

STATE OF ALABAMA

SHELBY COUNTY

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19710324000011160 1/2 \$.00
Shelby Cnty Judge of Probate, AL
03/24/1971 12:00:00 AM FILED/CERT

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

My name is J. A. Dawson. I am 72 years of age and am familiar with the following described land and the persons in possession of it. Said land being described as follows:

All that part of the NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 11, Township 13 South, Range 1 East, lying southeast of right-of-way of new paved Vandiver-Dykes Mill Road, EXCEPT 1 acre square in northeast corner of said forty acres and EXCEPT that tract sold to J. H. Dawson and Myrtle Dawson as described in Deed Book 194 page 379 in Probate Office. Also EXCEPT 1/2 acre sold Robert Dawson as shown by deed recorded in Deed Book 199 page 177 in said Probate Office; situated in Shelby County, Alabama.

I knew D. A. Whitfield and know that he owned the land many years ago. He died prior to 1922 and left surviving him his wife, Martha H. Whitfield, and the following children: Letha Brasher, Pearl Whitfield, Mary J. Grissle and W. Y. Whitfield. Affiant further says Letha Brasher and Letha Ann Brasher are one and the same person.

There is called to my attention a deed from W. B. Brasher and wife to Abraham Dawson and Emily Dawson covering 20 acres lying on the west side of NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 11. I am one and the same as Abraham Dawson and my name appears as J. A. Dawson in other places on the record. It was the intention to convey to us all that part of said forty acres lying northwest of Dykes Mill road. At a later time, my wife and I purchased all land lying in the E $\frac{1}{2}$ of NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 11, except for one acres which is more particularly described in Deed Book 179 page 242 in said Probate Office. It was our intention to purchase all of said 40 acres lying Southeast of said road.

There has been called to my attention a mortgage from Roberta Thompson to Myrtice Walker McCain recorded in Mortgage Book 222 page 430 in Probate Office. The Thompson land is some distance from the above described land and I know of my own knowledge neither Roberta Thompson nor Myrtice Walker McCain have ever owned or claimed any interest in the above land.

There has been called to my attention a deed from Andrew Chester Cox and wife to W. E. Falkner recorded in Deed Book 194 page 379 in Probate Office, which covers all that part of NE $\frac{1}{4}$ of SE $\frac{1}{4}$ lying south and east of Vandiver-Dykes Mill Road, except 2 $\frac{1}{2}$ acres in the northeast corner. I am familiar with the land described therein and there is a fence which divides the 2 $\frac{1}{2}$ acres parcel from the W. E. Falkner land, and I know the two parcels do not conflict. I also know that the road mentioned therein has never been opened.

I first recall this property when D. A. Whitfield owned the same and he looked after it and used the timber for firewood and building purposes when he was living. After his death, the Whitfield heirs conveyed the land to Letha Brasher, an heir, and she sold it to my wife and me in 1942 as shown by Deed Book 179 page 242 in Probate Office. We went into immediate possession of the property and cultivated a portion of it each and every year and I cut the timber 2 or 3 times and was ^{in the} actual possession of the same each and every year until I sold it to Andrew Chester Cox and Annie Ruth Cox. Mr. & Mrs. Cox kept the land only a very short time and sold it to W. E. Falkner. W. E. Falkner cleared the same, fenced it, put in a pasture for cattle and built a house on the land. He moved into the dwelling house and has lived there continuously to this very day.

I have never heard of anyone contesting the title or disputing the possession of W. E. Falkner or his predecessors in title.

J. A. Dawson
J. A. Dawson

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

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Jo Wiley Stone
Notary Public

State of Alabama
Shelby County

Before me, the undersigned authority, 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 have read the above affidavit of J. A. Dawson and know the matters and things mentioned therein are true and correct.

W. F. Howard
W. F. Howard

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

Jo Wiley Stone
Notary Public

STATE OF ALABAMA
SHELBY COUNTY
INSTRUMENT WAS FILED
1971 MAR 23 PM 3:45
D.C.C. FILE INSTRUMENT
REC. BK. & PAGE AS SHOWN
Grand Jury
JUDGE OF PROBATE

786
BOOK 256 PAGE 145