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

STATE OF ALABAMA )  
  
SHELBY COUNTY )

Before me, the undersigned authority, a Notary Public in and for said County and State, personally appeared D. E. MORRIS, who, after being by me first duly sworn to speak the truth deposes and says as follows:

My name is D. E. Morris and I am 65 years of age. I have been familiar with the occupation, use and possession of the hereinafter described property for a period in excess of thirty years, said property is situated in Shelby County, Alabama, and is more particularly described as follows, to-wit:

A part of the N $\frac{1}{2}$  of NW $\frac{1}{4}$  of Section 30, Township 19 South, Range 2 East, more particularly described as follows: Beginning at the NW corner of Section 30, Township 19, Range 2 East and run North 86 deg. 34 $\frac{1}{2}$  East along the North line of said Section, a distance of 1601.9 feet to the intersection of the Section line and the West right of way line of Highway No. 91; thence run South 10 deg. 14' East along the West right of way line of said Highway 91 a distance of 197.4 feet; thence along the West right of way line of said Highway 91 in a Southeasterly direction which is a 4 deg. curve an arc distance of 338.1 feet and along chord which bears 13 deg. 12' East 337.1 feet to an iron pin; thence South 86 deg. 34' West a distance of 1671.8 feet to the intersection of the West boundary line of Section 30' thence along the West line of said Section North 2 deg. 40' West a distance of 527.5 feet to point of beginning.

The above described property is owned by W. D. Adair and wife, Bertha Adair with the exception of one lot which they sold off to Mr. Adair's son, William Reid Adair and his wife, Sue Adair, in October of 1964, by deed recorded in Deed Book 232, page 741, in the Probate Records of Shelby County, Alabama. Subsequent to the execution of the last referred to deed in favor of William Reid Adair and wife, Sue Adair, William Reid Adair and wife, Sue Adair conveyed the property in question to Clarence Payne and wife, Laura M. Payne, who are the present owners. There is a house on the portion which is now owned by Clarence Payne and wife, Laura M. Payne, and they occupy this as their residence and have for each and every year from the time they received the deed. W. D. Adair and his wife Bertha Adair have a house on the remaining portion of the above described property and occupy it as their residence.

Actually, affiant at one time owned all of the above described property having purchased the same in August of 1943, by deed from T. M. Spruell, Jr. and his wife, Hazel Spruell. Affiant and his wife Lula S. Morris kept this property up until July of 1944 and conveyed the same to Aline S. Drake. Aline S. Drake and her husband, John T. Drake conveyed the property to Walter Hardy Glass and his wife in May of 1953. On July 21, 1954, Walter Hardy Glass and his wife, Vestalyn Matthews Glass conveyed the property to W. D. Adair, the aforesaid owner. Shortly after the purchase by Mr. Adair in 1954, Mr. Adair began construction of a house on the above described property during the year 1956. The house was completed about the year 1957, and W. D. Adair

336  
EX-283



and his family have lived on and occupied the above described property for each and every year from the time said house was completed in 1957 up to and including the time of this affidavit. There has never been any dispute whatsoever concerning the occupation, use, ownership or possession of said property and in fact, the said W. D. Adair and Clarence Payne and wife, Laura M. Payne, and their aforesaid predecessors in title have been in the occupation, use and possession of said property for each and every year exclusive of every other person, firm, or corporation, for the entire period of thirty years that I have known the same. There have never been any disputes whatsoever concerning the occupation, use and possession or ownership of the present owners of said property as aforesaid.

It has been called to my attention that on April 2, 1947, E. E. Wallis, a widower, executed a transmission line permit to Alabama Power Company which I understand is recorded in Deed Book 129, page 319, in the Probate Records of Shelby County, Alabama. I understand that from the description it would appear that a portion of said property covered by said transmission line permit overlapped on the above described property. I know that this must be a mistake as E. E. Wallace has never been in possession of any part or portion of the first above described property and has never asserted any right, title, or interest in the same, or had any possession thereof. I also understand that on December 1, 1945, there was a deed recorded whereby Thomas J. Kidd as guardian of the estate of Mrs. E. M. Kidd executed a guardian's deed to James M. Kidd which is recorded in Deed Book 133, page 265, in the Probate Records of Shelby County, Alabama. Insofar as said deed touches or overlaps on any part of portion of the above described property, I know that the same must be in error. Neither Thomas J. Kidd, Mrs. E. M. Kidd, nor James M. Kidd, nor any person with that name, have ever had any possession of any part or parcel of the above described property and none of them have ever asserted any right, title, or interest in and to the same.

During the more than thirty years I have know the occupation, use and possession of the above described property it has been in the continuous, exclusive, notorious, adverse, hostile possession of W. D. Adair, the present owner of all that portion except that part now owned by Clarence Payne and Laura M. Payne, and the said Clarence Payne and Laura M. Payne, and no other person, firm, or corporation has been in possession of the same or any part thereof during said period. I have have never heard their title questioned or disputed in any way.

Sworn to and subscribed before me  
this 10 day of June, 1971.

*Edgar M. Finner*  
Notary Public

My Commission Expires 7-1-74

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