

104-78

STATE OF ALABAMA)

SHELBY COUNTY)

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

My name is Andrew Johnson. I have been familiar with the occupation, use, and possession of the hereinafter described property for a period in excess of fifty years, said property being situated in Shelby County, Alabama, and being more particularly described as follows, to-wit:

The SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 1, Township 21 South, Range 1 East.

The above described property is presently owned by Howard McEwen and wife, Evelyn M. McEwen who purchased the property in 1960 from Clyde M. McEwen. Clyde M. McEwen purchased the property in July of 1960 by deed from A. V. Weaver, a single man. I am 64 years of age and remember S. Weaver who was the grantee in that certain deed dated August 23, 1897, and recorded in Deed Book 108, page 599, in the Probate Records of Shelby County, Alabama. S. Weaver was my wife's uncle. The wife of S. Weaver died prior to the death of S. Weaver and he never re-married. S. Weaver himself died while a resident of Shelby County approximately fifty years ago. The only child ever born to S. Weaver was A. V. Weaver, the grantor in that certain deed in favor of Clyde McEwen which is recorded in Deed Book 209, page 622, in the Probate Records of Shelby County, Alabama. S. Weaver was born and raised in Shelby County and lived here at all times up until his death. As stated above, he was a resident of Shelby County at the time of his death and did not own property outside of Shelby County.

It has been called to my attention that the Town of Wilsonville executed a transmission line permit in favor of Alabama Power Company which is recorded in Deed Book 242, page 470, in the Probate Records of Shelby County, Alabama. The Town of Wilsonville does not now and has never claimed any part or portion of the above described property and the execution of this transmission line permit insofar as it describes the above described property or any part thereof is in error.

About two-thirds of the above described land is open land and available for cultivation. There are two residences located on the property but they are not occupied at this time. From the date of the death of S. Weaver up until a short time before A. V. Weaver sold the above described property to Clyde McEwen, A. V. Weaver resided in one of the houses located on the above described property for each and every year for a period in excess of 25 years. A. V. Weaver farmed and cultivated portions of the

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property and cut firewood and timber from the portion of the above described property which was not in active cultivation. Actually, for the more than fifty years I have known the occupation, use, and possession of the above described property it has been in the continuous, exclusive, notorious, hostile, open, adverse possession of the present owners and their predecessors in title. For more than forty years prior to July 1, 1960, the property was in the possession of A. V. Weaver who resided on the property for each and every year during said period and farmed and cultivated said land. Tint Merrell, nor any other person, firm, or corporation, was in possession of said above described property or any part thereof during the more than fifty years I have known the occupation, use, and possession of the same. I have never heard the title to the present owners questioned or disputed in any way.

I have also been familiar with the hereinafter described property situated in Shelby County for a period in excess of fifty years, to-wit:

The $\frac{1}{2}$ of the SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 1, Township 21, Range 1 East, except right of way 20 feet wide for logging road. //

The above described property is presently owned by Elwood Johnson and wife, Edna Johnson who purchased the property from Jimmie McCrutchie and Laura Wright on July 10, 1964. Since July of 1964 Elwood Johnson and wife, Edna Johnson have been in the continuous exclusive, notorious, hostile, adverse possession of the last above described property and have farmed portions of the same and pastured the remaining portion with cattle for each and every year up to and including the date of this affidavit. For many years prior to August 2, 1940, A. V. Weaver, a single man, was in possession of the last above described property and farmed and cultivated the same for each and every year up to the date he sold the same in August of 1940 to Marie Milliner. Marie Milliner moved into the house situated on the above described property and remained in the house situated on said property until shortly before her death in August of 1963. Shortly after her death the property was sold to Elwood and Edna Johnson in July of 1964 by the devisees in the will of Marie Milliner.

I have never heard the title of Elwood Johnson and wife Edna Johnson, or their aforesaid predecessors in title questioned or disputed in any way.

Sworn to and subscribed before me
this 4 day of June, 1968.

Frank Ellis, Jr.
Notary Public

Elwood Johnson

STATE OF ALA. SHELBY CO.
CERTIFY THIS
INSTRUMENT WAS FILED
1968 JUN 11 AM 11:33
U.S.C. FILE NUMBER CR
REC. BK & PAGE AS SHOWN ABOVE
Conrad M. Foster
JUDGE OF PROBATE