

STATE OF ALABAMA

SHELBY COUNTY

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

My name is Elder Frazier. I am 76 years of age and reside at Route 2, Box 326, Sterrett, Shelby County, Alabama.

I am the owner of the following described property, which is situated in Shelby County, Alabama, being more particularly described as follows:

The SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 15, Township 18 South, Range 1 East, except that portion thereof heretofore conveyed to W. N. Finley, as shown by deed recorded in Deed Book 56 at page 26, Office of Judge of Probate of Shelby County, Alabama, and except also that portion thereof heretofore conveyed to W. M. Bailey, as shown by deed recorded in Deed Book 56 at page 297 in said Probate Office, minerals and mining rights excepted.

When I first became familiar with said property in the 1940's, it was owned by Albert Simmons and wife, Ellen Simmons, and was rented by them to Mr. H. V. Miller, who rented said property as a tenant from said Albert Simmons and wife, Ellen Simmons. At that time, said H. V. Miller and his family lived in the house situated on said property on the SE side of the Shelby County Public Road or Highway known as the "Bear Creek Road", said public highway extending from Vandiver to U. S. Highway No. 280 and crossing the above described property.

Said Mr. H. V. Miller subsequently moved from said house and said property and I rented the said house and the said property from said Albert Simmons and Ellen Simmons, as their tenant, and subsequently I did buy said property from said Albert Simmons and wife, Ellen Simmons, receiving my deed for said property in May, 1949. I have continuously resided in said house on said property as my homestead since the time that



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2)

I purchased the same from said Albert Simmons and wife, Ellen Simmons, in May, 1949, as aforesaid, and I still live today in said house on said property with my wife. Of course my family has occupied said house and said property with me over the course of the years.

At the time when I purchased said property from said Albert Simmons and Ellen Simmons in May, 1949, I executed a mortgage to them for a portion of the purchase price: this mortgage has subsequently been paid in full, and at the time when the last payment was made on said mortgage, said Albert Simmons and Ellen Simmons, who now reside in the State of Illinois, executed another deed to me, to acknowledge payment of the mortgage, and said subsequent deed has been recorded in Deed Book 234 at pages 9 and 10, Office of Judge of Probate of Shelby County, Alabama.

The right of way for said Shelby County Highway known as the Bear Creek Road or Highway, and which is mentioned above in this affidavit, was widened about 1963, and I did give additional right of way to Shelby County for the widening and paving of said road at that time.

At the time when I first bought the above described property, it had been cleared in part, there being some 10 acres or more (part on each side of the road) which were cleared. I farmed the cleared portions of said property for some several years and then also put up certain fences and cross fences on said property for cattle, but these fences are generally gone now and the property is generally grown up, except for the house site.

At the time when I purchased said above described property from Albert Simmons and wife, Ellen Simmons, as aforesaid, they gave me an old deed which had been given to them when they bought the property, the deed referred to being from Nellie W. Thurman, an unmarried woman, to Young Jackson and Ella Jackson, dated.

(3)

October 16, 1931. Said deed has never been recorded in the Office of the Judge of Probate of Shelby County, Alabama, and I have had it in my possession continuously since I received the same from said Albert Simmons and wife, Ellen Simmons, as aforesaid. I attach said deed to this my affidavit as Exhibit "A" attached hereto^{and} by reference hereto I make the same a part of this my said affidavit.

I have never known J. E. Yeager and I have never known Ella Jackson, and I have never heard of said persons and don't know where they are or how information about them could be obtained. I do know and state herein that neither said J. E. Yeager, Ella Jackson, nor any other person or corporation other than myself and my said family have possessed or claimed said property, or any part thereof, since May, 1949, I having been in the open, continuous, notorious, undisturbed, peaceable, exclusive, hostile, actual adverse possession of said property since May, 1949, and until the present date. I have never heard anyone question my title to said property or my right to possession thereof.

Elder Frazier
Elder Frazier

Sworn to and subscribed before me
this 7 day of April, 1971.

E. B. Brasher
Notary Public



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WARRANTY DEED Printed and for sale by Webb Book Co., Birmingham, Ala. Prepared by Frank Deedmeyer, Atty., Birmingham, Alabama.

The State of Alabama,
Jefferson...COUNTY.

Exhibit "A"
KNOW ALL MEN BY THESE PRESENTS

That for and in consideration of ONE (\$1.00) Dollars
to the undersigned grantor...Nellie W. Thurman, an unmarried woman
in hand paid by...Young Jackson, and Ella Jackson,
the receipt whereof is acknowledged...and the further consideration of conveying the land
that was intended to be conveyed in a common deed, I, the said Nellie
W. Thurman,
do...grant, bargain, sell and convey unto the said...Young Jackson, and Ella Jackson,

the following described real estate, to-wit: The South west Fourth of the North East Fourth
of Section 15, Township 18, South, Range One East, except 2 acres belonging
to Bill Bailey, a description of which is found in a deed to him recorded
in deed record 53 on page 297, in the office of the Probate Judge of
Shelby County, Alabama. Also, except two and one half acres belonging
to W. N. Findley, a description of which is found in a deed to him recorded
in deed record 53 on page 26 in the office of the Probate Judge of Shelby
County, Alabama; and the said grantor also conveys to the grantees Four
acres in the South-East Fourth of the North-west Fourth of Section
15, Township 18, Range 1 East, same being Four acres in a square block
in the North-East Corner of said Forty.

Mineral and minning rights reserved. This deed is executed to
correct the discription of and take the place of a deed between these
parties, which is of record in record of deeds Vol. 89 on page 256
in the office of the Probate Judge of Shelby County Alabama

Shelby
situated in...County, Alabama.

TO HAVE AND TO HOLD, To the said...Young Jackson and Ella Jackson,

heirs and assigns forever.

I
And...do, for...myself...and for...MY...heirs, executors and administrators, covenant
with the said...Young Jackson and Ella Jackson, their

heirs and assigns, that I am...lawfully seized in fee simple of said premises; that they are free from all encumbrances;
that...I...have a good right to sell and convey the same as aforesaid; that...I...will and...my

heirs, executors and administrators shall warrant and defend the same to the said...

Young Jackson and Ella Jackson, their

heirs and assigns forever, against the lawful claims of all persons.

In Witness Whereof, I...have hereunto set...my...hand...and seal..., this...16...day of
October, 1931...xxxxxxx.

WITNESSES:

Nellie W. Thurman (Seal)
(Seal)
(Seal)
(Seal)

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The State of Alabama,
Jefferson COUNTY, } I, Bernice Watson,

Notary Public,

in and for said County, in said State, hereby certify
that Nellie W. Thurman, an unmarried woman

whose name is signed to the foregoing conveyance, and who is known to me, acknowledged

before me on this day that, being informed of the contents of the conveyance, she executed the same volun-
tarily on the day the same bears date.

Given under my hand this, 16 day of October, A. D. 1931.

Notary Public.

The State of Alabama,
COUNTY, } I,

in and for said County, in said State, hereby certify

that, a subscribing witness

to the foregoing conveyance, known to me, appeared before me this day, and being sworn, stated that

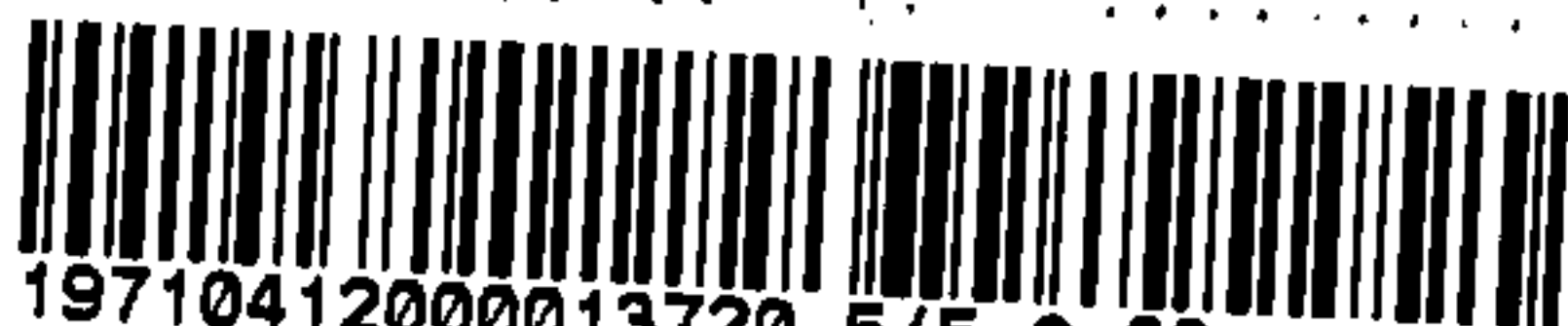
the Grantor

voluntarily executed the same in presence, and in the presence of the other subscribing witness on the day the

same bears date; that attested the same in the presence of the Grantor, and of the other witness, and that

such other witness subscribed name as a witness in presence.

Given under my hand, this day of A. D. 1931.



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JUL 11 1931
SHELBY CO. ALA.

The State of Alabama,
COUNTY, } I,

in and for said County, in said State, do hereby certify that on

the day of 19, came before me the within named

known to me (or made known me),

to be the wife of the within named

who being examined, separate and apart from the husband, touching her signature to the within,

acknowledged that she signed the same of her own free will and accord, without fear, constraints or threats on the part of

the husband.

Given under my hand, this the day of A. D. 19

Prepared by Frank Deedmeyer, Atty., Birmingham, Alabama.

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TO

Warranty Deed

The State of Alabama

County

I, Judge of the Probate Court of said County hereby
certify that the foregoing conveyance was filed for

registration in this office on the day of

19 and was

recorded in Vol. Record of Deeds,

pages on the

day of 19

Given under my hand at office, this

day of 19

Judge of Probate.

State Tax \$ 2.00

Record Fee \$

Printed and for sale by Webb Book Co., Birmingham, Ala.