

11103

STATE OF ALABAMA
SHELBY COUNTY

Before me, L. E. Parker, a Notary Public in and for the State of Alabama at Large, personally appeared Will McGinnis, who is known to me and after first being duly sworn, deposes and says as follows:

My name is Will McGinnis. I am 79 years of age and reside in Shelby County, Alabama. I have been familiar with the land described hereinbelow and have known its possessors for more than 45 years. This land is best described as:

The Southeast Quarter ($SE\frac{1}{4}$); Northwest Quarter of Northeast Quarter ($NW\frac{1}{4}$ of $NE\frac{1}{4}$), Section 20, Township 20 South, Range 2 East.

The Southwest Quarter of Northeast Quarter ($SW\frac{1}{4}$ of $NE\frac{1}{4}$), Section 20, Township 20 South, Range 2 East, less and except approximately 1 acre church lot.

All of Fractional Section 21, Township 20 South, Range 2 East, that lies west of Coosa River;

The East Half of Northeast Quarter ($E\frac{1}{2}$ of $NE\frac{1}{4}$) and all that part of the Southwest Quarter of Northeast Quarter ($SW\frac{1}{4}$ of $NE\frac{1}{4}$) that lies East of Yellowleaf Creek in Section 29, Township 20 South, Range 2 East;

All that part of the East Half of Southwest Quarter ($E\frac{1}{2}$ of $SW\frac{1}{4}$) of Section 33, Township 20 South, Range 2 East that lies north of Coosa River and south of Southern Railroad;

All that part of the Southeast Quarter ($SE\frac{1}{4}$) of Section 33, Township 20 South, Range 2 East that lies north of Coosa River;

All that part of the Southeast Quarter of Northeast Quarter ($SE\frac{1}{4}$ of $NE\frac{1}{4}$) of Section 33, Township 20 South, Range 2 East, that lies south of the Southern Railroad;

All that part of Fractional Section 34, Township 20 South, Range 2 East, lying South of Southern Railroad;

situated in Shelby County, Alabama.

I know that in about 1918 the above described land was divided into three parcels each parcel being in the possession of the respective person claiming title thereto. One of these parcels being known as the W. H. Kidd Farm was in the possession of W. E. Wilmot who conveyed this parcel of land by deed and relinquished his possession to C. M. Mauldin in about 1919. The said C. M. Mauldin deeded this parcel of land to E. D. Fennel in about 1937. Another parcel of the above described land that is known as a part of the old Samuel H. Wallace Farm was in the possession of W. T. Borden who, in about 1922, conveyed this portion of land by deed and relinquished his possession to C. M. Mauldin who subsequently deeded a portion of this land to E. D. Fennel in about 1923 and the remaining portion to E. D. Fennel in about 1937. The third portion of the above described land being known as the Mallory or Mallery Farm was in the possession of the heirs of Mary J. Mallory who died in about 1906. This portion of land was sold for division in 1916 and was bought by J. L. Walthall (who was also an heir). The said J. L. Walthall conveyed this portion of land to C. M. Mauldin in about 1927. In about 1932 the said C. M. Mauldin conveyed this portion of land to E. D. Fennel. After about 1937, until his death, the said E. D. Fennel was in possession of all the hereinabove described land under the claim of title. After the death of E. D. Fennel in about 1949, title to all the hereinabove described land became vested in T. G. Wood and Martha Ann Mauldin Livingston, each claiming an undivided interest as devisees under the will of the said E. D. Fennel. The said T. G. Wood and Martha Ann Mauldin Livingston have continued their possession and claim of title to all the above described land since about 1949 up until the present time.

I know that T. G. Wood, Martha Ann Mauldin Livingston and their predecessors in title have been in the actual, continuous and exclusive possession of all the hereinabove described land for more than 45 years. Their possession has been visible, open, hostile and notorious. They have assessed this land for taxes and have paid the taxes due thereon.

Book 254 Pg. 371-A

I know that T. G. Wood, Martha Ann Mauldin Livingston and their predecessors in title during the past 45 years or more, have constructed dwelling houses, barns and other necessary outbuildings on portions of this land. They have dug wells, built fences and cross-fences and have kept livestock therein. They have granted easements across portions of this land, leased this land to tenants. They have planted gardens, trees and major crops of cotton, corn and hay on portions of this land. Other portions of this land have been used for cattle farming. They have used portions of this land as security for mortgages and have exercised every other act necessary to the peaceful use and enjoyment of this land as was consistent with the nature of the land.

I know of no person or persons claiming any right to any portion of the hereinabove described land adversely to T. G. Wood, Martha Ann Mauldin Livingston and their predecessors in title during the past 45 years. Nor have I known of any person disputing the possession of this land by T. G. Wood, Martha Ann Mauldin Livingston and their predecessors in title during the past 45 years under the claim of ownership.

I more specifically know that no person or persons have been in possession of any portion of the hereinabove described land during the past 45 years other than those persons named herein in the chain of title, their agents and tenants. I know that E. L. Lansford and C. H. Lansford have been in possession of all this land as lessees since about 1956.

I know that all that part of the land described hereinabove in Section 33 and Section 34 lying south of the Southern Railroad has been in possession of T. G. Wood, Martha Ann Mauldin Livingston and their predecessors in title for more than 40 years. I know that the said railroad has been understood to have been the north boundary of the old Mallory Farm for more than 45 years and a fence has stood along the south side of the railroad for many years (More than 20). I know that this fence began back on Section 33 and extended along the said railroad across sections 33 and 34 to the point of intersection with the Coosa River.

I know that Mary Jane Mallery was one and the same person as Mary Jane Mallory.

I know that Martha Ann Mauldin is one and the same person as Martha Ann Mauldin Livingston.

I know that E. D. Fennel was one and the same person as E. D. Fennell.

I know that T. E. Darby or Walter Hoffman have not been in possession of the above described land during the past 50 years nor have I ever known said persons to exercise any claim of title or acts of ownership.

I know that the State Highway Department completed the highway crossing the above described land and have not removed any material or exercised their option for materials from this land.

Will McSimmons

Sworn to and subscribed before me
this 27th day of May, 1968.

[Signature]
Notary Public, State at Large

Tract No. 350-1 & 2

T. G. Wood and Martha Ann Mauldin Livingston

STATE OF ALA. SHELBY CO.
I CERTIFY THIS
INSTRUMENT WAS FILED
1968 AUG - 2 PM 11:32
U.C. FILE NUMBER OR
REC. BK. & PAGE AS SHOWN ABOVE
Conrad M. [Signature]
JUDGE OF PROBATE

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