366 in said Probate Office. My father and mother moved into the dwelling house situated on said land, along with their children and we lived there and cultivated portions of the land, had it all in possession and they assessed the land and paid taxes thereon each and every year, until my father died in the year _____ without leaving a Will. In 1946 all the heirs of J. L. Hale along with his widow, Hattie Hale conveyed said land to Errol Hale, subject to the life interest of Hattie Hale. Shortly thereafter the said Errol Hale conveyed said land back to my mother, Hattie Hale. It is called to affiant's attention that said deed and some of the prior deeds covered land on both the southwest and northeast side of U. S. Highway 31, but affiant says his father and mother never claimed to own any land, except for that described in the beginning of this affidavit. Affiant says that the parties who signed the deed on December 17, 1946 to Errol Hale which is recorded in Deed Book 130 page 461 in said Probate Office were the sole and surviving heirs at law of J. L. Hale, deceased. It is pointed out to affiant that the description is not the same as that described above, but affiant says he knows that it was the intention to convey the property described in detail above. Affiant further says that Hattie Hale died on November 24, 1966 and she left a Will in which she left all her assets to her then living children and said then living children were the persons signing a deed to Earmon C. Davis and Bonnie Odell Davis on December 16, 1966. This property was her only assets and she owed no debts at the time of death and all funeral and burial expenses have been paid in full.

Throughout the years I have known said property, I have never heard of anyone contesting the title or disputing the possession of Earmon C. Davis

Bonnie Odell Davis and their predecessors in title.

Neil Hale
Neil Hale

Sworn to and subscribed to before me on

this the 25 day of March, 1967.

Low Johnston Long
Notary Public



STATE OF CALIF. CELL 100.
I CERTIFY THIS
INSTRUMENT WAS FILED
1967 APR 17 AM 8:19
REC. REC. 210 AS SHOWN ABOVE
JUDGE OF PROBATE

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MAR 25 1967