

4273
STATE OF ALABAMA
SHELBY COUNTY

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

My name is W. I. Jenkins. I am 67 years of age and have known the hereinafter described land for a number of years. Said land being described as follows:

A part of the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ and part of NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 22, Township 20 South, Range 3 West, described as follows: Commence at the southwest corner of the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ and run east along south line 700 feet, more or less, to west side of Settlement road for point of beginning; thence continue east 420 feet, more or less, to a branch; thence run southeasterly to a point which is 115.40 feet south of the southeast corner of the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 22; thence run north along east line of NW $\frac{1}{4}$ of SW $\frac{1}{4}$ and of SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 22, a distance of 740 feet; thence run west 386 feet, more or less, to northeast corner of Hilliard Jenkins one acre lot; thence run south 210 feet; thence run west 226 feet; thence run south 443 feet to point of beginning; situated in Shelby County, Alabama.

I do not recall the particulars of the situation, but it is common knowledge that the property sold for its taxes and was bought in by E. Simmons and T. J. Seagles. I obtained these facts many years ago from W. J. Esco. I first became familiar with the land when it was owned by W. J. Esco and his son C. R. Esco. They purchased the land from E. Simmons and T. J. Seagles and built a house on the land prior to 1932. I moved into the house situated on the above described property as a tenant of the Escos and lived there approximately two years in the early 1930's. I purchased some land from the Escos which lay on the opposite side of the road from the above described land. While I lived on the Esco place, I cultivated portions of the land for a garden and a corn crop. The Escos never lived on the property, but rented it out each and every year until 1944 when they sold it to A. N. Cross and Lennis O. Cross. It is my recollection the Cross' lived in the house for sometime before they purchased the same. The Cross continued to live on the place until A. N. Cross died and Mrs. Cross continued to live there and remarried a Mr. Simmons and the last I knew of the place, they were still living on it. I moved away from this area about the year 1948, but kept in contact with the people after that time I heard that the Cross heirs later sold the property to Oscar E. Gilbert and Elsie M. Gilbert about the year 1969. While the Crosses owned the land and after Mr. Cross died, Mrs. Cross remodeled the house. I recall that Mr. Cross cultivated portions of the land and had a garden and corn crop.

I understand the deed from the Cross heirs in 1969, as shown by Deed Book 257 page 36 described the property as being in the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 22 only. I know of my own knowledge that a small triangular parcel of land extended into the NE $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 22, Township 20 South, Range 3 West.

I have never heard of any dispute between Hilliard Jenkins, my brother, and Oscar E. Gilbert or his predecessors in title as to the land lines on the ground. I understand according to the descriptions in the deeds, there are some overlappages; however, I have never heard of any disputes between them.

I was familiar with the land owned by W. S. Esco and never knew of anyone disputing his ownership or that of his successors in title to the land described above.

W. I. Jenkins
W. I. Jenkins

Sworn to and subscribed to before me on
this the 7th day of Sept., 1970.

James Williams
Notary Public

STATE OF ALABAMA

SHELBY COUNTY

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

My name is Frank E. Cox. I am 64 years of age and have for the past 45 years or more been familiar with the land described in the foregoing affidavit of W. I. Jenkins. Since I have known the land, I know the matters and things which W. I. Jenkins mentioned in his affidavit are true and correct. I had the affidavit read to me and am familiar with it.

Frank E. Cox
Frank E. Cox

Sworn to and subscribed to before me on
this the 17 day of August, 1970.

[Signature]
Notary Public

STATE OF ALA. SHELBY CO.
RECEIVED BY THIS
INSTRUMENT WAS FILED
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