

4411

STATE OF ALABAMA

SHELBY COUNTY

Before me, a Notary Public in and for said County and State, personally appeared Forest Lovett, who is known to me, and who being by me first duly sworn, deposes and says as follows:

My name is Forest Lovett. I am 66 years of age and reside at Siluria, Shelby County, Alabama. I am a former owner of the following described property, viz.:

A part of the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 16, Township 22 South, Range 1 East, described as follows: Begin at the NW corner of said quarter-quarter section, and run East 70 yards; thence South 140 yards; thence West 70 yards to Section line; thence North along West line of said Section 140 yards to point of beginning,

having bought said property and gone into possession thereof under warranty deed from W. H. Garner or Will Garner about 1928.

I have been familar with the ownership and possession of said property since about 1928 when I bought said property, and for some time before then, and until the present date.

Will Garner, or W. H. Garner who I bought said property from about 1928 was a colored man who lived in Wilsonville. His grandmother was Anne Colwell, or Anne Caldwell (I am not sure of the spelling of the name) and his mother was Nalda Jewett Garner Hill, the last husband of said Nalda Jewett Garner Hill being George W. Hill, according to my understanding.

It was my understanding at the time that I bought said property that said Anne Colwell had willed, or deeded, or in some manner conveyed said property to said Nalda Jewett Garner Hill, and that said W. H. Garner inherited said property from his said mother when she died (he being her only child) and after the death of her said husband, George W. Hill.

With these understandings, I did buy said property from said W. H. Garner and did pay him for said property and did

receive a warranty deed conveying said property to me and did go into possession of said property at that time, about 1928, as aforesaid.

I do not know whatever happened to the deed which I received from said W. H. Garner: I thought that I had recorded it in the public records in the Office of the Judge of Probate of Shelby County, Alabama, but it is my understanding that the record of said deed cannot be found in said Probate Office at the present time. I did regularly assess and pay taxes on said property during the time while I owned said property as required by law, having assessed said property for ad valorem taxes with the Tax Assessor of Shelby County and having paid said taxes to the Tax Collector of Shelby County.

I had been familiar with said property for some time before I bought the same about 1928, and I do know and remember there had been an old house on said property which said Nalda Jewett Garner Hill had lived in, but said house was torn down some several years before I bought said property.

I built a house on said property about 1932, and I and my family lived and resided in said house on said property until my wife and I conveyed said property to Gordon Pearson in 1940. Said Gordon Pearson and his family lived in said house until he conveyed the same to his daughter, Dorothy C. Morris and her husband, about 1956.

I did not know Tom Thomas, but it is my understanding that said Dorothy C. Morris and John C. Morris did convey said property to Tom Thomas about 1964, and that said Tom Thomas owned said property only a short time before he sold and conveyed the same to Ed Benson and wife, Velma Benson, in 1965.

Said Ed Benson and wife, Velma Benson, the present owners of said house and property, have remodeled and improved said house and presently occupy the same on a part time basis.

I know of my own personal knowledge that I, and my successors in title, as designated above, have been in the open, continuous, undisturbed, peaceable, exclusive, hostile, actual adverse possession of said property described above since before 1930 and until the present date. I have never heard anyone question the title or right of possession of myself and my successors in title to said property, as designated above.

Forest L. Smith

Sworn to and subscribed before me this

28th day of September, 1970.

Mary D. Thompson
Notary Public

STAFF OF THE
COUNTY CLERK
INSTRUMENT PAGE 1

1970 SEP 29 AM 9:30

U.C.C. FILE NUMBER
REC. BK. & PAGE AS SUBMITTED

Comptroller

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