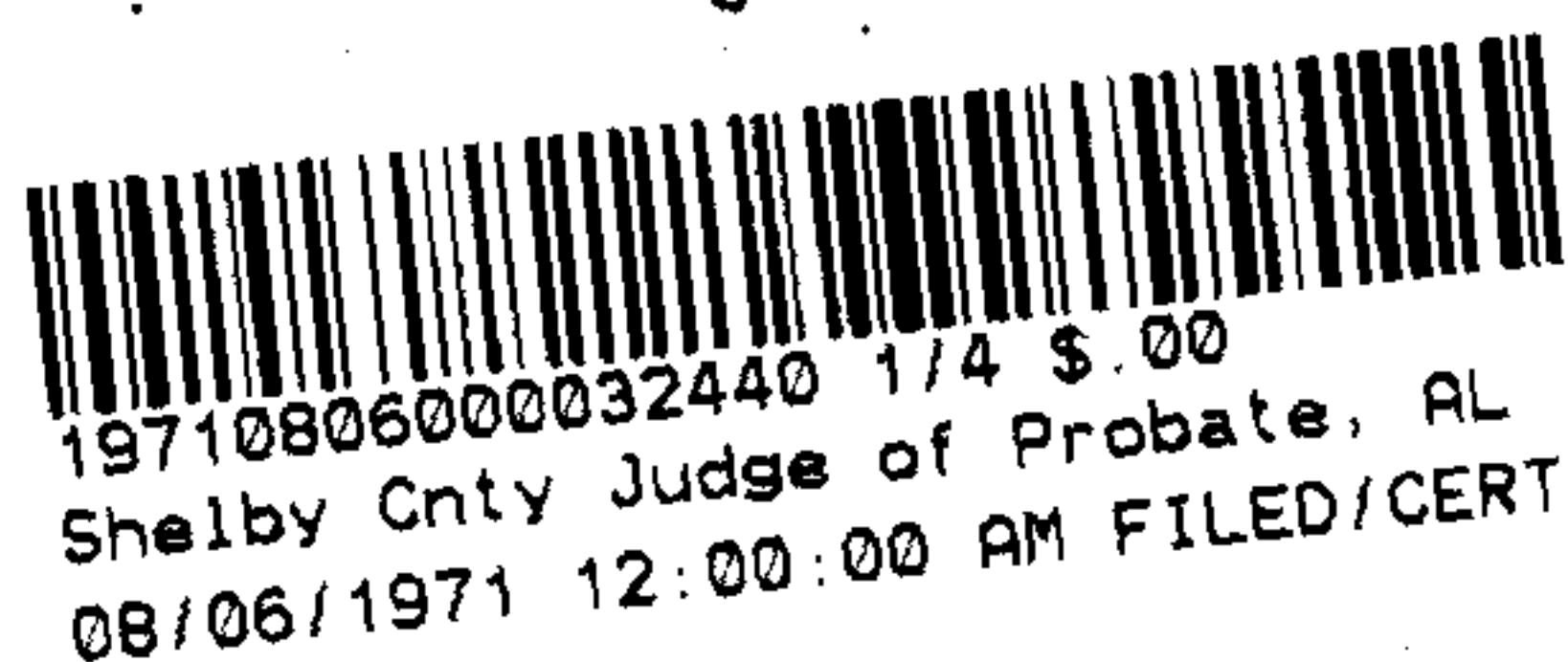


4334



STATE OF ALABAMA )

SHELBY COUNTY )

Before me, the undersigned authority, a Notary Public in and for said County, in said State, personally appeared EUGENE SHAW, who, being by me first duly sworn to speak the truth, deposes and says as follows, to-wit:

My name is Eugene Shaw and I am 76 years of age. I have been closely familiar with the ownership, occupation, use and possession of the hereinafter described property for a period in excess of 60 years. Said property is situated in Shelby County, Alabama, and is more particularly described as follows, to-wit:

The S $\frac{1}{2}$  of SW $\frac{1}{4}$  and the S $\frac{1}{2}$  of the SE $\frac{1}{4}$  and the SW diagonal one-half of the NW $\frac{1}{4}$  of the SE $\frac{1}{4}$  of Section 1, Township 19 South, Range 1 West. Excepting Highway right of way.

Except the following described property, to-wit: Starting at the Southeast corner of the SW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 1, Township 19, Range 1 West, running West 337 feet to right of way of Highway 43; thence in an easterly direction along highway right of way 300 feet; thence 37 deg. south of East 161 feet to quarter line; thence South 115 feet to quarter corner to point of beginning. Containing 1 acre, more or less.

Starting at the SW corner of the SE $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 1, Township 19, Range 1 West, running East 122 feet; thence West 37 deg. of north 182 feet to quarter line; thence south 115 feet to point of beginning, containing one-half acre, more or less. Situated in Shelby County, Alabama.

I have either lived on the above property or property immediately adjacent thereto for all of my life. I was born in 1895 in my father's home which was situated on the above described property. My father, W. Z. Shaw, purchased the SW $\frac{1}{4}$  of SE $\frac{1}{4}$  and a part of the SE $\frac{1}{4}$  of SW $\frac{1}{4}$  and the SW diagonal one-half of the NW $\frac{1}{4}$  of SE $\frac{1}{4}$  of said Section 1, in 1890 by deed from J. H. Weldon and R. G. Weldon. This was, of course, prior to my birth, but I remember as a very young child of 4 or 5 years of age that my father was in possession of said property. I understand that the deed refers to a "part of the NW $\frac{1}{4}$  of SE $\frac{1}{4}$ " of said Section. Although this was not properly described, I know that what was actually intended and what my father was in possession of at the time I first remember the property in the early 1900's was the SW diagonal one-half of the NW $\frac{1}{4}$  of SE $\frac{1}{4}$  and the remaining property as described. In the late 1800's my father then purchased the SW $\frac{1}{4}$  of SW $\frac{1}{4}$  and the remaining part which he did not already own in the SE $\frac{1}{4}$  of SW $\frac{1}{4}$  of said Section 1. In 1912 my father purchased the SE $\frac{1}{4}$  of the SE $\frac{1}{4}$  of said Section 1. Actually, the property was purchased at a tax sale in 1910 but the tax deed was not made until 1912. From the year 1910 my father was in the actual possession of the entire S $\frac{1}{2}$  of the S $\frac{1}{2}$  and the SW diagonal one half of the NW $\frac{1}{4}$  of the SE $\frac{1}{4}$  of said Section 1, Township 19, Range 1 West, up until his death as hereinafter mentioned.

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As stated above, I was born in the house situated on said property in 1895. This house was occupied by my mother and father at the time and was located in the SE $\frac{1}{4}$  of SW $\frac{1}{4}$  of said Section 1. When I was 4 or 5 years old I remember that my father wanted to build another house closer to the road and began construction on a house which is located West of the present Bear Creek Road in the S $\frac{1}{2}$  of the SW $\frac{1}{4}$  of said Section 1. I remember as a young boy the construction being done on this house and I actually helped my father shove up boards as he was building the roof. I also remember that on occasions when my father would stop to talk with travelers on the road my Mother would become annoyed at the delay as she wanted to move into the new house as soon as possible. The new house was completed about the year 1900 which is the same house that is now located on the property just West of Bear Creek Road. I remember moving part of our belongings into the new house in a wheel-barrow from the old house. My mother and father then resided in the present house for each and every year from approximately 1900 up until my father died in the early 1940's. My Mother continued to reside in the house for several years after my father's death but prior to her death in the early 1950's she moved into the house which I live in which is located on the 1 & 1/2 acres which was deeded out of said property to me on June 30, 1967 by deed recorded in Deed Book 249, page 507, in the Probate Records of Shelby County, Alabama. I actually had built this house many years before I got the deed in 1967, but the deed was not executed until that time. A short time after my Mother died, one of the owners of the property, Viola Shaw Lassiter and her husband, C. G. Lassiter, moved into the house located on said property West of the Bear Creek Road. Mr. and Mrs. Lassiter lived in the house without opposition from the other heirs up until Viola Shaw Lassiter died a little over two years ago. Viola Shaw Lassiter died without leaving a last will and testament and was survived by her husband, C. G. Lassiter and one grand-child, Theresa Marie Lassiter, a minor. The only child Viola Shaw Lassiter ever had was Johnny Lassiter who died prior to his Mother and leaving surviving, only one child, namely, Theresa Marie Lassiter.

Part of the above property was cleared when my father purchased it, but by the year 1915, we had cleared additional fields located in said property and had constructed a rail fence around the entire S $\frac{1}{2}$  of S $\frac{1}{2}$  and the SW diagonal one-half of the NW $\frac{1}{4}$  of the SE $\frac{1}{4}$ , and had livestock and cattle on the property with free range of any part of the property which they desired. We then continued as indicated above in possession of said property and each and every portion thereof living on the same,



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raising crops in the fields located thereon and grazing the property which, as indicated above, was under fence in its entirety for each and every year up until my Mother's death. Even after my mother's death, we continued to cut hay from the fields and occupy and use and possess said property in its entirety. In 1939 when the Cattle Law in the State of Alabama was passed, we tore down portions of the railing fence and built other fences in accomplishing various fields for pasture located on the property. During the more than 60 years I have known the occupation, use and possession of this property it has been in the continuous, exclusive, notorious, adverse, hostile, and continuous possession of W. Z. Shaw and his heirs. There have never been any dispute or question concerning the use, ownership or possession thereof.

I actually own at this time the NE diagonal one-half of the NW $\frac{1}{4}$  of the SE $\frac{1}{4}$ . It has been called to my attention that the deed by which I claim title to said property describes the same as the "E $\frac{1}{2}$  of the said NW $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 1". Actually, the dividing line is and always has been since prior to 1900 a diagonal line running from the Northwest corner of said 40 to the Southeast corner of said forty. During the time this property was under fence as indicated above, my father constructed a straight line rail fence leading from the NW corner of said forty to the SE corner of said forty. Later, when my father was working for the Railroad and saved up some extra money, he purchased wire and ran wire along the diagonal line of said forty where the rail fence had been. There has never been any question or dispute between the undersigned or any other person concerning this and for the entire 60 years I have known said property it has been recognized that the division line was a diagonal line leading from the NW corner to the SE corner as indicated above.

As indicated above, my Father died in the early 1940's without leaving a last will and testament. My father, during his lifetime, had nine children only, and they were as follows: Mae Shaw Armstrong, Omer Shaw, Eugene Shaw, Bertha Shaw Howard, Vernon Shaw Helms, Gertrude Shaw Ham, Viola Shaw Lassiter, Hettie Shaw Herzog, and Alice Shaw Carroll who, at one time was married to a "Strickling" and at one time married to a "Luquire." Omer Shaw died intestate prior to 1946 and was survived by Elmer Shaw, L. P. Shaw, Onice J. Shaw, and Omer Lee Shaw Brasher. Mae Shaw Armstrong also died intestate prior to 1946. She had three children only, namely, Donnie Armstrong Goodwin, Pauline Armstrong Wood, and J. D. Armstrong.

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It has been called to my attention that there are several deeds of record, recorded as follows: In Deed Book 88, page 362; in Deed Book 83, page 505, all in the Probate Office of Shelby County, Alabama, where certain property was conveyed and identified as being in Section 1, Township 19, Range 1 West. Actually, this was simply a mistake and I understand that the property which should have been conveyed by said deeds was located in Section 1, Township 19, Range 1 East. In fact, I believe that the original deed which is on said property/<sup>which</sup> is recorded in Deed Book 61, page 415 in the Probate Office of Shelby County, Alabama, indicates that said land is in "Range 1 East" as opposed to "1 West".

As stated above, on June 30, 1967 by deed recorded in Deed Book 249, page 507 in the Probate Records of Shelby County, Alabama, 1 and 1/2 acres of the first above described property was deeded to the undersigned. With particular reference to the one acre tract described in said deed, it has been called to my attention that there was an error in the starting point. The starting point of said one acre tract should have been the SE corner of the SW<sup>1</sup>/<sub>4</sub> of the SW<sup>1</sup>/<sub>4</sub> rather than the SE corner of the SW<sup>1</sup>/<sub>4</sub> of SE<sup>1</sup>/<sub>4</sub>, as was given in the deed. Otherwise, the property is correctly described and is what I have been in possession of.

Eugene S. Law

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

Frank Ellis  
Notary Public



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STATE OF ALA. SHELBY CO.  
I CERTIFY THIS  
INSTRUMENT WAS FILED  
1971 AUG - 6 AM 11:25  
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REC. BK. & PAGE AS SHOWN ABOVE  
JUDGE OF PROBATE

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