

STATE OF ALABAMA

SHELBY COUNTY

I, John W., the undersigned authority in and for said county, in said state, personally appeared Clarence L. Stone, who, after being by me first duly sworn to speak the truth, deposes and says:

My name is Clarence L. Stone. I am 61 years of age and have lived in Calera for the past 50 years or more and have been familiar with the property hereinafter described during said years. Said property being described as follows:

Commence at the southeast corner of Section 20, Township 22 South, Range 2 West and run north along the east line of Section 20, a distance of 755.27 feet to the northwest R.C.W. line of the Southern Railroad and the point of beginning; thence turn an angle of 110 deg. 51 min. to the left and run along said R.C.W. line a distance of 195.43 feet; thence turn an angle of 22 deg. 00 min. to right and run a distance of 210.0 feet; thence turn an angle of 37 deg. 40 min. to right and run a distance of 403.70 feet; thence turn an angle of 113 deg. 12 min. to right and run a distance of 229.73 feet to the northwest R.C.W. line of the Southern Railroad; thence turn an angle of 67 deg. 07 min. to right and run along said R.C.W. line a distance of 113.33 feet to point of beginning; situated in $\frac{1}{4}$ of Fractional $\frac{3}{4}$ of Section 20 and $\frac{1}{4}$ of Fractional $\frac{3}{4}$ of Section 21, all in Township 22 South, Range 2 West, Shelby County, Alabama.

I first recall said property when it was owned by Lucille Whitley Seale, who was one and the same as Lucille Seale and the wife of Winfred Seale. There has been called to my attention that Mrs. Seale purchased the land in 1914 from Margie Phillips and husband. There has been read to me the description in the deed which is recorded in Deed Book 56 page 69 in the Probate Office of Shelby County, Alabama. I am familiar with the property known as the Alabama Lumber & Stone property, referred to as Calera Lumber Company or Shelby Lumber Company and know it lies east of the property described in detail above. I also know there was a fence along the easterly line of the above described lot throughout the years and some of the old post and some of the old wire are still visible. I know the property lying east of the above described land and adjacent thereto is now known as the I. E. Watts lot, he having purchased his land from Delyn Cost. Watts and his predecessors in title have claimed to own the land right up to the fence and up to my property. Said old fence which ran along the east line of Southern Railroad R.C.W. on the my property also bordered the southeasterly line. In fact, all the above described land was at one time enclosed by a fence. Mrs. Seale and her husband did not live on the land, but rented it out to tenants, among whom, I recall a J. T. Kelly and a man by the name of Johnson having rented the land. I do not recall the date, but I did know that Mr. & Mrs. Seale made a mortgage to J. M. Tomlin and it is pointed out to me that there was an error in the description in the mortgage in that it failed to run along the southwesterly line of said property, but I know the parties owned all of the above described land, claimed it and was in the

actual possession of the entire area. The said J. M. Tomlin foreclosed said mortgage in 1932 and went into immediate possession of the above described property, although the foreclosure deed also failed to describe the southwesterly line. He was in the actual possession of said lot and rented it out to tenants during the years he owned it. On October 19, 1942, J. M. Tomlin and his wife sold the same to A. J. Stone and Elphie Stone, affiant's father and mother. There is called to my attention the deed had the same defect in the description with reference to the southwesterly line; however, I know the property lines and know my father and mother went into possession of the entire lot described above. They lived in the dwelling house situated thereon and cultivated the land lying east of the house and up to the fence adjoining the above mentioned Watts' lot. He used the portion of the land situated in said Section 21 as a garden plot and cultivated it each and every year. The remainder of the land was used as a yard. I understood that the house was over 100 years old when I tore it down about the year 1946. My mother and father sold off the west 120 feet - to Richard Lee Leslie 60 feet and to Jasper L. Stone and wife 60 feet during the years 1947 and 1948. They continued to live on and own and cultivate the remainder of the property until they died. My mother died about the year 1943 and my father died about the year 1961, without leaving Wills, but left surviving them as their sole and surviving heirs at law the persons shown in that certain deed dated March 21, 1966, recorded in Deed Book 241 page 455 in said Probate Office; that is, the grantors and grantees therein with their spouses. Said parties signing the deed were over the age of 21 years and of sound mind. I purchased the land from the heirs as shown by said deed and about a year after my wife and I purchased the same, I tore the old house down with the intention of rebuilding. I have kept the lot cleared to the old fence line and up to the Watts property line and have been in the actual possession of the lot which I purchased each and every year until this very day. We have not built a house as we have contracted to sell the lot. I know my father and mother paid taxes on the property each and every year while they owned it and we paid taxes since we owned the same until the present time. Affiant further says during all the years he has known said property, it has been owned by and in the actual possession of the persons mentioned in this affidavit and he knows of his own knowledge that neither Thomas Heflin Walton nor anyone else has ever been in possession of or asserted any claim of ownership to the same.

Dated this 27th day of February, 1970.

Clarence L. Stone
Clarence L. Stone

Sworn to and subscribed to before me on this
the 27th day of February, 1970.

Walter B. Janner
Notary Public

STATE OF ALABAMA

SHELBY COUNTY

Before me, the undersigned authority in and for said county in said state, personally appeared Jasper Stone, who, after being by me first duly sworn to speak the truth, deposes and says:

My name is Jasper Stone. I am 50 years of age and have lived in and around Calera all of my life. I have read the affidavit of Clarence L. Stone and know the same to be true and correct. A few years before my father's death, the Alabama Power Company had a guy wire along the portion of said land running along Southern Railroad and it came in contact with the fence along the property line and my Mother almost got electrocuted and my father tore the fence down along the Railroad, but along the easterly line the wire and post are still visible at many places.

Dated this 27th day of February, 1970.

Jasper L. Stone
Jasper L. Stone

Sworn to and subscribed to before me

on this the 27th day of February, 1970.

Martha B. Joiner
Notary Public

STATE OF ALA. SHELBY CO.
CERTIFY THIS
INSTRUMENT WAS FILED

1970 JUL 17 PM 2:50

U.C.C. FILE NUMBER OR
REC. EX. & PAGE AS SHOWN ABOVE

Conceding

JUDGE OF PROBATE