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STATE OF ALABAMA)

SHELBY COUNTY)

Before me, the undersigned authority, in and for said county and state, personally appeared J. E. Rutherford, who, being known to me and being by me first duly sworn, deposes and says as follows:

That he is 42 years of age and is and has been continuously a bona fide resident of Shelby County, Alabama for the last past 42 years.

That he has been acquainted with the ownership, use and possession of the following described land for the last past 35 years:

The E $\frac{1}{2}$ of the SW $\frac{1}{4}$; the E $\frac{1}{2}$ of the SE $\frac{1}{4}$ and the E $\frac{1}{2}$ of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 1, and all that part of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 12 lying Northwest of the right-of-way of the new Birmingham-Montgomery Highway, all in Township 20 South, Range 3 West.

The NW $\frac{1}{4}$, except that part conveyed by Joe Roden and wife, Socia L. Roden to Charles C. Nelson, Jr., and wife, Nellie Jean Nelson, on June 18, 1955, by deed recorded in Deed Book 175, page 261, in the office of the Judge of Probate of Shelby County, Alabama, said property being more particularly described as follows:

Commencing at the Northwest corner of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 1, Township 20, Range 3, West, run South along the West line of said quarter-quarter section a distance of 504.5 feet to the Southeast right-of-way line of the Helena-Acton paved highway for a point of beginning; thence turn an angle to the left of 153° and run along the Southeast line of said highway a distance of 150 feet; thence turn an angle to the right of 101° 30' and run in a Southeasterly direction 400 feet to a point; thence turn an angle to the right of 113° and run in a Southwesterly direction a distance of 427 feet to the West line of said quarter-quarter section; thence turn an angle to the right of 118° and run North along said West line a distance of 325.3 feet to the point of beginning; Also, except highway right-of-way;

The E $\frac{1}{2}$ of the NE $\frac{1}{4}$; the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ and the northwest diagonal half of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 1, Township 20, Range 3 West.

That he first knew the land in 1921 and when he knew the land it was owned and occupied by John Bishop and his family as a homestead. Their family home was on the land and the land was cultivated by John Bishop and his family each and every year. Parts of the land were under fence and it was generally known in the community that it was the John Bishop property.

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Further deposing, affiant says that he remembers very well when John Bishop died and that after the death of the said John Bishop, the above described land continued in the possession of the heirs of John Bishop until January 13, 1926 when the heirs of John Bishop joined in a conveyance of the above described land to Atlantic Land Company which company was a corporation, and of which Dr. J. T. Doster was president. Affiant further knows that upon the execution and delivery of this deed that the Atlantic Land Company took possession of said land and rented the same to tenants continuously until December, 1938, when the land was sold to the family of J. T. Doster. The family of J. T. Doster continued to rent the property to tenants and sold the timber on the timbered portion of such land several times, and the said cleared portion of the land was cultivated by their permission by such tenants each and every year thereafter until said land was sold by Mary S. Doster and husband J. T. Doster; Charles S. Doster and wife, Mary G. Doster and Nancy S. Doster to Joe Roden in 1942. Further deposing, affiant says that upon the execution and delivery of said above deed, the said Joe Roden went into the immediate possession of such land and cultivated parts of the same, pastured parts of the same, having some fifty or sixty head of cattle on the land and exercised other actual possession of such land, claiming to own the same each and every year thereafter up to and including this date.

Affiant further says that he has been shown the abstracted copy of a lease from Mannie Cross and others to H. T. Seldon dated May 3, 1955 and recorded in the Probate Office of Shelby County, Alabama in Deed Book 173, page 51. Further deposing, affiant says that he knows of his own knowledge that none of the lessors nor the lessee have ever been in possession of any part of the above described land and that he knows of his own knowledge that neither the lessors nor lessee claim any right, title, claim or interest in or to the above described property, now occupied by Joe Roden.

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Affiant further knows of his own knowledge that the land has been occupied by Joe Roden and those through whom he claims title continuously for the last past 35 years and that such possession has been actual, exclusive, open, notorious, hostile and continuous during said period and up to and including this date and he has never heard the title of the said Joe Roden and those through whom he claims title questioned in any way.

J. H. Rutherford

Sworn to and subscribed before me
this 2nd day of February, 1955.

Paul C. [Signature]
Notary Public

STATE OF ALABAMA
INSTRUMENT NO. 11111
1955-SEP-3 11:10:57
U.C.C. FILE NUMBER OF
REC. BIC & PAGE AS SHOWN AND
INDEXED BY INSTRUMENT