

2986

STATE OF ALABAMA

SHELBY COUNTY

Before me, a Notary Public in and for said County and State, personally appeared J. A. Payne, who is known to me, and who being by me first duly sworn, deposes and says as follows:

My name is J. A. Payne. I am 69 years of age and reside at Route 1, Helena, Shelby County, Alabama.

I have been familar with the ownership and possession of the following described property, viz.:

The SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 13, Township 20 South, Range 3 West, except the North 330 feet thereof.

Also all of the SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 13, Township 20, Range 3 West, that lies East of Coats Branch, EXCEPT 3 $\frac{1}{2}$ acres belonging to B. Speigle described as follows: Beginning at the NE corner of SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 13, Township 20, Range 3 West and run South along the East boundary of said forty, 358 feet; thence in a northwesterly direction 607 feet to an iron stake on West bank of Coats Branch; thence along said branch in a northerly direction the north boundary line of said 40 acres; thence East along the North boundary line of said 40 acres to point of beginning,

since I was a small boy 10 or 12 years old, I having lived in the vicinity of said property and within a mile or mile and a half of said property all of my life. I was born within a quarter of a mile of said property, on adjoining property.

Said property is presently owned by Helen Viars Hodges, except for that part thereof lying East of the back Fungo Public Road which was conveyed by Mrs. Hodges and her husband, to Claude C. and Edna Joyce Williams.

When I first remember said property, it was owned and possessed by W. N. Coates. Said W. N. Coates then conveyed said property to my father, Ed Payne, in March, 1921. My said father then later conveyed said property, in different parcels, to various persons, as follows: I built a house on a portion of said property, and my said father thereafter conveyed said property to J. M. Odell, in December, 1923. Said house is still standing

on said property. Said property was then conveyed by said J. M. Odell to Velma Irene Bishop Carmack, who was related in some way to said J. M. Odell. After the death of said Velma Irene Bishop Carmack, her children conveyed said property to Walter L. Coates in February, 1943. The house on said property is presently rented by Mrs. Hodges to tenants.

Another portion of said property was conveyed by my said father directly to W. L. Coates in May, 1923, being the major portion of the above described property.

Another portion of said property was conveyed by my said father to me in May, 1925, and was later conveyed by me in December, 1928, to said Walter L. Coates. It is my understanding that this parcel was mis-described in some way in the deed, and that my said father gave said W. L. Coates a deed of correction correctly describing the property in April, 1935.

The remaining portion of said property was conveyed by my said father to said Walter L. Coates in March, 1928, said parcel lying immediately to the West of the parcel which my said father conveyed directly to me.

As stated above, said Walter L. Coates had obtained title to all of the above described property before June 1, 1944, when he conveyed a portion of said property to Robert Hodges, being the portion thereof which my said father had originally conveyed to J. M. Odell in December, 1923, except the East 100 feet thereof, or some portion thereof.

After the death of said Walter L. Coates, his widow and only child conveyed all the remaining portion of said property to Helen Viars Hodges, in February, 1950, and it is my understanding that said Robert A. Hodges later conveyed all of his interests in and to said property to his wife, said Helen Viars Hodges.

Mr. and Mrs. Hodges also own another tract of land which adjoins the above described property and lies to the South of the above described property, said property having been acquired by Mr. and Mrs. Hodges about 1942. Said parcel lying to the South,

and the above parcel, have been occupied as one tract by Mr. and Mrs. Hodges since they acquired title to both of said parcels, Mr. and Mrs. Hodges having lived and resided in a house on said property as their homestead continuously since about 1942 and until the present date. The house in which Mr. and Mrs. Hodges reside is situated on the parcel of land lying to the South of the above described property.

During the time that I have been familiar with the above described property, parts of it have been used for cultivation from time to time and parts have been used for pastures. All of the property was fenced when my father bought said property in 1921, together with other property, and some of the original fencing is still visible. There are two public roads which cross said property, and I have never heard anyone question the title of said W. N. Coates and his successors in title, as related above, down to and including the present owner, Helen Viars Hodges, during all of the time that I have known said property. I know of my own personal knowledge that said W. N. Coates, and his successors in title as designated above, have been in the open, continuous, notorious, undisturbed, peaceable, exclusive, hostile, actual adverse possession of all of said property for the past 50 or more years up to and including the present date.

J. A. Payne
J. A. Payne

Sworn to and subscribed before
me this 27 day of May, 1969.

Ene Rubin
Notary Public

STATE OF ALA. SHERIFF'S
OFFICE
CERTIFY THIS
INSTRUMENT WAS FILED
1970 JUN -9 PM 10:24
UCC FILE NUMBER OR
REC. FILE NUMBER SHOWN ABOVE
JUDGE OF PROBATE