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STATE OF ALABAMA)

SHELBY COUNTY)

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

My name is A. C. Gilbert and I am 83 years old. I have been familiar with the occupation, use and possession of the hereinafter described land situated in Shelby County, Alabama, for a period in excess of 50 years, to-wit:

W $\frac{1}{2}$ of NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 21, Township 19, Range 2 West.

The above described land is presently owned by Ida P. Lacey by deed dated March 28, 1924, and recorded in Deed Book 77, page 470, in the Probate Records of Shelby County, Alabama. I understand there is also another deed in record in favor of Ida P. Lacey to said property executed by Clarice White Luck, Harris M. Gordon and wife, Ruth L. Gordon, said deed being dated November 10, 1961, and recorded in Deed Book 218, page 247, in said records. Actually, the above described land has been under the actual, adverse, open, notorious, exclusive, continuous, hostile, possession of said Ida P. Lacey every since it was conveyed to her in 1924, as aforesaid. About 1954 Ida P. Lacey cut the timber or had the timber removed from the above described property.

It has been called to my attention that V. H. Huey has a deed of record in which the entire NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section is described. Since March 28, 1924, and at no time prior to that time, neither V. H. Huey, Sara Bell Chapman, Sally Day Shemwell, Margaret Shemwell Lash, P. H. Shemwell, Jr., or Harold Shemwell have had possession of said W $\frac{1}{2}$ of NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section 21, or any part thereof nor asserted any right, title, or interest therein.

I was personally acquainted with James A. Acton who, along with his wife, Leona Acton, executed a deed to Isaac N. Gilbert on December 8, 1893, which said deed is recorded in Deed Book 18, page 190, in the Probate Records of Shelby County, Alabama. A corrective deed dated January 7, 1907, and recorded in Deed Book 40, page 432, was signed by "A. J. Acton and Leona Acton. A. J. Acton who executed the last deed was one in the same person as James A. Acton who executed the former deed.

I am familiar with the grantee in that certain deed dated April 9, 1932, which deed is recorded in Deed Book 163, page 298, in the Probate Records of Shelby County, Alabama, said grantee being designated "Sad Lacey". Said Sad Lacey is one in the same person as P. B. Lacey.

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Sad Lacey who is one in the same person as P. B. Lacey died in February of 1954. P. B. Lacey or Sad Lacey died in February of 1954, in Shelby County, Alabama, without leaving a last will and testament. He was survived by two children who were his sole heirs namely, Robert Lacey and Mildred Rutherford.

I have also been familiar with the occupation, use, and possession of the herein-after described land for a period in excess of 50 years, said property being situated in Shelby County, Alabama, and being more particularly described as follows, to wit:

PARCEL NO. 1: Begin at the NE corner of $E\frac{1}{2}$ of $NW\frac{1}{4}$ of Section 21, Township 19 South, Range 2 West, of Huntsville Principal Meridian, Shelby County, Alabama; thence in Southerly direction along East boundary of said quarter section 2632.50 feet to the southeast corner thereof; thence turning an angle of 153 deg. 36' 50" to the right in Northwesterly direction along the diagonal line of East Half of $NW\frac{1}{4}$ 2755.70 feet; thence turning an angle of 118 deg. 40' to the right in Easterly direction 314.15 feet; thence turning an angle of 92 deg. 16' 15" to the left in Northerly direction 210 feet to the point of intersection with North boundary of $E\frac{1}{2}$ of $NW\frac{1}{4}$; thence turning an angle of 92 deg. 16' 15" to the right in Easterly direction along North boundary of $E\frac{1}{2}$ of $NW\frac{1}{4}$ 911.83 feet to the point of beginning. Situated in Shelby County, Alabama.

PARCEL NO. 2: Begin at the NE corner of $NW\frac{1}{4}$ of $NW\frac{1}{4}$ of Section 21, Township 19 South, Range 2 West of Huntsville Principal Meridian, Shelby County, Alabama; thence in Southerly direction along the East boundary of said $\frac{1}{4}$ $\frac{1}{4}$ Section 875.08 feet; thence turning an angle of 92 deg. 22' 25" to the right in Westerly direction 997.72 feet; thence turning an angle of 87 deg. 32' 21" to the right in Northerly direction 873.28 feet to the point of intersection with North boundary of said $\frac{1}{4}$ $\frac{1}{4}$ Section; thence turning an angle of 92 deg. 21' 19" to the right in Easterly direction along North boundary of said $\frac{1}{4}$ $\frac{1}{4}$ Section 998.87 feet to the point of beginning, subject to life estate reserved in Grantor herein.

Also, begin at the NW corner of $E\frac{1}{2}$ of $NW\frac{1}{4}$ of Section 21, Township 19 South, Range 2 West of Huntsville Principal Meridian, Shelby County, Alabama; thence in Southerly direction along the West boundary of $E\frac{1}{2}$ of said $\frac{1}{4}$ $\frac{1}{4}$ Section 210 feet to the point of beginning of the tract of land herein conveyed thence continuing in straight line in southerly direction along west boundary of $E\frac{1}{2}$ of $NW\frac{1}{4}$ of said Section 21, 2415.24 feet to SW corner thereof; thence turning an angle of 87 deg. 25' 15" to the left in Easterly direction along south boundary of said $E\frac{1}{2}$ of $NW\frac{1}{4}$ 1327.20 feet to SE corner thereof; thence turning an angle of 118 deg. 51' 10" to the left in Northwesterly direction along the diagonal line of $E\frac{1}{2}$ of $NW\frac{1}{4}$ 2755.70 feet; thence turning an angle of 61 deg. 27' 20" to left in Westerly direction 105.85 feet to the point of beginning.

Parcel No. 1 as described above is presently owned by Mildred Rutherford, the grantee in that certain deed dated March 11, 1958, and recorded in Deed Book 192, page 150, in the Probate Records of Shelby County, Alabama. Parcel No. 2 described above is presently owned by Robert Lacey and wife, Kate Mae Lacey the grantees in that certain deed dated March 11, 1958, and recorded in Deed Book 192, page 152, in said records.

During the more than 50 years I have known the occupation, use and possession of the above described property, Parcels No. 1 and 2 described above, respectively, have been in the actual, adverse, notorious, hostile, continuous, exclusive possession of, respectively, Mildred Rutherford, Robert Lacey and Wife Kate Mae Lacey, and their predecessors in title.

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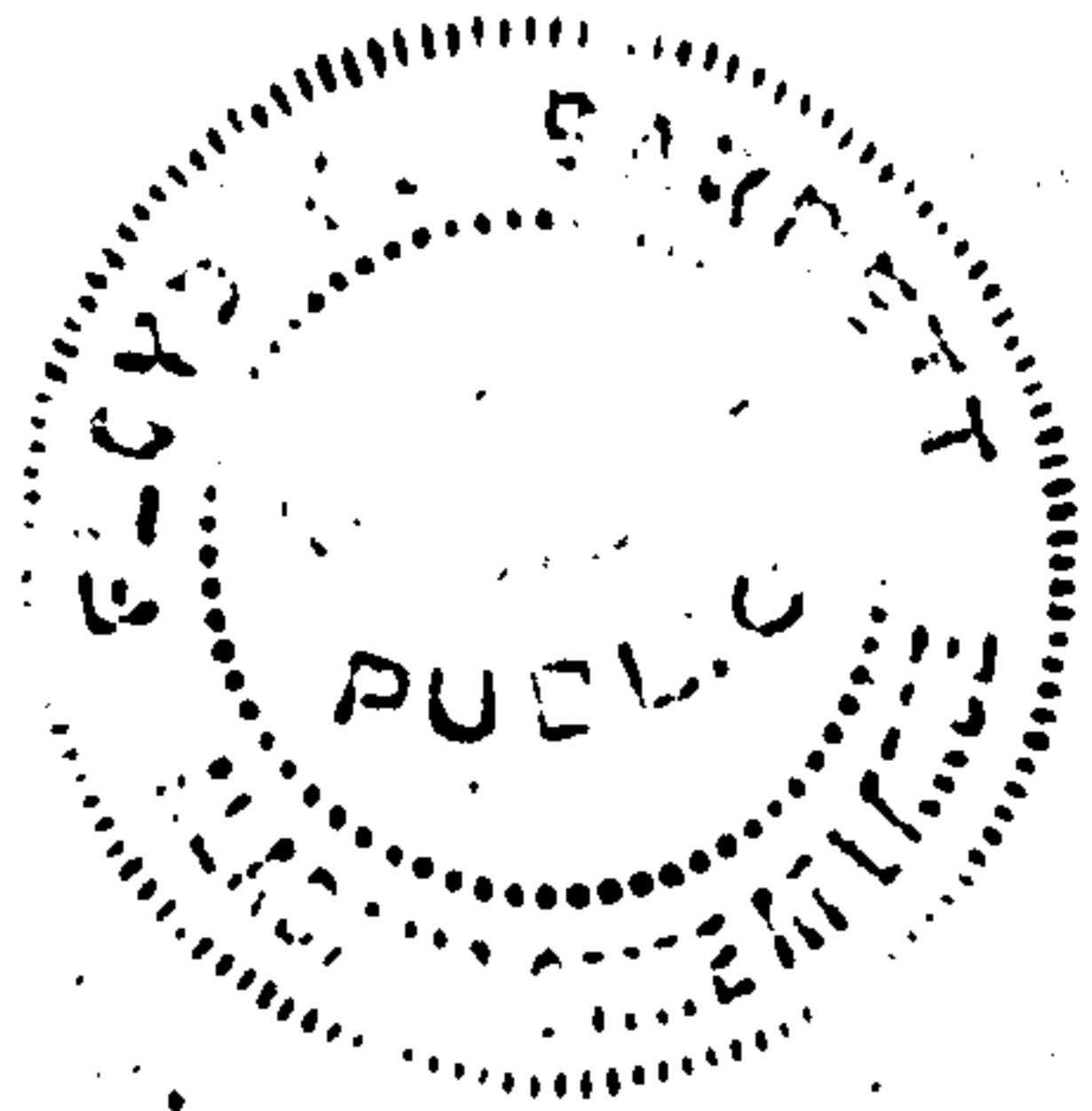
With respect to the SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 21, the same has been in the actual, notorious, adverse, continuous, exclusive possession of the said present owners and their predecessors in title for more than 50 years. From the late 1920's up until the execution of the aforesaid deed in favor of the present owners the property was in the actual, adverse, continuous, notorious, hostile possession of P. B. Lacey and wife, Ida Lacey. Actually, there is presently a fence surrounding approximately one-half of said SE $\frac{1}{4}$ of NW $\frac{1}{4}$ and approximately one-third of said $\frac{1}{4}$ $\frac{1}{4}$ Section is open land. Almost all of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ is under fence and both said $\frac{1}{4}$ $\frac{1}{4}$ Sections have been so fenced and possessed by the present owners and their predecessors in title for a period in excess of 50 years.

During the more than 50 years I have known the occupation, use, and possession of the above described property Parcel No. 1 described above has been in the possession of and ownership of Mildred Rutherford and Parcel No. 2 has been in the possession of Robert Lacey and Kate Mae Lacey, and their respective predecessors in title. No other person, firm, or corporation has been in possession of said property or any part thereof other than said present owners and their predecessors in title for said period. I have never heard any dispute or question whatsoever concerning the ownership of said property by said present owners.

A. A. Gilkey Jr

Sworn to and subscribed before me
this 30 day of November, 1968.

Lloyd T. Garrett
Notary Public



STATE OF ALA. SHILBY CO.
NOTARY PUBLIC
INSTRUMENT FILED
1968 MAY 20 PM 3:23
U.C. THE POWER OF
REC. EX. & INSTR. AS SHOWN ABOVE
Cecilia M. Shilby
JUDGE OF COURSE