

STATE OF ALABAMA)
 SHELBY COUNTY)

11477

Before me, the undersigned Authority, in and for said County, in said State, personally appeared Bryan A. Chace, who is known to me, and who being by me first duly sworn, deposes and says on oath, that he, the said Affiant jointly owns with Affiant's Brother, F.A. Chace certain real property described as the East half of the Southeast Quarter of the Northeast Quarter ($E\frac{1}{2}$ of $SE\frac{1}{4}$ of $NE\frac{1}{4}$) of Section 26, Township 19, South, of Range 3, West in Shelby County, Alabama. Affiant and said F.A. Chace purchased said property from Samuel F. Bains on August 14, 1959, as is evidenced by a warranty deed recorded in Deed Book 205, at page 422 in the Probate Office of Shelby County, Alabama; that upon the completion of said purchase from Samuel F. Bains on said date, Affiant and said F.A. Chace took possession of said real property, and have continuously held possession thereof, either in person or by tenant, under full and unlimited claim of ownership, without interruption, from August 14, 1959 up to and including the present date; that Affiant and said F.A. Chace have regularly returned said property for taxation, and paid all property taxes due thereon up to the present date; that the ownership of said property by Affiant and F.A. Chace has been well known and recognized in the community where same is situate; that no other person or persons has assessed said property for taxation, or paid taxes thereon during said period of time; that Affiant and F.A. Chace have exercised numerous acts of ownership as to said property during said period of time, among which are that said owners have cut and harvested timber and mine props from said land; have leased the same as a site for a coal mine yard and opening; have received royalties and rental from tenants in connection with coal mining operations thereon; have leased said property as a site for a sanitary land fill garbage operation; have posted no hunting and no trespass signs on the property, and altogether have exercised full ownership rights over said property. Affiant further states that no persons or person other than Affiant and F.A. Chace have exercised ownership of said property, or asserted any right to the possession thereof since August 14, 1959.

Affiant is familiar with the ownership and possession of said property for a long period of time prior to August 14, 1959, and knows that Samuel F. Bains claimed to own said tract, and was the reputed owner thereof in the community where same is situate, and had been so reputed to be the owner for more than ten years prior to August 14, 1959; that said Samuel F. Bains resided near said property and used the same as a part of his home premises. Affiant says that said property at one time belonged to William M. Bains, the Father of Samuel F. Bains; that said William M. Bains resided near said parcel up until his death on May 10, 1931; that said William M. Bains was survived by his wife Susan Bains, and by five children, viz: R.W. Bains, Annie Bains, Willie Bains Eaton, Amy B. Black and Samuel F. Bains.

Affiant says that said William M. Bains and wife entered into an exchange agreement with Acton Mining Company whereby said Bains and wife exchanged the parcel of land above described for a tract of land described as the West half of the Northwest Quarter of the Northwest Quarter ($W\frac{1}{2}$ of $NW\frac{1}{4}$ of $NW\frac{1}{4}$) of Section 25, Township 19, South, Range 3, West; that a conveyance evidencing said exchange is shown of record in Deed Book 40, at page 120 in the Probate Office of Shelby County, Alabama, and said deed bears date of August 6, 1907.

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Affiant further states that Affiant has in his possession executed copies of tax assessments and tax receipts issued in the respective offices of Tax Assessor and Tax Collector of Shelby County, Alabama, showing that said Samuel F. Bains made an escape tax assessment of said first described real property for the tax year 1940, and regularly thereafter made tax assessments and paid taxes for each tax year up until the tax year of 1959 when Affiant and Brother F.A. Chace began assessing the property for taxation and paying taxes thereon.

Affiant knows that said Samuel F. Bains held the exclusive possession of said property under claim of ownership from October 5th, 1946 up until August 14, 1959, when Affiant and F.A. Chace purchased the property from him; that during said period of time said ownership was recognized and accepted by all persons residing in the community; that Affiant and F.A. Chace, and our Grantor, Samuel F. Bains before us, together had and have the open, notorious, continuous, quiet and peaceful possession of said property under full and unlimited ownership for more than twenty years prior to this date.

Bryan A. Chace
(BRYAN A. CHACE.)

Sworn to and subscribed before me this the 30th of July, 1968.

A. R. Williams
NOTARY PUBLIC.