

State of Alabama

Shelby County'

19720124000004080 1/3 \$.00
Shelby Cnty Judge of Probate, AL
01/24/1972 12:00:00 AM FILED/CERT

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

My name is Frank Niven. I am 81 years of age and have lived in Shelby County, Alabama, all of my life and have all along been well acquainted with the hereinafter described land:

All that part of the E $\frac{1}{2}$ of SE $\frac{1}{4}$ of Section 28, Township 19 South, Range 1 West, that lies west of West Bank of Yellow Leaf Creek and Southwest of Florida Short Route Highway right of way.

Minerals and mining rights excepted.

As shown by papers recorded in Case Number 1616 in the Circuit Court of Shelby County, Alabama, in Equity, a bill/^{for division}was filed, being styled Rena Turner, et al, complainants, vs. Frank Nivens, et al, Respondents. I purchased the land described in the Bill of Complaint filed in said cause of action and it has been called to my attention that some of the papers filed in said cause pertaining to the sale of the land to me and the division of the proceeds of the purchase price have not been filed of record, or have been lost or destroyed. I have in my possession and am this day filing, along with a letter of L. H. Ellis a final decree stating that I was the purchaser of said land described above, along with other land and also providing for the disbursement of the proceeds among the joint owners. This final decree was dated June 14, 1935. I have my deed at home and will also record it.


I have heretofore filed in Deed Book 98, page 432 one of the decrees entered in said cause ordering the Register to sell said land at public outcry. There has been called to my attention a deed to John L. Nivens made in 1901 covering, among other lands, a one acre lot where the present residence of John L. Nivens was situated in The SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 28. I know of my own knowledge that the said John L. Nivens residence did not encroach upon or interfere with the above described land.


I was born in 1891 in a dwelling house situated on a farm made up of the SE $\frac{1}{4}$ of SE $\frac{1}{4}$ and NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 28, Township 19, Range 1 West, also, the SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 27, Township 19, Range 1 West, and NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 27, Township 19, Range 1 West, being 160 acres, more or less, and I know it is family knowledge that my father purchased this land from Susa J. Wilder and others and moved his family on it and raised his family and children there and had a farm, and used it each and every year until his death. My mother lived on said property after my father's death until not too long before 1934 when my mother died, after

which a bill was filed in the Circuit Court of Shelby County, Alabama, in Equity, being case number 1616 mentioned above, for the sale of a portion of said land, which included the land first described in this affidavit and I purchased said land as mentioned above. I went into immediate possession of the land purchased by me, as shown by the final decree in case number 1616, and the deed made to me, which I will record in the Probate Office of Shelby County, Alabama. Part of the land was fenced in when I purchased it and I fenced the remainder in and lived on it and cultivated it each and every year until July 2, 1956, when I sold the land first described in this affidavit to James A. Dorsett and his wife, Lila Ruth Dorsett, which said deed is recorded in Deed Book 181, page 46, and the said Mr. and Mrs. Dorsett went into immediate possession of said land and he moved into the house situated on said land, which was on it when I sold it and built another house, and built a lake on it and improved the land, and also drilled two wells, and has a mobile home on it. He and his wife have lived on it and occupied it each and every year and farmed it and cut fire wood and building timber from portions of it. Since I have known said property of James A. Dorsett and wife, Lila Ruth Dorsett, I have never known of anyone disputing their possession or contesting their title or their predecessors in title.


Frank Niven

Sworn to and subscribed to before me
on this the 22 day of January, 1972.


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Notary Public
Commission Expires 4-21-74

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Before me, the undersigned authority, in and for said county, in said State, personally appeared C.H. HOLCOMBE, who, after being by me duly sworn to speak the truth, deposes and says:

My name is C.H. HOLCOMBE. I am 26 years of age and have read the affidavit made by Frank Niven on the 22 day of January, 1972, regarding land owned by James Albert Dorsett and Lila Ruth Dorsett, and I know that said affidavit is true and correct.

C.H. Holcombe

~~Frank Niven~~

Sworn to and subscribed to before
me on this the 22 day of January, 1972.

Alma B. Bell
Notary Public

Commission Expires 4-24-74

STATE OF ALA. SHELBY CO.
NOTARY PUBLIC
1972 JAN 24 AM 10:01
REC. EX. & PAGE AS SHOWN ABOVE
CONF. 10/3/72
NOTE OF REQUISITION