

1680  
STATE OF ALABAMA )

SHELBY COUNTY )

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

My name is J.E. Rutherford and I reside at Route 1, Helena, Shelby County, Alabama. I am the grantee in that certain deed dated October 8, 1959, and recorded in Deed Book 205, page 639, in the Probate Records of Shelby County, Alabama. The Grantors in said last mentioned deed, along with affiant, constitute all of the heirs at law of E. U. Rutherford, the father of affiant and grantee in that certain deed dated September 29, 1920, and recorded in Deed Book 72, page 17, in the Probate Records of Shelby County, Alabama. Said E. U. Rutherford died on January 23, 1959, in Shelby County, Alabama, and left no last will and testament. At the time of his death and at the time of the execution of said deed on October 8, 1959, the following persons constituted the sole heirs of said E. U. Rutherford, namely: Crecia Rutherford, otherwise known as Lucretia Rutherford, widow of said E. U. Rutherford, Clyde E. Rutherford, whose wife is Florence L. Rutherford, Laura Estelle Rutherford, a single woman, Myrtle Caroline Rutherford, a single woman, Alma Lee Rutherford Brooker, whose husband is Rexford A. Brooker, Jr., and Mattie Rutherford Jones, whose husband is James A. Jones, and affiant, J. E. Rutherford.

I have been familiar with the occupation, use, and possession of the hereinafter described property for a period in excess of 47 years, said property being the same property conveyed to me, as aforesaid, on October 8, 1959, by deed recorded in Deed Book 205, page 639, in the Probate Records of Shelby County, Alabama, said property being more particularly described as follows, to-wit:

A part of the  $W\frac{1}{2}$  of  $NW\frac{1}{4}$ , Section 29, Township 19 South, Range 2 West, described as follows: Begin at the SW corner of  $W\frac{1}{2}$  of  $NW\frac{1}{4}$  of Section 29, and run in a northerly direction along West boundary of said  $W\frac{1}{2}$  of  $NW\frac{1}{4}$  799.59 feet to the point of intersection with the arc of a curve turning to the left in northwesterly direction and having a radius of 5,793.41 feet, said arc being subtended by a central angle of 5 deg. 12' 46", and having a chord of 526.86 feet in length, said chord forming an angle of 48 deg. 48' 49" to the right from last mentioned course, having a length of 799.59 feet in length, thence along said arc of said curve 527.09 feet to the point of intersection with a straight line tangent to said arc; thence continuing along said straight line which is the SE boundary of said County Road for a distance of 558.75 feet; thence turning an angle of 133 deg. 47' 34" to the right in southerly direction 1550.44 feet to the point of intersection with the South boundary of said  $W\frac{1}{2}$  of  $NW\frac{1}{4}$ ; thence turning an angle of 91 deg. 13' 45" to the right in westerly direction along south boundary of said  $W\frac{1}{2}$  of  $NW\frac{1}{4}$  800.0 feet to point of beginning, containing 21.373 acres more or less.

The above described property was a part of a larger tract purchased by my father, E. U. Rutherford, as aforesaid, on September 29, 1920. At the time said property was purchased by my said father, a portion of the same was open and cleared land and a portion was in timber. Immediately after my father purchased the property as aforesaid in 1920, my father, my brother Clyde Rutherford and I began cultivating and farming the portion thereof which was open land. We planted various fruit trees and vines on the same and raised corn thereon for each and every year up to the time of my father's death on January 23, 1959. Actually, during the years between the time my father purchased said property and the time of his death, some additional parts of said property were cleared for cultivation and cultivated by my father. After the time of my father's death in 1959, we stopped cultivating said property and the same lay vacant up until I received a deed to said above described property on October 8, 1959.

During the more than 47 years I have known the occupation, use, and possession of the above described property, the same has been in the continuous, exclusive, notorious, hostile, adverse, open and actual possession of affiant and his aforesaid predecessors in title. No other person, firm, or corporation has been in possession of said property or any part thereof during said period and I have never heard my title or the title of my predecessors in title questioned or disputed in any way. During said 47 years neither Houston Bailey, Thomas D. Sorell, William Rhulford, or S. L. Rhulford, nor their heirs or assigns, have been in possession of said above described property or any part thereof or made any claim whatsoever to said land.

E. U. Rutherford  
Affiant

Sworn to and subscribed before me

this 7 day of February, 1967.

Frank Allen  
Notary Public

STATE OF ALA. SHELBY CO.  
NOTARY PUBLIC  
INSTRUMENT WAS FILED  
1970 MAR 13 PM 9:05  
UCC FILE NUMBER OR  
REC. BK. & PAGE AS SHOWN ABOVE  
JUDGE OF DEEDS