

2533

STATE OF ALABAMA)
SHELBY COUNTY)

AFFIDAVIT

Before me the undersigned authority in and for said County and State personally appeared the undersigned affiant, William T. Cunningham, Sr., who, after being by me first duly sworn to speak the truth, deposes and says as follows:

My name is William T. Cunningham, Sr., and I am 45 years of age, presently residing in Shelby County, Alabama. I am personally acquainted with the location, use, occupation, possession and ownership of the following described tract of land containing approximately one acre located and being situated in Shelby County, Alabama:

A part of the NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 10 Township 20 South, Range 2 West, Shelby County, Alabama, more particularly described as follows: From the NW corner of the SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 10 Township 20 South, Range 2 West, run South 2 deg. 15' East along West boundary line of said SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 10 Township 20 South, Range 2 West for 155 feet; thence turn an angle of 120 deg. to left and run North 57 deg. 45' East 1170.0 feet to point of beginning of land herein described and conveyed; thence continue North 57 deg. 45' East for 150 feet; thence turn an angle of 120 deg. to right and run South 2 deg. 15' East for 290.4 feet; thence turn an angle of 60 deg. to the right and run South 57 deg. 45' West for 150 feet; thence turn an angle of 120 deg. to the right and run North 2 deg. 15' West 290.4 feet to the point of beginning, and being one acre, more or less.

My father was Verna F. Cunningham; my grandfather was Sam F. Cunningham; my great-grandfather was Columbus Cunningham; and my brother is Clarence Ray Cunningham. My said great-grandfather, Columbus Cunningham, departed this life intestate in Shelby County, Alabama, around 1895. Columbus Cunningham's heirs and next of kin consisted of his only two children, being my grandfather, Sam F. Cunningham, and my great-uncle, Joseph H. Cunningham. At the time of his death, my great-grandfather, Columbus Cunningham, owned approximately 560 acres in Shelby County, Alabama, of which the above described one acre was a part. Columbus Cunningham's children, Joseph H. Cunningham and Sam F. Cunningham, inherited this 560 acres, each owning an undivided one-half interest after Columbus Cunningham's death. In 1935 by deed recorded in Deed Book 99, at page 82, in the Office of Judge of Probate of Shelby County, Alabama, Joseph H. Cunningham and his wife, Viola M. Cunningham, conveyed their one-half undivided interest to Sam F. Cunningham. Viola M. Cunningham is now deceased, having departed this life about 1950. Under Sam F. Cunningham's Last Will and Testament and by deed from his other devisees, I acquired full fee simple title to the above described land and conveyed the same by Warranty Deed

to George M. Calvin, Sr. on August 22, 1960, which deed is recorded in Deed Book 211, at page 133, in said Probate Records. I still own approximately 9 acres of land that borders the above described property on the West and South sides.

I know of my own personal knowledge that upon delivery of my deed to George M. Calvin, Sr. he went into immediate possession of the above described property and remained in continuous, exclusive, adverse, notorious and hostile possession of the same up until the time when James Charles Rhoden and wife, Aline C. Rhoden, acquired title to the same under that certain Mortgage Foreclosure Deed dated September 1, 1965, and recorded in Deed Book 237, at page 465, in said Probate Records. I know of my own personal knowledge that upon delivery of said deed the Rhodens went into immediate possession of the above described property and have remained in continuous, exclusive, adverse, notorious and hostile possession of the same up until the present time and the taxes thereon have been assessed and paid in their name. I know of my own personal knowledge that there is no boundary line dispute existing between the Rhodens and the adjoining property owners to the above described property. Neither myself nor my wife claim any right, title or interest in or to the above described property.

Further deposing, affiant says that I have never heard the title of James Charles Rhoden and wife, Aline C. Rhoden, to the above described property questioned or disputed in any way.

William T. Cunningham, Sr.
William T. Cunningham, Sr.

Sworn and subscribed to before me this

14 day of April, 1971.

Nancy L. Brashear
Notary Public



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Shelby Cnty Judge of Probate, AL
04/14/1971 12:00:00 AM FILED/CERT

STATE OF ALA. SHELBY CO.
CERTIFY THIS
INSTRUMENT WAS FILED
1971 APR 14 AM 10:02
U.C.C. FILE NUMBER OR
REC. BK. & PAGE AS SHOWN ABOVE
Concurrence
JUDGE OF PROBATE

BOOK 267 PAGE 177