

Before me, a Notary Public, in and for said County and State, personally appeared James Ross, who is known to me, and who being by me first duly sworn, deposes and says as follows:

My name is James Ross. I am 61 years of age and reside at Alabaster, Alabama. My wife is Leatha Ross.

My wife and I are the owners of the following described property, viz.:

A part of the SE $\frac{1}{4}$ of SW $\frac{1}{4}$ and part of SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 1, Township 21 South, Range 3 West, described as follows: Begin at the point of intersection of the East right of way line of Interstate Highway No. 65 with the East/^(North)right of way line of U. S. Highway No. 31; run thence North 21 deg. 50 min. West along the East right of way line of said Interstate Highway No. 65 for 23.28 feet; thence right 113 deg. 00 min. and South 88 deg. 50 min. East for 434.5 feet; thence right 72 deg. 47 min. and South 16 deg. 03 min. East for 189.37 feet; thence right 100 deg. 13 min. and South 84 deg. 10 min. West for 216.14 feet to a point on the East(North) right of way line of U. S. Highway No. 31 which is 325.29 feet Southeast of the point of beginning; thence right 41 deg. 50 min. and North 54 deg. 00 min. West for 325.29 feet to point of beginning, according to survey of Louis H. Weygand, Registered Land Surveyor, dated January 24, 1967.

Said property is situated on the North side of U. S. Highway No. 31 at the Intersection thereof with the East line of Federal Interstate Highway No. I-65.

My wife and I originally bought a parcel from Lee Byars and wife, Lourenia Byars in 1942, as shown by deed recorded in Deed Book 115 at page 358, Office of Judge of Probate of Shelby County, Alabama, Shortly thereafter, we built a house on said lot, and lived and resided in the same until U. S. Highway No. 31 was re-located, about 1954.

Said U. S. Highway No. 31, when re-located, and as it presently exists, split our lot into, part of said original lot remaining on the South side of said U. S. Highway No. 31, and part lying on the North side thereof. As the result of this re-location of said U. S. Highway No. 31, it was obvious to my wife and I that we would have to move, and we bought an additional lot in 1954 from the heirs of said Lee Byars (who was then deceased), as shown by deed recorded in Deed Book 172 at page 144, Office of Judge of Probate of Shelby County, Alabama, said lot lying to the North

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of said U. S. Highway No. 31 as it was re-located and adjoining the portion of our original lot which remained North of said U. S. Highway No. 31.

The State Highway Department Surveyors surveyed off our said property, that is, the part of our original lot North of U. S. Highway No. 31 together with the new lot which we bought from the Byars' heirs, and they put down wooden stakes at the corners of our property so that we would know where to move our house. The wooden stakes that said Surveyors put down are gone now, but I am well familiar with and know the points where they were originally located by said Surveyors, I having showed said points and our original lot lines to Mr. Louis H. Weygand, the Surveyor, who recently surveyed our property on or about January 24, 1967.

After the State Highway Department Surveyors had staked out our said property in 1954, and during the construction of the project re-locating said U. S. Highway No. 31, as aforesaid, we moved our original house which had been situated on our original lot on to the property as staked out by said Highway Department Surveyors. We have lived and resided in said house on said property since that time and until the present date, occupying the same as our homestead, and ^{im}proving said house and property from time to time, maintaining gardens thereon from time to time, and generally occupying the same up to the property lines as surveyed by Mr. Weygand.

The right of way of said Interstate Highway No. 65 was acquired from us in 1961, said right of way taking a portion of our said property.

The portion of our original lot which lay to the South of U. S. Highway No. 31, after re-location thereof, was sold and conveyed by my wife and I to Y. C. Green and wife, Rose Lee Green, in 1955.

Said Y. C. Green and wife, Rose Lee Green, have never owned, occupied, claimed, or possessed any part of our said property lying North of said U. S. Highway No. 31 as re-located.

Our neighbors adjoining the above described property to the West, or Northwest, are Albert Davis, and wife, Pinkie Davis, they having acquired all of the property North of U. S. Highway No. 31 as re-located and East of Interstate Highway No. 65 which was owned by James Alexander and wife, Lola Alexander. The property of Mr. John A. Hines, Jr. borders our said property described above on the North, East, and South, Mr. Hines having acquired said property from the heirs of Lee Byars. Mr. Hines owns a strip of land

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approximately 15 or 20 feet, more or less, lying to the South of my property and fronting on the North (or Northeast) margin of U. S. Highway No. 31, and which connects his main body of property with U. S. Highway No. 31. The property of Fletcher Swain borders said strip of land of Mr. Hines which connects the property of Mr. Hines with U. S. Highway No. 31, and the property originally owned by Hattie Gaiters and now occupied by Mose Wesley Gaiters lies on about a quarter of a mile to the East or Southeast of the above described property which is owned by my wife and I.

During all of the time that I have been familiar with the ownership and possession of said property, covering a period of more than thirty years, I have never heard anyone question the title, ownership, or possession of said property as described above in this affidavit of said Lee Byars and his successors in title thereto, namely, my wife and I. As stated above, my wife and I have been residing on said property, or some portion thereof for the past twenty-five years, and I know that no one other than us and our said predecessors in title have occupied, possessed, or claimed said property, or any part thereof, during said twenty-five year period, my said wife, Leatha Ross, and I, ^{and our predecessors in title} having been in the actual open, notorious, continuous, exclusive, peaceable, undisturbed, hostile, adverse possession of all of said property for the past twenty-five years up until the present date.

James Ross

James Ross

Sworn to and subscribed before me

this 2nd day of Sept, 1967.

[Signature]

Notary Public

STATE OF ALABAMA

SHELBY COUNTY

Before me, a Notary Public, in and for said County and State, personally appeared Leatha Ross, who is known to me, and who being by me first duly sworn, deposes and says as follows:

My name is Leatha Ross. I am the wife of James Ross, and I have care-

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fully read the above affidavit of said James Ross, and I herein and hereby state that the allegations of fact made in said affidavit by said James Ross are true, accurate, complete, and correct.

Leatha Ross
Leatha Ross

Sworn to and subscribed before me
this 2nd day of Sept, 1967.

[Signature]
Notary Public

STATE OF ALABAMA

SHELBY COUNTY

Before me, a Notary Public, in and for said County and State, personally appeared Lee Byars Harris, who is known to me, and who being by me first duly sworn, deposes and says as follows:

My name is Lee Byars Harris. I am 57 years of age and have carefully read the above affidavit of James Ross. I have lived in the vicinity of the property described in the affidavit of James Ross all of my life, I being one of the heirs of Lee Byars, now deceased.

My wife, Rosa Harris and I, together with the other heirs at law and next of kin of Lee Byars, executed the deed to James Ross and wife, Leatha Ross, referred to in the above affidavit of James Ross and recorded in Deed Book 172 at page 144, Office of Judge of Probate of Shelby County, Alabama. There were no children of said Lee Byars, or descendants of deceased children, who did not join in said conveyance to said James Ross and Leatha Ross.

I know of my own personal knowledge that the facts stated in the above affidavit of James Ross are true, correct, complete, and accurate, said James Ross and wife, Leatha Ross, and their predecessors in title, said Lee Byars, and the heirs of said Lee Byars, having been in the actual, open, notorious, continuous, exclusive, peaceable, undisturbed, hostile, adverse possession of all of said property since prior to 1942.

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I have never heard anyone question the title, ownership, or possession of said James Ross, and wife, Leatha Ross, as designated above, in and to said property.

Lee Byars Harris
Lee Byars Harris

Sworn to and subscribed before me
this the 2nd day of Sept, 1967.

[Signature]
Notary Public

STATE OF ALABAMA

SHELBY COUNTY

Before me, a Notary Public, in and for said County and State, personally appeared Fletcher Swain, who is known to me, and who being by me first duly sworn, deposes and says as follows:

My name is Fletcher Swain. I am 70 years of age and reside in Alabaster, Alabama, on a house and lot situated North of U. S. Highway No. 31, as now located, and less than 100 feet from the property of James and Leatha Ross, as described above in the affidavit of James Ross.

I bought my said property before James and Leatha Ross; the relocation of U. S. Highway No. 31 did not take my house.

I have been a neighbor of James and Leatha Ross all of these years, and I know of my own personal knowledge that said James Ross and wife, Leatha Ross and their predecessors in title, Lee Byars, and his heirs at law and next of kin, have been in the actual, open, notorious, continuous, exclusive, peaceable, undisturbed, hostile, adverse possession of all of said property for more than forty years prior to this date.

I have carefully read the above affidavit of James Ross, and I herein and hereby state that said affidavit is true, accurate, correct, and complete.

Fletcher Swain
Fletcher Swain

Sworn to and subscribed before me
this 2nd day of Sept, 1967.

[Signature]
Notary Public

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STATE OF ALABAMA

SHELBY COUNTY

Before me, a Notary Public, in and for said County and State, personally appeared Clifford Moore, who is known to me, and who being by me first duly sworn, deposes and says as follows:

My name is Clifford Moore. I am 66 years of age and reside at Alabaster, Alabama. My wife is Lina Moore. I have read the above affidavit of James Ross, and I herein and hereby state that said affidavit, and the facts stated therein, are true, accurate, correct, and complete. My wife and I bought and lived on the property in the close vicinity of the above described property and were living on said property when James and Leatha Ross bought their property. Interstate Highway No. 65 got our property and we had to move, our present residence being about a half of a mile East of the above described property of James and Leatha Ross.

I know of my own personal knowledge that said James Ross and wife, Leatha Ross, and their predecessors in title, Lee Byars, and his heirs at law and next of kin have been in the actual, open, notorious, continuous, exclusive, peaceable, undisturbed, hostile, adverse possession of all of said property for more than forty years prior to this date.

I have carefully read the above affidavit of James Ross and I herein and hereby state that said affidavit is true, accurate, correct, and complete.

Clifford Moore
Clifford Moore

Sworn to and subscribed before me
this 2nd day of September, 1967.

[Signature]
Notary Public

STATE OF ALABAMA

SHELBY COUNTY

Before me, a Notary Public, in and for said County and State, personally appeared Lina Moore, who is known to me, and who being by me first duly sworn, deposes and says as follows:

My name is Lina Moore. I am 63 years of age and reside at Alabaster, Alabama. My husband is Clifford Moore. I have read the above

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affidavit of James Ross, and I herein and hereby state that said affidavit, and the facts stated therein, are true, accurate, correct, and complete. My husband and I bought and lived on the property in the close vicinity of the above described property and were living on said property when James and Leatha Ross bought their property. Interstate Highway No. 65 got our property and we had to move, our present residence being about a half of a mile East of the above described property of James and Leatha Ross.

I know of my own personal knowledge that said James Ross and wife, Leatha Ross, and their predecessors in title, Lee Byars, and his heirs at law and next of kin have been in the actual, open, notorious, continuous, exclusive, peaceable, undisturbed, hostile, adverse possession of all of said property for more than forty years prior to this date.

I have carefully read the above affidavit of James Ross and I herein and hereby state that said affidavit is true, accurate, correct, and complete.

Lina Moore
Lina Moore

Sworn to and subscribed before me this

2nd day of ~~August~~ ^{September}, 1967.

[Signature]
Notary Public

STATE OF ALABAMA

Jefferson
SHELBY COUNTY

Before me, a Notary Public, in and for said County and State, personally appeared Mose Wesley Gaiters, who is known to me, and who being by me first duly sworn, deposes and says as follows:

My name is Mose Wesley Gaiters. I am 47 years of age and reside at Alabaster, Alabama.

Hattie Gaiters was my mother. Said Hattie Gaiters died intestate while a resident of Shelby County on or about more than a year ago. My father, Mose Gaiters, predeceased my said mother, my said mother, Hattie Gaiters, having been an unmarried ^{widow} woman at the time of her death. The property of my said mother, which was conveyed to her by Lee Byars and wife, in 1942, as shown by deed recorded in Deed Book 219 at page 685, Office of Judge of Probate of Shelby County, Alabama, lies approximately a quarter of a mile to the East or Southeast of the above described property as described in the affidavit of James Ross.

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I have carefully read the above affidavit of James Ross, and I herein and hereby state that said affidavit is true, accurate, and complete to the best of my knowledge.

Mose Wesley Gaiters
Mose Wesley Gaiters

Sworn to and subscribed before
me this 11th September
day of ~~August~~, 1967.

John C. Hensley
Notary Public

STATE OF ALA. SHELBY CO.
I CERTIFY THIS
INSTRUMENT WAS FILED
1967 OCT 24 AM 7:57
U.C.C. FILE NUMBER OR
REC. BK. & PAGE AS SHOWN ABOVE
Conrad M. B. B. B.
JUDGE OF PROBATE

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