

3535

AUG 3 1970

STATE OF ALABAMA)

SHELBY COUNTY)

Before me, the undersigned authority, in and for said County and State, personally appeared the undersigned affiants, H. W. Edwards and Martha Ann Edwards, who, after being by me first duly sworn to speak the truth, depose and say as follows:

Affiant H. W. Edwards is 43 years of age and affiant Martha Ann Edwards is 40 years of age and both affiants are resident citizens of Vincent, Alabama. Affiants are familiar with the occupation, use, possession and location of the hereinafter described real property located in Shelby County, Alabama, to-wit:

NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 1, Township 20, Range 2 East, Shelby County, Alabama.

It has been called to the attention of the affiants that the above described property is included in a survivorship warranty deed from Cleveland Bailey and wife, Bonnie Bailey, to affiants, which deed is dated November 18, 1954, and was recorded on December 4, 1954, in Deed Record Book 170, at page 178, in the Office of Judge of Probate of Shelby County, Alabama, and that prior thereto the said Cleveland and Bonnie Bailey received a deed to the above described property from Maxie Broyles, which deed is dated October 16, 1953, and was recorded on October 29, 1953, in Deed Record Book 163, at page 94, in said Probate Records. The description in each of these old deeds is as follows, to-wit:

The NE $\frac{1}{4}$ of the SE $\frac{1}{4}$, Section 1, Township 20, Range 2 East, except one acre tract conveyed to Walter Foster, H. L. Brown and O. S. Thomas as Trustees of the Congregational Holiness Church of Creswell, Alabama by deed dated January 28, 1943 and recorded in Volume 115, page 542, in the Probate Office of Shelby County, Alabama.

The above referenced deeds from Broyles to Bailey and from Bailey to affiants were in error in that it was the intention of all the parties to convey the NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 1, Township 20, Range 2 East, Shelby County, Alabama, less and except a one acre tract in said quarter-quarter section previously conveyed to the said Congregational Holiness Church of Creswell, Alabama, by the said Maxie Broyles by and through that certain Deed of Correction dated August 11, 1945 and recorded on November 26, 1945 in Deed Book 122, page 162, in said Probate Record.

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Shortly after affiants received the above described deed from Cleveland and Bonnie Bailey, this error was discovered. To correct this error, affiants obtained a warranty deed with right of survivorship from Mamie Broyles and husband, W. O. Broyles, to the said NW¹/₄ of the NE¹/₄, which said deed is dated December 4, 1954 and was recorded on December 11, 1954 in Deed Record Book 170, at page 219.

It has also been called to affiants' attention that a mortgage Cleveland and Bonnie Bailey gave to Mamie Broyles pursuant to the above referenced erroneous deed purporting to convey the said NE¹/₄ of SE¹/₄, remains unsatisfied of record in Mortgage Record Book 231, at page 323, in said Probate Records, but affiants know that the same has in fact been paid in full because affiants themselves paid the remaining mortgage indebtedness due to Mamie Broyles when affiants obtained from her the above referenced deed in the said NW¹/₄ of NE¹/₄.


Further deposing, affiants say that neither affiants nor Cleveland and Bonnie Bailey have ever claimed any right, title or interest in and to the NE¹/₄ of the SE¹/₄, Section 1, Township 20, Range 2 East, Shelby County, Alabama, pursuant to the above referenced erroneous deeds or otherwise, and that the affiants have never been in possession of said NE¹/₄ of SE¹/₄ or any part thereof nor have affiants ever paid any taxes thereon and affiants do not presently claim any interest in said NE¹/₄ of SE¹/₄.


H. W. Edwards - Affiant


Martha Ann Edwards - Affiant

Sworn to and subscribed before me
this 31 day of July, 1970.


Notary Public

STATE OF ALA. SHELBY CO.
I CERTIFY THIS
INSTRUMENT WAS FILED
1970 AUG 18 PM 3:50
U.C.C. FILE NUMBER OR
REC. BK. & PAGE AS SHOWN ABOVE

CLERK OF PROBATE