

1413  
STATE OF ALABAMA

SHELBY COUNTY

Before me, the undersigned authority in and for said County in said State, personally appeared W. E. Kirkpatrick who, after being by me first duly sworn to speak the truth, deposes and says:

My name is W. E. Kirkpatrick. I am 71 years of age and have lived in the Dogwood Community and North thereof for 36 years. I am the owner of a lot adjoining the North line of the NE $\frac{1}{4}$  of the NW $\frac{1}{4}$  of Section 4, Township 22, Range 3 West. The North line of which lot adjoins the North line of said 40 acres and runs along the same 418 feet. Said lot extends South of uniform width 209 feet. An abstract in my possession shows it is 333 feet from the Northwest corner of said lot to the Northwest corner of said 40 acres. I have been shown an abstract in the possession of Mr. James Anthony Jones which indicates the distance is 342 feet. I haven't measured the exact number of feet, but I know that there is no overlappage between the Jones lot and my lot and they adjoin each other and there is a fence marking the line between our two said lots. I have been familiar with the hereinafter described land for many years prior to the time James Anthony Jones and his wife, Earline Jones purchased the same from P. B. Davis, Sr. and his wife, Nancy Florence Davis in April of 1952. Said land being described as follows:

A part of the NE $\frac{1}{4}$  of NW $\frac{1}{4}$  of Section 4, Township 22 South, Range 3 West, described as follows: Begin at the intersection of the North line of said  $\frac{1}{4}$ - $\frac{1}{4}$  Section with the East right of way line of Montevallo Maylene Highway and run East along North line of said  $\frac{1}{4}$ - $\frac{1}{4}$  Section 236 feet; thence Southeast parallel with said Highway right of way 210 feet; thence West 236 feet to East right of way line of said Highway; thence Northwesterly along said right of way line 210 feet to point of beginning; situated in Shelby County, Alabama.

In fact, I was familiar with the lot when it was acreage and owned by Mr. P. B. Davis, Sr. who purchased it from Willie C. Head and others in November, 1945. I am informed that the deed also showed it was made to P. B. Davis, Sr. and wife & Mr. Davis, Jr. and wife, Sara Kathleen Davis, but I know that P. B. Davis, Sr. claimed to own the above described land and that he was in possession of the same and that he cultivated it and raised crops on it each and every year from the time he purchased it as mentioned above, until he and his wife sold the same to Mr. James Anthony Jones and wife, Earline Jones in April, 1952, as mentioned above. Mr. and Mrs. Jones went

immediate possession of said land and started building a dwelling house immediately after they purchased it and the house was completed enough for occupancy within a few months and they have lived in the house and claimed it as their own and assessed and paid taxes on it each and every year until this very day and I have never heard of Willie C. Head or any of his predecessors in title, or any one else making any claim to the land except Mr. and Mrs. Jones. I know that the West lines of the Jones lot ran along the old Montevallo-Maylene public dirt road as it existed at the time Mr. and Mrs. Jones purchased said lot, and that since that time said road has been widened and paved, but it runs along the same course as did the old road and the West lines of Mr. and Mrs. Jones' lot run along said road and adjoin the same. While I haven't surveyed it, it is my observation that the Montevallo road runs almost due North. I am informed that the map on Page 1 of the abstract shows it to run Northwest. I would say if it does, it is very little. I also know that the back line of Mr. and Mrs. Jones' lot runs due North and South and adjoins the West line of my said lot mentioned above. As mentioned above, I am not sure about the number of feet between the North line of Mr. and Mrs. Jones's lot, and the Northwest corner of my lot, but I know that the Jones own all the land between the Northwest corner of my lot and said road. As mentioned above, throughout all the years that I have known said land, I have never heard of anyone contesting the title or disputing the possession of Mr. and Mrs. Jones or their predecessors in title.

W. E. Kirkpatrick  
W. E. Kirkpatrick

Sworn to and subscribed to before me

on this 14 day of January, 1969.

[Signature]  
Notary Public

Before me, the undersigned authority in and for said County in said State, personally appeared James A. Jones who, after being by me first duly sworn to speak the truth, deposes and says:

My name is James A. Jones. I am 60 years of age and have lived in the same locality with Mr. Kirkpatrick since 1952. I have read his affidavit and as

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far back as I can know about, the same is true and correct.

James A. Jones  
James A. Jones

Sworn to and subscribed to before me on

this 21 day of January, 1969.

PUBLIC

[Signature]  
Notary Public

Before me, the undersigned authority in and for said County in said State, personally appeared Earline Jones who, after being by me first duly sworn to speak the truth, deposes and says:

My name is Earline Jones. I am the daughter of P. B. Davis, Sr. and wife of James A. Jones. I have lived in the same community with Mr. Kirkpatrick for the past 32 years and I have read Mr. Kirkpatrick's affidavit back and as far/as I have any knowledge, the same is true and correct.

Earline Jones  
Earline Jones

Sworn to and subscribed to before me on

this 21 day of January, 1969.

PUBLIC

[Signature]  
Notary Public

STATE OF ALA. SEALS  
NOTARY PUBLIC  
INCUMBENT WAS FOR  
12-17-69  
U.C. FILE NUMBER 88  
REC. EX. 2 PAGE 10 FROM ABOVE  
COMM-FY-8-10-69  
JUDGE OF COURSE

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