

STATE OF ALABAMA

SHELBY COUNTY

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

My name is J. F. Jowers. I am 54 years of age and have lived in the Pelham community since 1931 and have all along been well acquainted with the hereinafter described land:

Begin at the point where the west right-of-way line of A.C.L. Railroad crosses the south right-of-way line of the Helena-Pelham paved road and run in a westerly direction along the south line of said road to the east line of the Ed Moore property; thence southeasterly along the east line of said Ed Moore property to the west right of way main line of A.C.L. Railroad; thence run in a northerly direction along the westerly line of said A.C.L. Railroad main line right of way to the point of beginning; being situated in the NW $\frac{1}{4}$ of NW $\frac{1}{4}$, Section 24, Township 20, Range 3 West. Said lot is a part of the westerly portion of lands heretofore known as public school lands in said $\frac{1}{4}$ - $\frac{1}{4}$.

Affiant says he has never heard of A. C. Bridgewater owning any part of the lot known as the old school lot in Pelham but he does know that the Shelby County Board of Education on February 11, 1942 sold the same the same lot along with a lot being 50 ft. by 50 ft. and one being 100 ft. by 60 ft. adjoining the East end of the old school lot to Farris Oldham and he knows that the said old school lot purchased by Farris Oldham as mentioned above extended west across the present A.C.L. Railroad track and extended past a switch track which ran from said A.C.L. Railroad, which at that time was known as the A.B. & A. Railroad in a Northwesterly direction to the L & N Railroad and said lot is now owned by Cecil and Bonnie Motes. Affiant understands that they purchased the same from Clarence Ellison and his wife, Lillian Ellison on February 17, 1947, and recorded in Deed Book 128, page 151. Affiant further says that the said Farris Oldham, his brother-in-law, and his wife, Earvel Ann Oldham sold J. H. Fortenberry all of said school lot being all of the land that Mr. Oldham had purchased from the Shelby County Board of Education mentioned above. Affiant also recalls when J. H. Fortenberry and his wife, Gand Fortenberry, in October of 1946, sold to Clarence Ellison the western portion of the school property lying North of the Pelham-Helena paved road and East of the Main Line A.C.L. and also that part of said school property lying West of A.C.L. Railroad which portion is now owned by Mr. and Mrs. Motes as I have mentioned above. Affiant also recalls in February of 1947 when Clarence Ellison and his wife, Lillian Ellison, sold said strip of land described above to Cecil and Bonnie Motes as shown by deed recorded in Deed Book 128, page 151, in the Probate Office of Shelby County, Ala., as is mentioned above. Said strip described above was bordered on the East side

by A.C.L. Railroad and on the West by land of Ed Moore and North by the Pelham-Helena paved road. The owners that I have mentioned above owned and claimed and were in possession of said land up to the present time since I have known it. About 13 years ago, when Mr. Moore closed the old Birmingham Montgomery Road and his son, Robert Moore began using a road which crossed said strip of land and entered Pelham-Helena paved road and that has been done since 1956. Affiant is not familiar with the details of a deed from J. F. B. Jackson and wife to Lafayette D. West as recorded in Deed Book 5, page 329 in the Probate Office of Shelby County, Alabama, but says his wife has been in the community all her life and she said that the old West property is North of the school property and affiant says this might be the property that John Lee owned.

It is called to affiant's attention a deed from M. L. McEldery and wife, Ruth V. McEldery to J. A. Johnston made in 1911 and recorded in Deed Book 47, page 81 in said Probate Office and affiant says he does not know the details regarding said deed but it says he recalls that said property is either the Sorrell property or is part of it but affiant says that the property covered in the deed to J. A. Johnston was not a part of the school property and did not affect the strip of land described above. There is called to affiant's attention the deed from Mary F. Tipton and husband J. W. Tipton to F. C. Oates dated the 7th day of August, 1944 and recorded in Deed Book 116, page 529 and affiant says that this appears to him as what is now known as the Moore property that lies West of and adjoins ^{the} strip of land now owned by the Motes. It is called to affiant's attention a deed from Elma Sue Smith and others said to be the heirs of Ida O. Nabors, to Ed Moore dated January 12, 1946 and recorded in Deed Book 123, page 331 in the Probate Office of Shelby County, Alabama, covering a lot which affiant says is now known as the Moore lot which he has referred to above in this affidavit and is formerly known as the Johnson Brothers Store Lot and which lot adjoins and lies West of the strip of land owned by Mr. and Mrs. Motes heretofore referred to in this affidavit. It is called to affiant's attention a deed from F. C. Oates and wife Minnie Lee Oates to Robert A. Moore and wife, Marie Moore dated January 1, 1946 and recorded in Deed Book 123, page 374 in said Probate Office. Affiant says that the land described therein lies to the South of the above strip of land owned by Mr. and Mrs. Motes and it is affiant's best judgment not join.

Sworn to and subscribed to before

me on this the 23rd day of October, 1969.

J. F. Jowers

Clark Harrison
Notary Public for Ala.
By Alan H. Hays

STATE OF ALA. SHELBY CO.
INSTRUMENT WAS FILED
1969 NOV 11 PM 3:20
REC. BY & PAGE AS SHOWN ABOVE
JUDGE OF PROBATE

BOOK 200 PAGE 244