

3532

STATE OF ALABAMA)
SHELBY COUNTY)

Before me, the undersigned authority, in and for said County, in said State, personally appeared SAMUEL F. BAIN, who, being by me first duly sworn, deposes and says as follows:

My name is Samuel F. Bain and I am 75 years of age and I have been intimately acquainted with the occupation, use and possession of the following described property since my earliest recollection:

A part of the E $\frac{1}{2}$ of NW $\frac{1}{4}$ of NW $\frac{1}{4}$, Section 25, Township 19 South, Range 3 West, described as follows: Commence at the SE corner of said 20 acre tract and run West along South line 656.24 feet; thence 89 deg. 09' to right for 462.0 feet to point of beginning; thence continue the last mentioned course 466.35 feet to the intersection of the Southwest boundary of old U. S. Highway 31; thence 151 deg. 58' right in a Southeasterly direction along the Southwest boundary of said Highway 578.0 feet; thence 127 deg. 10' to right along North line of Joe Smith property for 265.10 feet to point of beginning. EXCEPTING Easement to C. E. Dickey as described in Deed Book 231, page 538 in the Probate Office of Shelby County, Alabama. Minerals and mining rights excepted.

When I first knew the above described property it was owned by Acton Mining Company. I remember the occasion when my uncle, S. C. Bain, obtained this land from Acton Mining Company and it is my best recollection it was somewhere in the neighborhood of 1908-1910. Upon the execution and delivery of the deed from Acton Mining Company to my uncle, S. C. Bain, he took actual possession of the property and exercised all rights of possession over the same, selling a portion of the property to Walter Thiemonge, by deed recorded in the Probate Office of Shelby County, Alabama in Deed Book 89, page 219. On October 1, 1931, my uncle, S. C. Bain, conveyed to me and to my brother, Robert W. Bain, land which was described as "part of the NW $\frac{1}{4}$ of NW $\frac{1}{4}$, Section 25, Township 19 South, Range 3 West". The property in this 40 acres embraced all of the E $\frac{1}{2}$ of the NW $\frac{1}{4}$ of NW $\frac{1}{4}$, Section 25, Township 19, Range 3 West, Except that portion in that 20 acres which my uncle had theretofore sold to Walter Thiemonge. Upon the execution and delivery of this deed, my brother and I took actual possession of the property, assessed the same for taxes and paid taxes on the same, occupied the same peaceably, adversely, openly, notoriously, exclusively, hostilely, and continuously, up to and including the date of my brother's death, and since such time, I have been in the possession of said property.

Sworn to and subscribed before me
this 15th day of March, 1971.

Samuel F. Bain
Notary Public

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Shelby Cnty Judge of Probate, AL
06/15/1971 12:00:00 AM FILED/CERT

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SHELBY COUNTY, ALABAMA
JUNE 15 1971
1:47 PM
NOTARY PUBLIC
THIS
INSTRUMENT WAS FILED