

STATE OF ALABAMA

SHELBY COUNTY

Before me, the undersigned authority in and for said County in said State, personally appeared John D. Mooney, who, after being by me first duly sworn to speak the truth, deposes and says:

My name is John D. Mooney. I am 68 years of age and have lived on the hereinafter described land all my life with the exception of two or three intervals when my father, T. J. Mooney, conveyed land back and forth to A. P. McGhee, one time in 1904 when my father moved to Texas and another time in 1912, when he moved to Talladega, Alabama, but since 1913, I have lived on said land until this very day and have all along been well acquainted with the same and the persons in possession of it. Said land being described as follows:

The $W\frac{1}{2}$ of $W\frac{1}{2}$ of $W\frac{1}{2}$ of $SW\frac{1}{4}$ of Section 3,

The $E\frac{1}{2}$ of $SE\frac{1}{4}$ of Section 4;

All that part of the $NE\frac{1}{4}$ of $NE\frac{1}{4}$ of Section 9, lying North of the right of way of the Southern Railroad;

All that part of the $NW\frac{1}{4}$ of $NW\frac{1}{4}$ of Section 10, lying North of the right of way of the Southern Railroad and West of a ditch running between said Railroad and Highway No. 25;

All above in Township 21 South, Range 1 East; situated in Shelby County, Alabama.

A part of the West line has been fenced in and a fence is on the North side, and on the East side, there is a fence from the road to the Northeast corner and the ditch marks the East line of that portion in Section 10 and the railroad is the South line, and the part between the railroad and West line in Section 9 North of the railroad and South of the highway is marked by a ditch. The dwelling house which was built by my said father when I was a very small boy in about 1907 or 1908, is situated in the Northeast corner of that portion of the land in Section 9 and the barn is across the road on the land situated across the highway. During all the years of my father's life that he lived on said land, he cultivated the same and used parts of it for pasture and obtained firewood until his death about the year 1938. After he died, my mother, my brother Gordon Mooney, and I continued to live on the place until 1941 after which my brother went with the Highway Patrol and I continued to live on it until he purchased it from the sole and surviving heirs at law of T. J. Mooney in 1945, after which time I continued to occupy the land as his tenant until his death in August of 1970, and he willed the place to his wife, Versie J. Mooney and the will was probated in Elmore County, Alabama. I have purchased that portion of said land lying North of the railroad and South of said highway and the said Versie J. Mooney owns the rest of said land and I am occupying her portion of the land and am looking after it for her.

It has been called to my attention that some of the earlier deeds to my father did not describe the $W\frac{1}{2}$ of the $NE\frac{1}{4}$ of $NE\frac{1}{4}$ of said Section 9 lying North of the railroad but I know that he actually purchased the same and was in possession of it throughout all the years and that the later deeds did describe said land. It is called to my attention that a deed from Cora Roper and her husband to Gordon Mooney made in 1944 and recorded in Deed Book 120, page 77 in the Probate Office of Shelby County, Alabama, described that portion of the above described land in Section 9 as being 10 acres in the NE corner of the $E\frac{1}{2}$ of the $NE\frac{1}{4}$ of Section 9. Said land is actually all that portion of said land owned by my brother Gordon and then myself. Also, all that part of the $NE\frac{1}{4}$ of $NE\frac{1}{4}$ of said Section 9 lying North of the Southern Railroad and that is the same tract of land which was purchased from my sister-in-law and I understand it was described as being in the Northeast corner. I understand that this same defect occurred in a deed from James C. Mooney and others to Gordon Mooney dated January, 1945, and recorded in Deed Book 119, page 575 in said Probate Office, but I know the property actually conveyed and which the parties owned was that explained in the statement mentioned above. It is called to my attention that there is a deed from H. H. Stoudemire and wife to P. K. Nivens dated October 28, 1910, and recorded in Deed Book 43, page 547 in said Probate Office, which would purport to cover a portion of the above described land situated in Section 10. I am familiar with the Stoudemire and Nivens farms and I know that the same do not join or conflict with the above described land in any way. It is called to my attention there was a mortgage made from George F. Baker to Robert A. Blackerby in February, 1911, recorded in Deed Book 46, page 472 in said Probate Office, which purports to cover a portion of the land in said Section 10. I know of my own knowledge that the Baker land was at least a mile or more from the land described above in Section 10. There is also called to my attention a deed from J. M. Leonard, Jr., Register, to W. D. Baker dated January, 1924, and recorded in Deed Book 77, page 8 in said Probate Office which also purports to cover a portion of the above described land situated in said Section 10. My comments regarding the mortgage immediately above also applies to the deed. There is no conflict between the Baker land and the Mooney farm. There has been raised the question of some dispute between the Hughes farm and the Mooney Farm. There was never any dispute between the said farms regarding the land line but it had to do with keeping the cattle off of the fields.

19710624000025690 2/3 \$.00
Shelby Cnty Judge of Probate, AL
06/24/1971 12:00:00 AM FILED/CERT

John D. Mooney
John D. Mooney

Sworn to and subscribed to before me this
6 day of May, 1971.

Martha C. Janner Notary Public

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STATE OF ALABAMA

SHELBY COUNTY

Before me, the undersigned authority in and for said County in said State, personally appeared Sam Stone, who, after being by me first duly sworn to speak the truth, deposes and says:

My name is Sam Stone. I am 73 years of age. I have known this land since 1905 and have been familiar with the land described in the attached affidavit made by John D. Mooney since the year 1905 and lived on land adjoining this for 15 years. I have read the said affidavit and know the same to be true and correct.

Sam Stone
Sam Stone

Sworn to and subscribed to before me
on this the 6 day of May, 1971.

Walter B. Quinn
Notary Public

19710624000025690 3/3 \$.00
Shelby Cnty Judge of Probate, AL
06/24/1971 12:00:00 AM FILED/CERT

STATE OF ALA. SHELBY CO.
NOTARY PUBLIC
INSTRUMENT WAS FILED
1971 JUN 24 AM 9:26
REC. BY A. J. B. AS SHOWN ABOVE
CLERK OF PROBATE

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