

4078
STATE OF ALABAMA

SHELBY COUNTY



19720504000001170 1/9 \$.00
Shelby Cnty Judge of Probate, AL
05/04/1972 11:03:00 AM FILED/CERT

Before me, a Notary Public in and for said County and State, personally appeared Leroy Hendrix, who is known to me, and who being by me first duly sworn, deposes and says as follows:

My name is Leroy Hendrix. I am 71 years of age and reside at Route 1, Sterrett, Shelby County, Alabama, in the same house where my family and I have resided for the past 34 years. I am the owner of the following described real estate, situated in Shelby County, Alabama, on which my said residence home is situated, to-wit:

That part of the SE $\frac{1}{4}$ of NW $\frac{1}{4}$, and that part of the SW $\frac{1}{4}$ of NW $\frac{1}{4}$, Section 28, Township 19 South, Range 1 West lying South of the Atlantic Coast Line Railroad and North of U. S. Highway No. 280 (known as the Florida Short Route Highway).

My title to said real estate comes through two separate sources. First, as to that portion of said property which is situated in the SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 28, my wife, Addie Hendrix, and I bought and went into possession of a parcel containing 80 acres, more or less, being described as the East Half of NW $\frac{1}{4}$ of said Section 28, on or about October 21, 1935, under warranty deed from B. M. Turner and wife, as shown by deed recorded in Deed Book 94 at page 547, Office of Judge of Probate of Shelby County, Alabama. I have subsequently learned that said B. M. Turner received his title to that portion of said 80 acres parcel lying North of the Atlantic Coast Line Railroad by warranty deed from J. T. Johnson and wife, Recorded in Deed Book 89 at page 411 in said Probate Office, and that said B. M. Turner received his title to that portion of said 80 acre parcel lying South of the Atlantic Coast Line Railroad by virtue of a mortgage foreclosure proceeding: W. O. Grimes, who had formerly owned said property, mortgaged that portion thereof lying South of said Atlantic Coast Line Railroad (formerly known as the A B & C Railroad) to J. T. Johnson, as shown by mortgage recorded in Mortgage Book 155 at page 250 in said Probate Office, and said



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J. T. Johnson transferred and assigned said mortgage to said B. M. Turner in October, 1930. Said mortgage was foreclosed and bought in at said foreclosure sale by B. M. Turner on December 1, 1930, as shown by foreclosure deed recorded in Deed Book 72 at page 433 in said Probate Office. Said mortgage transfer or assignment from J. T. Johnson to B. M. Turner dated October, 1930, and referred to above, was given to me by said B. M. Turner when I purchased said property from him, as aforesaid, and has been in my possession ever since; it has been called to my attention that said mortgage transfer or assignment has never been recorded in the Office of Judge of Probate of Shelby County, Alabama, and I am attaching the same hereto as Exhibit "A" and by reference hereto do make the same a part of this affidavit.

My wife and I sold and conveyed that portion of the East Half of NW $\frac{1}{4}$ of said Section 28, to J. O. Raines 25 or 30 years ago, and we sold and conveyed that portion of the SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 28 which lies South of U. S. Highway 280 and East of the Simmsville Highway (formerly known as the Old Montevallo and Pelham Road, and sometimes known as the Harpersville Road) to Edwin Miles and wife, about 3 years ago.

As to my title to the remainder of my said property, I bought and went into possession of a parcel containing approximately 8 acres, more or less, under warranty deed from Mary Hazel Fowler Conley and husband. on January 3, 1949, said 8 acre parcel containing that portion of the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ lying South of the Atlantic Coast line Roadroad and North of U. S. Highway 280, together with other property, as designated in said deed. As stated, I received my deed to said property from Mary Hazel Fowler Conley and husband, on or about January 3, 1949, and I went into possession of said property as described in said deed in January, 1949; it has been called to my attention that I have never had said deed recorded, although it has been in my possession since January, 1949, and I am attaching to the same hereto as Exhibit "B" and by

reference hereto do make the same a part of this affidavit.

I subsequently--in order to clear up or establish my title to said 8 acre parcel referred to above which I bought from said Mary Hazel Fowler Conley and husband, in January, 1949,--did obtain another warranty deed covering said same 8 acre parcel from Joe Raines and wife, said deed being dated April 10, 1959; I have had said deed from said Joe E. Raines and wife. in my possession since January, 1959, and have never had the same recorded in the Office of the Judge of Probate of Shelby County, Alabama, and I am attaching the same hereto as Exhibit "C" and by reference hereto do make the same a part of this affidavit.

My wife and I subsequently conveyed that part of the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ and NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section 28 which lies South of Highway 280 and East of the Atlantic Coast Line Railroad and North of the Old Montevallo and Pelham Road (now known as the Simmsville Highway) to said Joe Raines and wife, Deller Raines, on May 18, 1965, as shown by deed recorded in Deed Book 239 at page 594 in said Probate Office, retaining as a part of our homeplace property that portion of the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 28 which lies South of the Atlantic Coast Line Railroad and North of said U. S. Highway No. 280.

Said Atlantic Coast Line Railroad, and the right of way therefor, has remained in the same place as it touches property described in this affidavit since 1935, and likewise, the right of way of U. S. Highway No. 280 as it touches the property described in this affidavit is as it was in 1935; said right of way of said Highway in 1935 was U. S.
/within the present right of way of present/Highway No. 280, as now situated, and likewise, the old right of way of the Old Pelham and Harpersville Road, sometimes known as the Montevallo Road, as it touches property described in this affidavit, was in 1935 situated entirely within
/what is now the present right of way of the present new Simmsville Highway, as now situated; said Simmsville Highway was widened and



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paved several years ago, and the right of way of said new Simmsville Highway, as it touches property described in this affidavit, does include all of the old Montevallo and Pelham Road, as aforesaid.

Referring to the property which my wife and I own, as first described in this affidavit, namely,

That part of the SE $\frac{1}{4}$ of NW $\frac{1}{4}$, and that part of the SW $\frac{1}{4}$ of NW $\frac{1}{4}$, Section 28, Township 19 South, Range 1 West lying South of the Atlantic Coast Line Railroad and North of U. S. Highway No. 280 (known as the Florida Short Route Highway),

there was an old log house situated on that portion of said property in the SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 28 in 1935 when my wife and I bought said property from B. M. Turner, as aforesaid; we finished paying said B. M. Turner for said property on July 6, 1937, and shortly thereafter, in 1937, we had said property surveyed by Mr. McMillan, Registered Land Surveyor. After said survey had been completed, we tore the old log house down and started building our present home in October, 1937. We finished building our present home in January, 1938, and my wife and I, and our children until they were grown, have lived in said house continuously since January, 1938, until the present time, occupying said house and the property on which it is situated, as described in this affidavit, as our homestead since 1938 and until the present date. My wife and I have been in the open, continuous, notorious, undisturbed, peaceable, exclusive, hostile, actual adverse possession of that portion of said property which we own as designated in this affidavit and being in the SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 28 since October, 1935, and as to that portion of said property lying in the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 28 since January, 1949, and until the present date. No one has ever questioned our title or ownership of said property since we acquired our title to said property, in 1935, and in 1949, as aforesaid.

Shelby Hendrix

Sworn to and subscribed before
me this 2nd day of May, 1972.

Notary Public

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BOOK

Exhibit "A"

STATE OF ALABAMA,)

SHELBY COUNTY.)



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Shelby Cnty Judge of Probate, AL
05/04/1972 11:03:00 AM FILED/CERT

KNOW ALL MEN BY THESE PRESENTS, that for a valuable consideration the receipt whereof is hereby acknowledged, I, the undersigned J. T. Johnson do bargain, sell and convey unto B. M. Turner all my right, title and interest in and to the lands described in the within mortgage of W. O. Grimes and wife to J. T. Johnson, which is recorded in the Probate Office of Shelby County, Alabama, in Mortgage Record No. 155 on page 250, and further do I transfer for said consideration the debt secured by said mortgage and assign and transfer all the power, authority and rights I have for the foreclosure of said mortgage and the exercise of all legal rights I may have in the matter of the collection of the debt secured.

Witness my hand and seal this 10 day of October, 1930.

J. T. Johnson

State of Alabama,)

Shelby County.)

I, T. L. Kendrick, a Justice of the Peace, in and for said County in said State, hereby certify that J. T. Johnson, whose name is signed to the foregoing conveyance and who is known to me, acknowledged before me on this day that, being informed of the contents of this conveyance, he executed the same voluntarily on the day the same bears date.

Given under my hand this 10 day of October, 1930.

T. L. Kendrick

Justice of Peace.

FLORIDA
The State of ~~Alabama~~

Palm Beach COUNTY

6000

1500.00 book 125 Exhibit "B"

Know All Men by These Presents, That in consideration of Eight Hundred & No/100 - - -

DOLLARS

to the undersigned grantor Mary Hazel Fowler Conley

in hand paid by LeRoy Hendrix



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Shelby Cnty Judge of Probate, AL
05/04/1972 11:03:00 AM FILED/CERT

the receipt whereof is acknowledged we, the said Mary Hazel Fowler Conley and husband Homer C. Conley

do grant, bargain, sell and convey unto the said LeRoy Hendrix

the following described real estate, to-wit All that portion of the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ and NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 28, Township 19, Range 1 West, which lies south of the right of way of the Atlantic Coast Line Railroad and north of the right of way of the old Montevallo and Pelham road sometimes known as the Harpersville road and containing eight (8) acres more or less,

situated in Shelby County, Alabama.

To Have and to Hold, To the said LeRoy Hendrix, his

heirs and assigns forever.

And we do, for ourselves and for our heirs, executors and administrators, covenant with the said LeRoy Hendrix, his

heirs and assigns, that we are lawfully seized in fee simple of said premises; that they are free from all encumbrances; that we have have a good right to sell and convey the same as aforesaid; that

we will, and our heirs, executors and administrators, shall warrant and defend the same to the said LeRoy Hendrix, his

heirs and assigns forever, against the lawful claims of all persons.

In Witness Whereof, we have hereunto set our hand S and seal S, this 3

day of Jan, 1949

WITNESSES:

Alma Mackey

Lake Harbor Fla

E. R. Mackey

Lake Harbor Fla

Mary Hazel Fowler Conley (Seal.)
(Mary Hazel Fowler Conley)

Homer C. Conley (Seal.)
(Homer C. Conley)

(Seal.)

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BOOK

Florida
THE STATE OF ALABAMA, } I, E. R. Mackey, a Notary Public
Palm Beach JEFFERSON COUNTY
in and for said county, in said State, hereby certify that Mary Hazel Fowler Conley and husband,
Homer C. Conley
whose names are signed to the foregoing conveyance, and who are known to me, acknowledged before me
this day that, being informed of the contents of the conveyance, they executed the same voluntarily on the day the
same bears date.
Given under my hand and official seal, this 3 day of Jan. 1949
E. R. Mackey
Notary Public.

THE STATE OF ALABAMA, } I, _____, a Notary Public
JEFFERSON COUNTY,
in and for said county, in said State, hereby certify that on the _____ day of _____,
came before me the within named _____, known to me to be
the wife of the within named _____, who, being examined separate and apart
from the husband touching her signature to the within conveyance, acknowledged that she signed the same of her own free
will and accord, and without fear, constraints, or threats on the part of the husband.
Given under my hand and official seal, this _____ day of _____

Notary Public.

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THE STATE OF ALABAMA, } I, _____, a Notary Public
JEFFERSON COUNTY
in and for said county, in said State, hereby certify that _____
whose name as _____ President of the _____
a corporation, is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that,
being informed of the contents of the conveyance, he, as such officer and with full authority, executed the same voluntarily
for and as the act of said corporation.
Given under my hand and official seal, this _____ day of _____

Notary Public.

BOOK 1 PAGE 123

Mary Hazel Fowler Conley
Homer C. Conley
TO
LeRoy Hendrix
Warranty Deed
The State of Alabama

County
I, _____ Judge of the Probate Court of said County,
hereby certify that the foregoing conveyance was
filed for registration in this office on the _____
day of _____ 19____, and was recorded
in Vol. _____ Record of Deeds,
Pages _____ on the _____ day of _____ 19____

Judge of Probate.
Recording Fee, \$ _____
State Tax \$ _____
Printed and For sale by Zac Smith Stationery Co. Birmingham, Ala

The State of Alabama

SHELBY COUNTY

Exhibit "C"

Know All Men by These Presents, That in consideration of The sum of

....One....& 00/100.....

DOLLARS

to the undersigned grantor S, Joe E. Raines & Wife, Delle R. Raines

Cash in hand.

in hand paid by Leroy Hendrix



19720504000001170 8/9 \$.00
Shelby Cnty Judge of Probate, AL
05/04/1972 11:03:00 AM FILED/CERT

the receipt whereof is acknowledged by the said Joe E. Raines & Wife, Delle R. Raines

do grant, bargain, sell and convey unto the said Leroy Hendrix, his heirs or assigns

the following described real estate, to-wit All that portion of the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ and NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 28, TP 19, Range 1 West, which lies south of the right-of-way of the Atlantic Coast Line Railroad and north of the right-of-way of the old Montevallo and Pelham road, sometimes known as the Harpersville road and containing Eight (8) More or less,

situated in Shelby County County, Alabama.

To Have and to Hold, To the said Leroy Hendrix,

heirs and assigns forever.

And We do, for ourselves and for our heirs, executors and administrators, covenant with the said Leroy Hendrix, his

heirs and assigns, that we are lawfully seized in fee simple of said premises; that they are free from all encumbrances; that we have have a good right to sell and convey the same as aforesaid; that

we will, and our heirs, executors and administrators shall, warrant and defend the same to the said Leroy Hendrix, his

heirs and assigns forever, against the lawful claims of all persons.

In Witness Whereof, we have hereunto set our hands and seal S, this 10th.

1 day of April, 19 59.

WITNESSES:

J. E. Raines (Seal.)
Delle R. Raines (Seal.)
(Seal.)
(Seal.)

1 PAGE 124

BOOK.



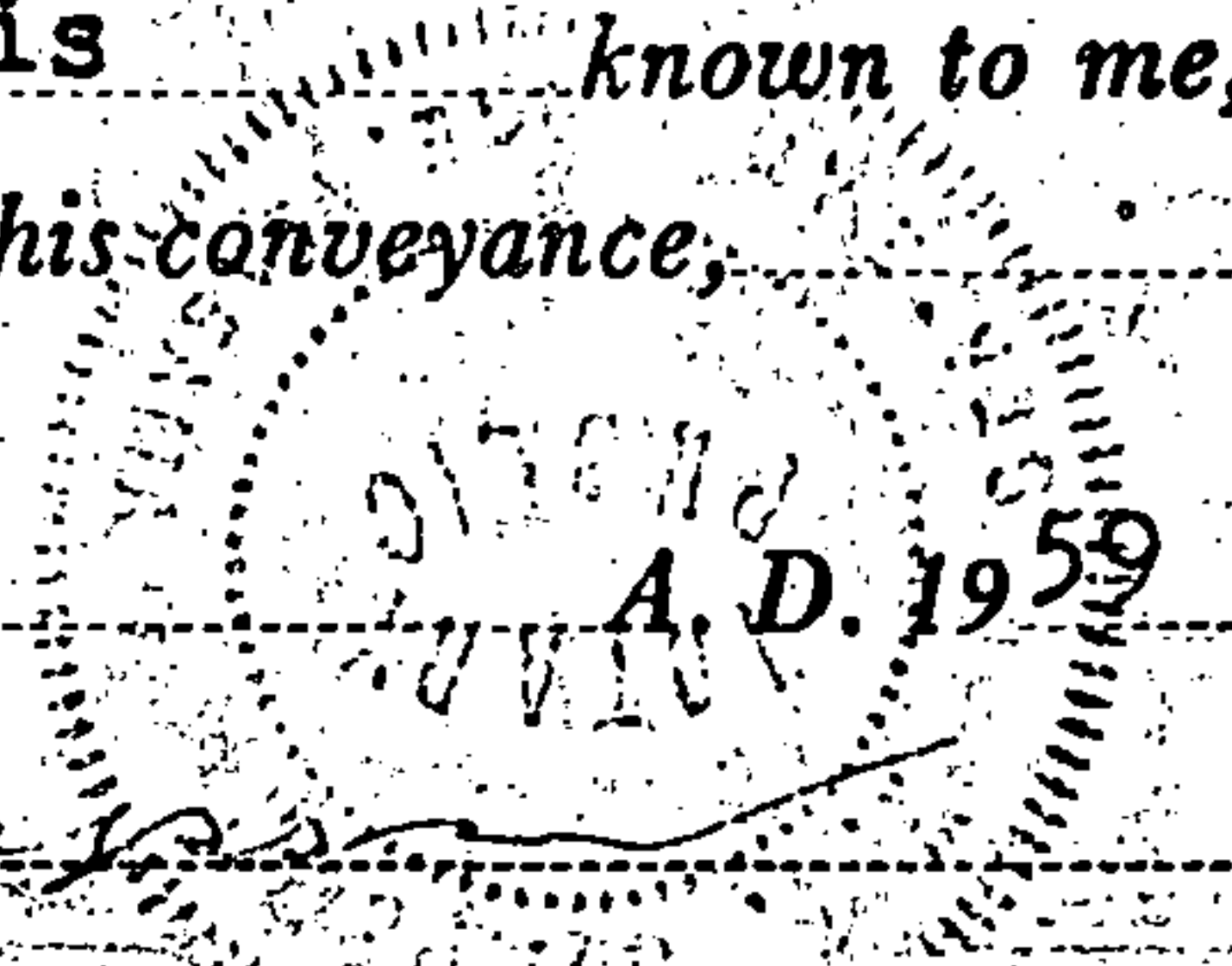
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Shelby Cnty Judge of Probate, AL
05/04/1972 11:03:00 AM FILED/CERT

THE STATE OF ALABAMA, }
JEFFERSON County } I, W. P. SIMPSON, A NOTARY PUBLIC-AT-LARGE

a _____ in and for said County, in said State, hereby
certify that Joe E. Raines,
whose name is _____ signed to the foregoing conveyance, and who is _____ known to me,
acknowledged before me on this day, that, being informed of the contents of this conveyance,
executed the same voluntarily on the day the same bears date.

Given under my hand and seal, this 10th. day of April, A. D. 1959

W. P. Simpson



THE STATE OF ALABAMA, }
County } I, _____

_____ in and for said County, in said State, hereby
certify that _____, a subscribing witness
to the foregoing conveyance, known to me, appeared before me this day, and, being duly sworn, stated
that _____, the Grantor
voluntarily executed the same in _____ presence, and in the presence of the other subscribing witness, on the
day the same bears date; that _____ attested the same in the presence of the Grantor _____, and of the
other witness, and that such other witness subscribed _____ name as a witness in _____ presence.

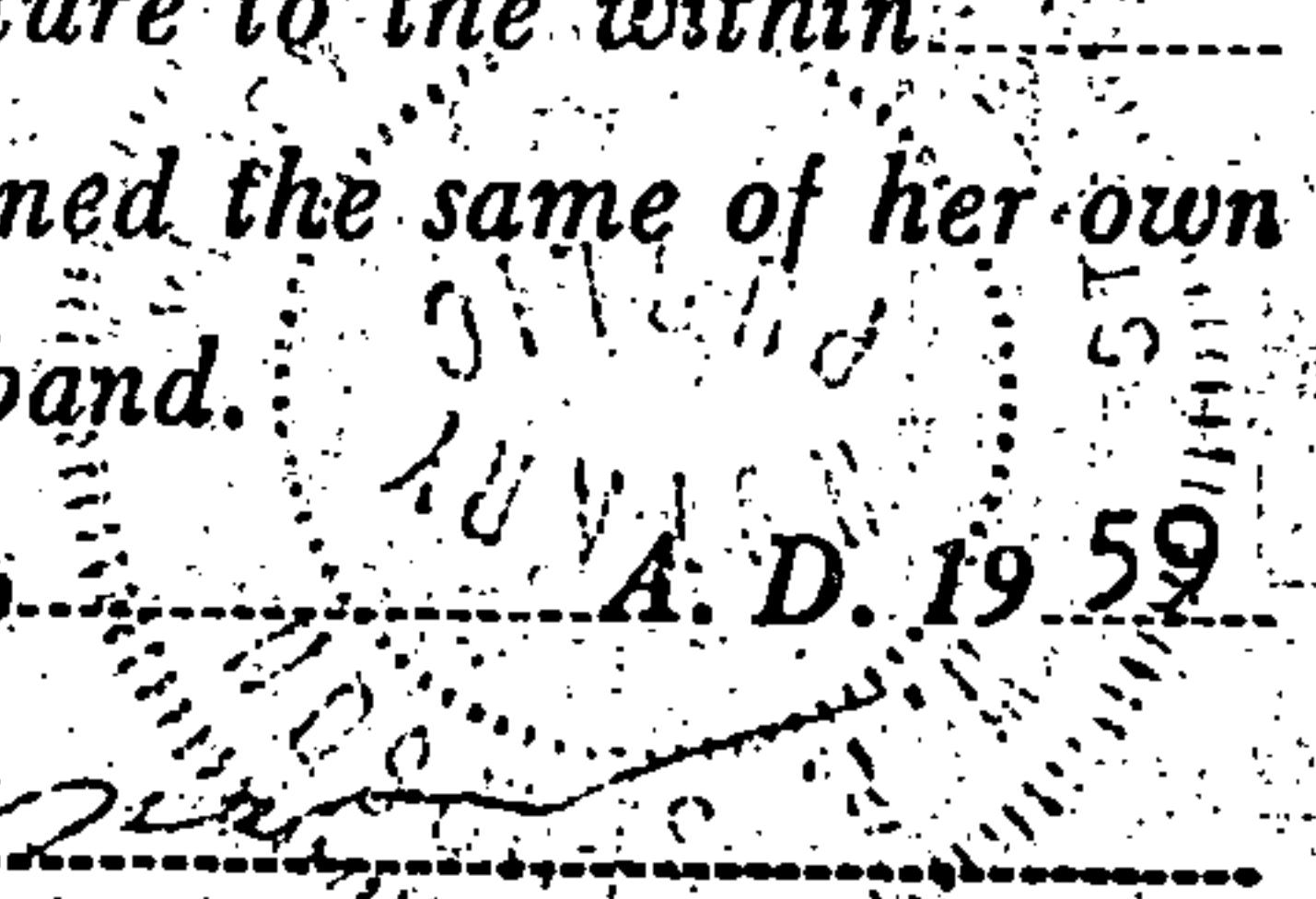
Given under my hand, this _____ day of _____ A. D. 19 _____

THE STATE OF ALABAMA, }
JEFFERSON County } I, W. P. SIMPSON, A NOTARY PUBLIC-AT-LARGE

a _____ in and for said County, in said State, hereby
certify that on the 10th. day of April, 1959 _____ 19 _____, came before me the
within named Delle R. Raines _____ known to me (or made known to me),
to be the wife of the within named Joe E. Raines _____
who, being examined separate and apart from the husband, touching her signature to the within
deed of conveyance _____, acknowledged that she signed the same of her own
free will and accord, without fear, constraint or threats on the part of the husband.

In witness whereof, I hereunto set my hand, this 10th. day of April, A. D. 19 59

W. P. Simpson



1 PAGE 125

Oliver

BOOK

4.50

JOE E. RAINES & WIFE, DELLE R. RAINES

TO

LEROY HENDRIX

Warranty Deed

THE STATE OF ALABAMA

County

I, _____
Judge of the Probate Court of said County, hereby
certify that the foregoing conveyance was filed for
registration in this office on the _____ day of _____

19 _____, and was recorded

in Vol. _____ Records of Deeds,

Pages _____ on the

_____ days of _____, 19 _____

Judge of Probate.

Recording Fee, \$ _____

State Tax \$ _____

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