

3955

STATE OF ALABAMA)

SHELBY COUNTY)

Before me, the undersigned authority, a Notary Public in and for said County and State, personally appeared NALTER PRESLEY, who, after being by me first duly sworn to speak the truth deposes and says as follows:

My name is Nalter Presley and I am 60 ydars of age. I have been failliar with the occupation, use, and possession of the above described property for a period in excess of twenty years, to-wit:

PARCEL NO. 1:

A part of the NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 16, Township 21 South, Range 3 West, described as follows: From the NW corner of said $\frac{1}{4}$ $\frac{1}{4}$ Section run Southerly along the West boundary line a distance of 400 feet to point of beginning; thence continue Sotherly along West boundary a distance of 20 feet; thence run Easterly parallel to North boundary line of said $\frac{1}{4}$ $\frac{1}{4}$ Section for 450.0 feet; thence run Northerly parallel to the West boundary line of said $\frac{1}{4}$ $\frac{1}{4}$ Section a distance of 200 feet more or less to center of a County road; thence run South-westerly along the center line of said road for 480.0 feet more or less to point of beginning.

PARCEL NO. 2:

The NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 16, Township 21 South, Range 3 West, EXCEPTING the North 140 yards thereof. Also EXCEPTING lot sold to J. H. and Rby Carter as described in Deed Book 217 an page 903. Also excepting tract belonging to J. A. Hedgepath as described in Deed Book 246, page 319.

The above described property is presently owned by T. J. Roper. Said T. J. Roper purchased Parcel No. 2 above along with his wife, Clara Roper, on January 12, 1955, by deed recorded in Deed Book 178, page 305, in the Probate Records of Shelby County, Alabama. Immediately after the execution of the last mentioned deed said T. J. Roper and wife went into the immediate, actual, adverse, notorious, hostile continuous, and exclusive possession of said property and so remained in possession up to and including the date of this affidavit. In September of 1958, said Clara Roper deeded her interest in saidproperty to T. J. Roper by deed recorded in Deed Book 196, page 405, in said records. Some time thereafter in 1959, said T. J. Roper and Clara Roper were divorced in Jefferson County. With reference to said Parcel No. 2, it has been called to my attention that the above described property was conveyed by the State of Alabama many years ago and that The State of Alabama reserved "five acres for school purposes". None of the above described property has ever been used for any school purposes and, in fact, the property used for school purposes in this particular section is more than one-half mile from the property described above.

I am familiar with the location of that certain property conveyed by T. J. Roper to Hosey F. Roper by deed dated June 23, 1960, and recorded in Deed Book 209,

page 596, in the Probate Records of Shelby County, Alabama. Said deed contains an error in that the same recites that the description commences "at the SE corner" where, in fact, the deed should have recited that the same commenced at the NE corner of said NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section. There has never been any dispute on the ground concerning the location of the property so conveyed to Hosey F. Roper and he has never asserted any right, title, or interest in and to any part or all of either Parcel No. 1 or Parcel No. 2 described above.

With respect to Parcel No. 1 above, said T. J. Roper is the present owner thereof by virtue of deed dated August 12, 1961, and recorded in Deed Book 218, page 920, in the Probate Records of Shelby County, Alabama. The conveyance by John H. Carter and wife Ruby Carter in said last mentioned deed to said T. J. Roper was actually a land swap and said Parcel No. 1 was deeded to T. J. Roper who in turn, along with his wife, deeded to John H. Carter and wife, Ruby Carter a portion of land in the said $\frac{1}{4}$ $\frac{1}{4}$ Section. Said Ruby Carter has deceased since the execution of said deed but neither Ruby Carter in her lifetime or any of her heirs subsequent to her death have ever disputed or questioned the right or title of T. J. Roper in and to said Parcel No. 1 described above. It has further been called to my attention that the starting point in that certain deed dated February 25, 1961, and recorded in Deed Book 214, page 182,, in the Probate Records of Shelby County, Alabama, which said deed is the deed through which John H. Carter and wife Ruby Carter took title to said property, the starting point was described erroneously. Actually, the starting point of said property was the NW corner of the NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section and the said deed to John H. Carter and wife Ruby Carter merely contained an error insofar as the starting point varied from the one last stated.

Walter Presley
Walter Presley

Sworn to and subscribed before me
this 24 day of May, 1967.

Lance Brasler
Notary Public

STATE OF ALA., SHELBY CO.,
I CERTIFY THIS INSTRUMENT
WAS FILED ON 7:45 am

5727 1962
RECORDED & \$ MTG. TAX

\$ DEED TAX HAS BEEN
PD. ON THIS INSTRUMENT.

Conrad M. Fowler
JUDGE OF PROBATE

BOOK 248 PAGE 418