

STATE OF ALABAMA)
SHELBY COUNTY)

2017
AFFIDAVIT

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Shelby Cnty Judge of Probate, AL
03/09/1971 12:00:00 AM FILED/CERT

Before me the undersigned authority, a Notary Public in and for said county and state, personally appeared the undersigned affiant who, after being by me first duly sworn to speak the truth, deposes and says as follows:

My name is B. B. Curry, I am 79 years of age and presently reside in the Town of Wilton, Shelby County, Alabama. I have been acquainted with the occupation, use and possession of the following described property for a period in excess of 50 years and I know the exact location of the following described property situated in the Town of Wilton, Shelby County, Alabama, to-wit:

Lots 1 and 2:

That certain lot in the Town of Wilton, Alabama, and in the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of section eight (8), township twenty-four (24) North, Range twelve (12) east, Shelby County, Alabama, which is more particularly described as follows: Beginning at a point on the northwest margin of the right of way of the Southern Railway thirty and one-half (30 $\frac{1}{2}$) feet N. 33° 15' east from the point of intersection of said northwest line of said right of way with the south line of said SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of said section eight (8), which point is the northeast corner of the lot known as and called "The Camp Barbershop Lot," running thence N. 33° 15' east along said right of way margin a distance of fifty-two (52) feet to the southwest corner of the lot known as the "Merchant Lot", thence North 56° 45' West, following the line of said Merchant Lot and projection thereof, a distance of two hundred eight (208) feet, thence South 33° 15' West, fifty-two (52) feet, and thence South 56° 45' E. along the line of said Camp Lot, two hundred eight (208) feet, to the point of beginning.

Lot 3:

That certain lot in the Town of Wilton, Alabama, and in the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$, Section 8, Township 24 North, Range 12 East, which is more particularly described as follows: Beginning at a point on the Northwest margin of the right of way of the Southern Railroad which is 82-1/2 feet north 33° 15' east from where the south boundary line of the SE $\frac{1}{4}$ of NE $\frac{1}{4}$ intersects the said northwest margin of said right of way and which beginning point is the eastermost corner of the lot known as the "Givhan and Nelson Lot" and is 50 feet from the centerline of the main tract of the said Railway, measuring at right angles thereto, running thence north 33° 15' east along said right of way line a distance of 25 feet to the southermost corner of the "E. S. Ambrose Store Lot"; thence North 56° 45' West along the line of said Ambrose Store Lot a distance of 208 feet; thence south 33° 15' west a distance of 25 feet to the northermost corner of said Givhan and Nelson lot; thence southeasterly along the line of said Givhan and Nelson lot 208 feet to said point of beginning.

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Lot 4:

That certain lot in the Town of Wilton, Alabama, and in the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 8, Township 24 North, Range 12 East, Shelby County, Alabama, which is 1/4 of an acre of land more or less, fronting 52 feet on the right of way of the Southern Railway at Wilton, Alabama, and more particularly described as follows: To find the point of beginning begin at the point of intersection of the line between the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ and the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 8, Township 24 North, Range 12 East and the westernmost line of the right of way of the Southern Railway thence in a Northeastern direction 107.5 feet to the Southernmost corner of said lot herein conveyed; thence from said corner as a point of beginning 208 feet perpendicular to said Southern Railway right of way; thence in a Northeastern direction parallel with said Railway 52 feet; thence in a Southeastern direction perpendicular with said Railway 208 feet to the Westernmost line of said right of way; thence along said line on a Southwesternly direction 52 feet to point of beginning.

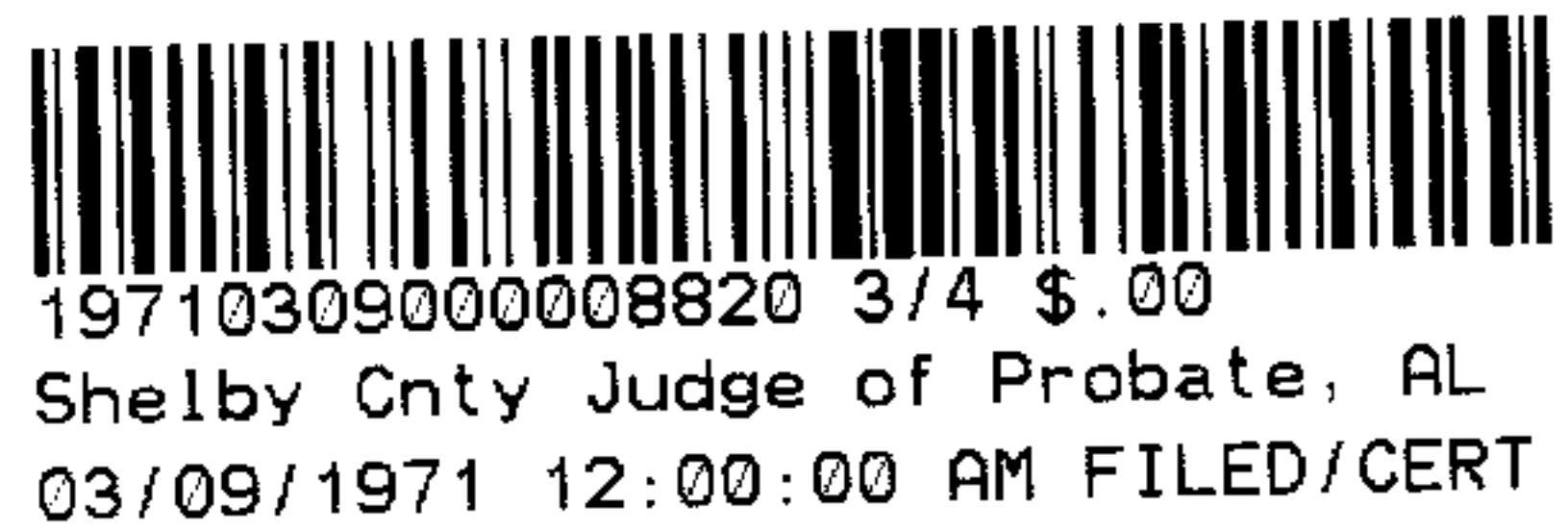
Lot 5:

That certain lot in the Town of Wilton, Alabama, and in the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 8, Township 24 North, Range 12 East, Shelby County, Alabama, which is more particularly described as follows: Beginning at a point on the northwest margin of the right of way of the Southern Railway, one hundred and fifty-nine and five tenths (159.5) feet northeast of the intersection of the said right of way line with the east and west half-mile line, or centerline of section eight (8), township twenty-four (24) north of range twelve (12) east, which point of beginning is the easternmost corner of the "E. S. Ambrose" store house lot; thence run north 56 degrees and 45 minutes west, along the line of said Ambrose lot, 208 feet, to the northernmost corner of said Ambrose lot; thence south 33 degrees and 15 minutes west, along the rear line of said Ambrose lot, 50 feet, more or less, to the line of the "H. Jackson" lot; thence north 56 degrees and 45 minutes west, 50 feet, more or less, to an alley; thence north 33 degrees and 15 minutes east, along said alley, 154 feet, more or less, to a cross alley; thence south 56 degrees and 45 minutes east to the said west line of said right of way of said Southern Railway; thence southwesterly, along the line of said railroad right of way, 104 feet, more or less, to the point of beginning.

I know that all of the above described property is presently in the possession of Addie E. Gay, the widow of O. T. Gay, Deceased, and the devisee under his Last Will and Testament.

The point on the ground where the east-west half-mile line of section 8, township 24 north, range 12 east, which said line is also the centerline of section 8 and is also the south line of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of section 8, crosses or intersects the northwest margin of the right of way of Southern Railway is a point that by the reputation in this community is known and

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well established and has been customarily used as a point of reference in describing Lots and property in the Town of Wilton, Shelby County, Alabama, for more than 100 years. By the reputation in this community, the property corners and lines of all of the above described property are well defined, known and have been fixed on the ground, and have been recognized without dispute since I first became familiar with this property over 50 years ago. I know that there have never been any disputes among the prior owners/of the above described property lines and corners of the respective lots as described above.

The property described above under the heading "Lots 1 and 2" is most commonly known in the community as "The Givhan and Nelson Lot". Dr. Givhan and Mr. Nelson acquired this property and went into possession of it in the early 1920's and sold it to O. T. Gay in the late 1940's and it remained in his possession until the time of his death in 1964 and since that time has been in the possession his widow, Addie E. Gay. I have never heard the title of Dr. Givhan and Mr. Nelson, or O. T. Gay, or his widow being questioned or disputed in any way. I know of my own knowledge that for more than the last 20 years the above described property has been in continuous, exclusive, adverse, notorious and hostile possession of O. T. Gay and, since his death, his widow, Addie E. Gay.

The property described above under the heading "Lot 3" is most commonly known in the community as "The Merchant Lot" and was purchased by O. T. Gay in the late 1940's and remained in his continuous, exclusive, adverse, notorious, and hostile possession until the time of his death and, since his death, in his widow, Addie E. Gay. I have never heard the title of O. T. Gay or his widow questioned or disputed in any way.

The property described above under the caption "Lot 4" is most commonly known in the community as "The E. S. Ambrose lot" and was purchased by O. T. Gay in the late 1940's and has been in his continuous, exclusive, adverse, notorious, and hostile possession since that time and, since his death, in his widow, Addie E. Gay. It has been called to my attention that the deed O. T. Gay received from the widow and heirs of Edgar S. Ambrose, who owned this lot at the time of his death in 1942, does not describe this property in the same manner that it is described above and that the description in the deed to Mr. Gay is incomplete. However, I

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know of my own personal knowledge that immediately upon receiving this deed, which is recorded in Deed Book 134, at Page 365, in the Office of the Judge of Probate of Shelby County, Alabama, O. T. Gay went into possession of the lot commonly known in this community as "The E. S. Ambrose Lot" and which is correctly described above under the caption "Lot No. 4". I have never heard the title of O. T. Gay or his widow questioned to the Edgar S. Ambrose Lot, as described above, questioned or disputed in any way.

The property described above under caption "Lot No. 5" is most commonly known in the community as "The Gardner Hotel Lot". I know that this lot was deeded by the heirs of Mrs. Bama Gardner to F. C. Armstrong in the middle 1940's shortly after World War II and that after Mr. Armstrong purchased the lot, he tore down the wooden hotel building located thereon and in the early 1950's sold the lot to O. T. Gay and Addie E. Gay. When Mr. and Mrs. Gay purchased the property it was vacant and they fenced it in and used it as a small pasture and the fence remained until several years ago. I know of my own knowledge that for more than the last 20 years this property has been in the continuous, exclusive, adverse, notorious and hostile possession of F. C. Armstrong until his sale to O. T. Gay and since that time in O. T. Gay and his widow, Addie E. Gay. I have never heard the title of F. C. Armstrong, O. T. Gay or his widow questioned or disputed in any way.

B. B. Curry
B. B. Curry

Sworn to and subscribed to this the
9th day of February, 1971.

Leis M. Allen
Notary Public



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Denzel J. Jones
CLERK OF PROBATE

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