

*Subscribed
and sworn to
before me*

STATE OF ALABAMA)
SHELBY COUNTY)

Before me, the undersigned authority in and for said County and State, personally appeared ESTHER MOORE, who being known to me, and being by me first duly sworn, deposes and says as follows:

My name is Esther Moore. I am the wife of M. H. Moore, the grantee in that certain deed dated December 17, 1946 recorded in the Probate Office of Shelby County, Alabama in Deed Book 187, page 506. The last mentioned deed had a defective description which was corrected by deed from W. J. Maxwell, et al, dated July 31, 1957 recorded in Deed Book 188, page 320 in said records. I have been familiar with the occupation, use and possession of the hereinafter described property for a period in excess of 30 years, to-wit:

Lots 8 and 9, Block 2, in W. J. Maxwell's Survey of Alabaster, Alabama, situated in the NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of NE $\frac{1}{4}$, Section 2, Township 21, Range 3 West, as shown by map recorded in Map Book 3, page 71 in the Probate Office of Shelby County, Alabama.

Lots 6, 7, 8, and 9 of said Block 2 in the above said subdivision were deeded to my husband, M. H. Moore on December 17, 1946 by the above said deed. The deed last referred to was executed by W. J. Maxwell and wife, Dora Maxwell; Bertie Lee Maxwell, a widow, May Maxwell Hitt and husband, Louis Hitt. At the time we purchased the aforesaid lots the property was in the possession of W. J. Maxwell and wife, Dora Maxwell, who resided on Lot 1, Block 1, of the aforesaid subdivision and who were in the undisputed possession of the entire property contained in said subdivision including the above described lots which were deeded to my husband, as aforesaid. Bertie Lee Maxwell was the widow of B. Maxwell, who owned a portion of the above subdivision at one time. Said B. Maxwell died many years ago without leaving a last will and testament and, according to my information, had no children. He was survived by his widow, Bertie Lee Maxwell and his mother, Dora Maxwell. Said Dora Maxwell never had any children other than B. Maxwell, and B. Maxwell never had any brothers and sisters, with the exception of May Maxwell Hitt, who was an adopted child of Dora Maxwell and W. J. Maxwell.

It has been called to my attention that W. J. Maxwell and Dora Maxwell conveyed certain property to Alonzo Brewer by deed dated January 23, 1946, and

recorded in the Probate Office of Shelby County, Alabama in Deed Book 125, page 76. The property described in said last mentioned deed was "Lots 9 and 10 of Harrison's Survey". Actually, this property conveyed to Mr. Brewer should have been described as Lots 9 and 10 of Block 1, of said subdivision, and it was actually the last described lots that he was in possession of down through the years.

On June 30, 1955 my husband and I conveyed lots "8 and 9, Block 1" of such subdivision to Virginia Mae Brewer by deed recorded in said Probate Office in Deed Book 175, page 338. This last mentioned deed contained a mistaken description and actually Lots No. 6 and 7 of said Block 2 was the property intended to be conveyed by both my husband and myself and Virginia Mae Brewer. Mrs. Brewer actually built a small house on Lots 6 and 7 and went into possession of said property. With the consent of Virginia Mae Brewer this mistaken description was corrected by deed dated July 31, 1957 and recorded in Deed Book 188, page 261 of said Probate Records. Said Virginia Mae Brewer has never been in possession of Lots 8 and 9, Block 2, of said subdivision, or either of said lots or any part thereof and recognizes that said property is owned by the present owners, Grady Perry and wife, Helen Perry.

When the above described property was purchased by my husband, as aforesaid, on December 17, 1946, the same was vacant, and remained so until on or about the first of July, 1957 when my husband and I started building a residence thereon. We continued to work on the residence for approximately one year and thereafter moved into the house located on said Lots 8 and 9 in Block 2 of said subdivision and resided therein for approximately two years. We remained in the house located on said property until March 18, 1960 when we deeded said property to Grady and Helen Perry by deed recorded in Deed Book 208, page 555. Grady Perry was in the Military Service of the United States of America at the time of the execution of said deed and has remained in the Military Service up to and including the date of this affidavit. Helen Perry has resided in the house periodically from March 18, 1960 through the years up to the date of this affidavit. When she was not personally residing in the house she has maintained tenants therein who lived in the house and cared for the same for her and her husband. For the last ten years, the property has been in the actual, adverse,

open, hostile, continuous, and exclusive possession of Grady Perry and Helen Perry and M. H. Moore and Esther Moore, as aforesaid. Neither the title of of the present owners or the title of affiant and affiant's husband, M. H. Maxwell, has ever been questioned or disputed in any way. There has never been any dispute concerning the boundary lines of the property and there has never been any dispute concerning the ownership or possession of said property.

When I first became familiar with the above described property it was in the possession of W. J. Maxwell and Dora Maxwell, as aforesaid. At said time and during the intervening years up until the property was sold to my husband, as aforesaid, said W. J. Maxwell and wife, Dora Maxwell, remained in the possession of said property including all of said lots 8 and 9, of Block 2, of said subdivision.

Esther Moore
(Esther Moore)

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

Frank A. Smith
Notary Public

STATE OF ALA. SHELBY CO. :
I CERTIFY THIS
INSTRUMENT WAS FILED
67 AUG -2 AM 8:31
U.C.C. FILE NUMBER OR
REC. EX. & PAGE AS SHOWN ABOVE
Conrad H. Hester
JUDGE OF PROBATE