

STATE OF ALABAMA

SHELBY COUNTY



19710324000011140 1/2 \$.00
Shelby Cnty Judge of Probate, AL
03/24/1971 12:00:00 AM FILED/CERT

2215
Before me, the undersigned authority in and for said county in said state, personally appeared W. F. Howard, who, after being by me first duly sworn to speak the truth, deposes and says:

My name is W. F. Howard. I am 70 years of age and have lived in and around the hereinafter described land all of my life. Said land being described as follows:

A part of the SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 11, Township 18 South, Range 1 East described as follows: Begin at the northwest corner and run south along west line 660 feet; thence east 660 feet; thence northwest 933 feet, more or less, to point of beginning.

Also a part of the SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 11, Township 18 South, Range 1 East, described as follows: Begin at the northeast corner and run west along north line to the east right-of-way line of paved county road; thence run southwest along said right-of-way line 32 feet; thence run southeasterly 600 feet, more or less, to a point on east line of said $\frac{1}{4}$ - $\frac{1}{4}$ Section which point is 415 feet south of northeast corner; thence run north along east line 415 feet to point of beginning.

Also all that part of the NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 11, Township 18 South, Range 1 East that lies southeast of right-of-way of paved county road;

situated in Shelby County, Alabama.

There has been called to my attention a deed from W. C. Glass to A. A. Girtten dated March 25, 1916, covering a portion of the above land in NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 11. I understand the deed erroneously described it as being in NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section 11.

There has also been called to my attention a deed from Lorenzo Dow Riggins and wife to John A. Weldon dated September 23, 1943, and a deed from John A. Weldon to A. Q. Bracknell dated September 6, 1944, covering certain lands. On November 4, 1950, A. Q. Bracknell conveyed the same to his wife. I know of my own knowledge that the Bracknell land lies southwest of the above described land and does not touch it at any point.

There is called to affiant's attention a mortgage from Roberta Thompson to Myrtice Walker McCain dated March 25, 1952, recorded in Mortgage Book 222 page 430 in Probate Office. I know of my own knowledge that the Thompson land does not overlap on the above described land, but is some quarter of a mile or more west of the above described property; that neither Roberta Thompson nor Myrtice Walker McCain have ever owned or claimed any interest in the above described land.

There has also been called to my attention the deed from F. B. Salser and wife, Lavada Salser to W. E. Falkner and Lois M. Falkner which describes one line as "thence turn an angle of 50 deg. and run 600 feet". While I am not an Engineer, I have had it explained to me and I have looked at the map and it appears to be more of a 90 deg. angle than a 50 deg. angle. Anyway, I know the same runs along a fence line between the Falkner land and the Chester Cox land.

It is common knowledge that my father and mother, W. A. Howard and Addie M. Howard owned the SW $\frac{1}{4}$ of NE $\frac{1}{4}$ and NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 11, less 3 acres in the southwest corner of NW $\frac{1}{4}$ of SE $\frac{1}{4}$. I knew the persons from whom they purchased the land, but do not recall the exact date, except that I have been shown the deed and it was may in December, 1921. My father died in the year 1924 without a Will and left surviving him my Mother, M. F. Howard, and the following named children: W. F. Howard, Lossie Taylor, Verbie Howard, Flora Partridge and Dorothy Howard Walker.

The new County road which runs somewhat parallel to and adjoins the above described property, but lies north of Dykes Mill Road and the same was built after August, 1963.

Affiant says that throughout all the years he has known said land since the time the Howards owned the same and until the present time when W. E. Falkner owns it, the persons in the chain of title have been in the open, and adverse possession of said land; that it has all been fenced since 1965 and some even prior to that time, and I have never heard of anyone contesting the title or disputing the possession of W. E. Falkner or his predecessors in title.

W. F. Howard
W. F. Howard

Sworn to and subscribed to before me
on this 6 day of November, 1970.

Jo Wiley Stone
Notary Public



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STATE OF ALA. SHELBY CO.
CERTIFY THIS
INSTRUMENT WAS FILED
1971 MAR 23 PM 3:46
U.C.C. FILE NUMBER OR
REC. BK. & PAGE AS SHOWN ABOVE
JUDGE OF PROBATE