

1609

STATE OF ALABAMA)

SHELBY COUNTY)

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

My name is Joseph B. Johnson and I presently reside at Route 2, Box 175 B, Centerville, Alabama. I am now and have been intimately familiar with the occupation, use, and possession of the hereinafter described property for a period in excess of twenty-five years, said property being situated in Shelby County, Alabama, and being more particularly described as follows, to-wit:

All that part of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 19, Township 19 South, Range 2 East, except the West 160 feet thereof, which lies South of Florida Short Route Highway.

The above described property was conveyed to affiant and wife, Louise Johnson on April 21, 1944, by deed recorded in Deed Book 120, page 392, in the Probate Records of Shelby County, Alabama. At the time said property was conveyed to affiant and affiant's said wife there was a small two room dwelling thereon which was constructed by L. C. Abbott or one of my other predecessors in title. The above described property has been in the continuous, exclusive, notorious, hostile, and adverse possession of affiant and wife, Louise Johnson for each and every year from 1944 up to and including the date of this affidavit. During the period from 1945 until approximately 1948, affiant and wife, Louise Johnson rented the above described property and the residence situated thereon to one Ted Rich. He resided in said residence and on said property for approximately three years as a tenant of affiant and his wife, Louise Johnson. Shortly after Ted Rich moved from the above described property the son of affiant, namely, Raymond Johnson, moved into the residence situated on the above described property and lived therein for approximately one year. In 1952 affiant and his wife Louise Johnson moved into the residence situated on the above described property and began to make an addition thereto. Affiant cut logs and timber from the above described property and had this timber sawed up into lumber which was used in the construction of the residence as it now exists on said property. Although affiant moved into the house in 1952, the addition was not completed until some time in 1953. For each and every year from 1952 up to and including 1968, affiant and his wife Louise Johnson resided in the residence situated on the above described property. Approximately four months prior to this affidavit affiant and his said wife moved from the above described property to affiant's present

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address as first given above.

The residence on the above described property has a fireplace and is partially heated by a wood fire. For each and every year from 1952 up to and including 1968, affiant and his said wife cut fire wood from that portion of the above described property which still contained timber. Affiant would farm or garden that portion of the above described property which was open and available for such farming. Such farming or gardening was conducted for each and every year from 1952 up to and including 1968. Affiant and his wife Louise Johnson have been in the continuous, hostile, notorious, and adverse possession of the above described property for each and every year from 1944 up to and including the date of this affidavit. No other person, firm, or corporation has been in possession of the above described property or any part thereof during said period.

It has been called to my attention that the records in the Probate Office of Shelby County, Alabama, show a tax sale of a portion of the above described property from Robert Kidd to J. F. McGraw. Said tax sale was dated June 17, 1929, and is shown in tax sale record 10, page 74, in said Records. Neither J. F. McGraw nor Robert Kidd have ever asserted any right, title, or interest in and to the above described property nor have they been in possession of said property or any part thereof at any time since 1944. It has also been called to my attention that Thomas J. Martin and wife, Evelyn M. Martin executed several mortgages to Woodruff and North in the late 1800's. Neither Thomas J. Martin nor his wife, Evelyn M. Martin or any person claiming under them has ever asserted any right, title or interest in or to the above described property or any part thereof nor have they ever had any possession of said property or any part thereof.

It has also been called to my attention that there is a deed of record in the Probate Office of Shelby County, Alabama, dated July 2, 1941, wherein one acre in a square in the Southwest corner of the NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section 19 was conveyed to B. L. Glover. This was a mistake and B. L. Glover nor his wife, nor Paul B. Turner or wife, Jean Turner ever claimed or possessed any part or portion of the above described property.

Sworn to and subscribed before me
this 25th day of February, 1969.

Notary Public

Joseph B. Johnson

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INDEXED
FEB 25 1969
SHELBY CO.
ALABAMA
PROPERTY DEPT.

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