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STATE OF ALABAMA)

SHELBY COUNTY)



19720525000026910 1/6 \$.00
Shelby Cnty Judge of Probate, AL
05/25/1972 12:00:00 AM FILED/CERT

WHEREAS, there has been presented to the Board of Education of Shelby County, Alabama, a copy of an affidavit by Myrtle B. Garner and Robert L. Garner, of Mylene, Alabama, which affidavits were executed on January 13, 1972, and are attached to this Resolution, said affidavits being recorded in Deed Book 271, Page 921-924, in Office of Judge of Probate of Shelby County, Alabama, concerning the following described real estate situated in Shelby County, Alabama, to-wit:

The SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 5, Township 21 South, Range 4 West, Shelby County, Alabama.

WHEREAS, said affidavits state, in part, as follows, to-wit:

"When Charles M. Kimbrel conveyed this $\frac{1}{4}$ - $\frac{1}{4}$ Section to J. M. Ammons in 1910 he reserved one acre on the West side of said $\frac{1}{4}$ - $\frac{1}{4}$ Section for a school house."

"From the time I was old enough to attend school up until I was 12 years old, I attended school in a school house located on the West side of this $\frac{1}{4}$ - $\frac{1}{4}$ Section; this was a small wooden one room school house approximately 18' X 16'..... In 1921, when I was 12 years of age, this school house caught fire and burned completely to the ground and was not rebuilt in any way and those of us who were at that time attending this school began attending a school in another location. I know of my own personal and direct knowledge that there has been no school building whatsoever on any part of this $\frac{1}{4}$ - $\frac{1}{4}$ Section since the above described school building burned in 1921 and since that time no part of this $\frac{1}{4}$ - $\frac{1}{4}$ Section has been in any way used, occupied or possessed for school purposes or for any other public purposes."

"After the school house building burned in 1921, I know of my own personal knowledge that all of this $\frac{1}{4}$ - $\frac{1}{4}$ Section was in the actual, exclusive, open, notorious, hostile and continuous possession of J. M. Ammons, up to the time of his death in 1925, and after his death so adversely possessed by his heirs, until the Ammons heirs deeded this $\frac{1}{4}$ - $\frac{1}{4}$ Section to Norman R. Johnson in 1960, and since that time all of this $\frac{1}{4}$ - $\frac{1}{4}$ Section has been in the actual, exclusive, open, notorious, hostile and continuous possession of Norman R. Johnson and I have never heard of his title or that of his predecessors in title being in question in any way."

WHEREAS, the records of the Board of Education of Shelby County, Alabama, do not reveal that said County has a school building on the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 5, Township 21 South, Range 4 West;

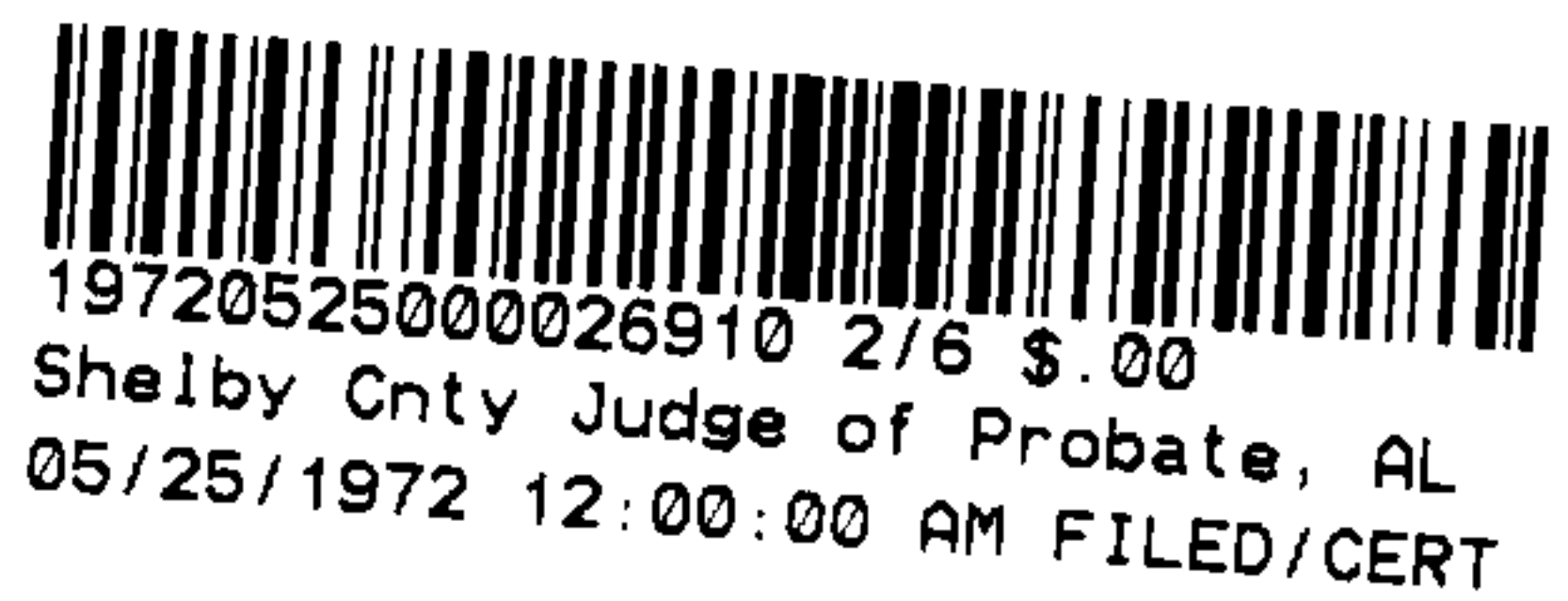
NOW, THEREFORE, BE IT RESOLVED by the Board of Education of Shelby County, Alabama, as follows:

That said Board has no record of having a school situated on any portion of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 5, Township 21 South, Range 4 West, Shelby County, Alabama; therefore, said Board of Education of Shelby County, Alabama, does hereby disclaim any interest in and to said $\frac{1}{4}$ - $\frac{1}{4}$ Section or any part thereof and does hereby remise, release, quit claim and convey to Norman R. Johnson all its right, title, interest and claim in and to the one acre on the West side of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 5, Township 21 South, Range 4 West, Shelby County, Alabama, which was reserved for a school house by that certain deed from

BOX 274 PAGE 440

Charles M. Kimbrell to J. M. Ammons, dated December 6, 1910, and recorded in Deed Book 45, Page 470, in the Office of the Judge of Probate of Shelby County, Alabama.

STATE OF ALABAMA)
SHELBY COUNTY)



I, Elvin Hill, Superintendent of the Board of Education of Shelby County, Alabama, do hereby certify that on the 17 day of May 1972, the Board of Education of Shelby County, Alabama, adopted the above and foregoing Resolution at its regular meeting.

This the 17 day of May 1972.

BOARD OF EDUCATION OF SHELBY COUNTY
BY: Elvin Hill
Superintendent

Sworn and subscribed to before me this the 18 day of May 1972.

Lara C. Edwards
Notary Public

BOOK 274 PAGE 441

STATE OF ALABAMA)

SHELBY COUNTY)

AFFIDAVIT

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Shelby Cnty Judge of Probate, AL
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Before me the undersigned authority, in and for the said County and State, personally appeared the undersigned Affiant who, after being by me first duly sworn to speak the truth, deposes and says as follows:

My name is Mrs. Myrtle B. Garner and I am the wife of Robert L. Garner and I am 62 years of age and a life-time resident of the Maylene Community, Shelby County, Alabama, presently residing at Route 1, Box 71, Maylene. I am and have been familiar with the use, occupation, possession, location and ownership of the following described land in Shelby County, Alabama for all my life, to-wit:

The SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 5, Township 21 South, Range 4 West, Shelby County, Alabama.

I have lived within three miles of this $\frac{1}{4}$ - $\frac{1}{4}$ Section all of my life and know it well; when I was a young girl I attended school in a school house located on this $\frac{1}{4}$ - $\frac{1}{4}$ Section and for many years as a young girl visited with my aunt, Mrs. Howard, who lived in the "old Ammons house" on this $\frac{1}{4}$ - $\frac{1}{4}$ Section. It has been called to my attention by the present owner of this $\frac{1}{4}$ - $\frac{1}{4}$ Section, Norman R. Johnson, that when Charles M. Kimbrel conveyed this $\frac{1}{4}$ - $\frac{1}{4}$ Section to J. M. Ammons in 1910 he reserved one acre on the West side of said $\frac{1}{4}$ - $\frac{1}{4}$ Section for a school house. I am familiar with the use, occupation, possession and ownership of this $\frac{1}{4}$ - $\frac{1}{4}$ Section by J. M. Ammons and his heirs and I am also familiar with the use and location of approximately one acre of this $\frac{1}{4}$ - $\frac{1}{4}$ Section for a school house when I was a young girl; it is for this purpose that I am making this Affidavit so as to clarify the location and use of that approximate one acre for school purposes. From the time I was old enough to attend school up until I was 12 years old, I attended school in a school house located on the West side of this $\frac{1}{4}$ - $\frac{1}{4}$ Section; this was a small wooden one room school house approximately 18' X 16', with the entrance door being on the East side of the small school building, and there was a playground East and South of the school building and I distinctly remember a fine old oak shade tree that was in this playground approximately 120 feet South of the school building; I remember that the land around the school building that was not used as a playground was not used in any way by the school authorities or by those attending the school. I am very familiar with the location and use of this old school because my aunt, Mrs. Howard, who is now 85 years of age, lived in the "old Ammons house" located on this $\frac{1}{4}$ - $\frac{1}{4}$ Section and I visited with her there on many occasions; when I refer to the "old Ammons house" I mean the home in our community which is located on this $\frac{1}{4}$ - $\frac{1}{4}$ Section and was

Book 271 Page 921
BOOK 274 PAGE 442

occupied for a time by J. M. Ammons who owned this $\frac{1}{4}$ - $\frac{1}{4}$ Section at that time; the old Ammons house was close to the old school house and could easily been seen from the main entrance door of the school building or from the playground, this house being located approximately 300 feet East and 50 feet North of the main entrance door of the school building and although this house is no longer standing its foundation can still be seen; at the time I attended school we got to it on an old wagon road that was in the approximate location of the West line of this $\frac{1}{4}$ - $\frac{1}{4}$ Section. In 1921, when I was 12 years of age, this school house caught fire and burned completely to the ground and was not rebuilt in any way and those of us who were at that time attending this school began attending a school in another location. I know of my own personal and direct knowledge that there has been no school building whatsoever on any part of this $\frac{1}{4}$ - $\frac{1}{4}$ Section since the above described school building burned in 1921 and since that time no part of this $\frac{1}{4}$ - $\frac{1}{4}$ Section has been in any way used, occupied or possessed for school purposes or for any other public purposes.

After the school house building burned in 1921, I know of my own personal knowledge that all of this $\frac{1}{4}$ - $\frac{1}{4}$ Section was in the actual, exclusive, open, notorious, hostile and continuous possession of J. M. Ammons, up to the time of his death in 1925, and after his death so adversely possessed by his heirs, until the Ammons heirs deeded this $\frac{1}{4}$ - $\frac{1}{4}$ Section to Norman R. Johnson in 1960, and since that time all of this $\frac{1}{4}$ - $\frac{1}{4}$ Section has been in the actual, exclusive, open, notorious, hostile and continuous possession of Norman R. Johnson and I have never heard of his title or that of his predecessors in title being in question in any way.

During the last month I have walked over and viewed this $\frac{1}{4}$ - $\frac{1}{4}$ Section with my husband so as to familiarize myself with the exact location of the old school building in relation to the present landmarks and surveyors markings. I know that since Mr. Norman R. Johnson bought this $\frac{1}{4}$ - $\frac{1}{4}$ Section from J. M. Ammons heirs in 1960 that he had it surveyed and staked out into seven separate lots running across the $\frac{1}{4}$ - $\frac{1}{4}$ Section West to East and numbered from 1 to 7. I have been familiar with the location of the West line of this $\frac{1}{4}$ - $\frac{1}{4}$ Section for a long time and it is well known in the community because it was painted a number of years ago by United States Steel. Also, over the years surveyors have cut along this line to blaze their trails and I can see where Mr. Johnson's surveyors did the same. From being on this $\frac{1}{4}$ - $\frac{1}{4}$ Section and observing the landmarks and Mr. Johnson's surveyor's markings, I am able to pin-point the location of the old school house building in reference to the West line of this $\frac{1}{4}$ - $\frac{1}{4}$ Section and survey that was



done by Mr. Johnson's surveyors. The West side of the old school house building was located approximately 20 feet East of the West boundary of said $\frac{1}{4}$ - $\frac{1}{4}$ Section, which is also the West boundary of what is now marked-off as Lot No. 4; the North side of the old school house building was located approximately 10 feet South of what is now marked-off as the North line of Lot. No. 4; I can see that the old Ammons house was located upon what is now marked-off as Lot No. 3, the West side of the old Ammons house was approximately 350 feet East of the West line of said $\frac{1}{4}$ - $\frac{1}{4}$ Section and the South side of the old Ammons house was approximately 40 feet North of the North boundary of Lot No. 4; the old oak tree, which used to be in our school playground, is still standing and is about 120 feet South of the South side of the old school house building and is more or less in the center of said Lot No. 4, which lot has a West-boundary of approximately 190 feet. Based on these personal observations, I know for a fact that the old school house building was situated on what is presently marked-off as Lot No. 4 of this $\frac{1}{4}$ - $\frac{1}{4}$ Section, and based on my recollection and these observations it is my opinion that all of the old school house grounds and the land around the school that was used as part of the school property is confined to and was located upon what is presently marked-off as Lot No. 4 of said $\frac{1}{4}$ - $\frac{1}{4}$ Section.

151

Myrtle B. Gardner.

Sworn to and subscribed before me
this the 13 day of January, 1972.



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Shelby Cnty Judge of Probate, AL
05/25/1972 12:00:00 AM FILED/CERT

151

Notary Public

STATE OF ALABAMA)

AFFIDAVIT

SHELBY COUNTY)

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

My name is Robert L. Garner. I am 65 years of age and have been a resident of the Maylene Community, Shelby County, Alabama for 55 years and presently reside at Route 1, Box 71, Maylene. I am and have been familiar with the use, occupation, possession, location and ownership of the following described land in Shelby County, Alabama for the last 55 years, to-wit:

The SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 5, Township 21 South, Range 4 West, Shelby County, Alabama.

BOOK 274 PAGE 444

923

I have read the above and foregoing Affidavit made by my wife, Myrtle B. Garner, and although I never attended school in the school building described therein, I know of my personal knowledge that each of the facts set forth in the above and foregoing Affidavit by my wife are true and correct and I hereby reaffirm everything that she stated therein.

151

Robert L. Garner

Sworn to and subscribed before me
this the 13 day of January, 1972.

151

Notary Public

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Shelby Cnty Judge of Probate, AL
05/25/1972 12:00:00 AM FILED/CERT

STATE OF ALA. SHILBY CO.
CLERK OF THE COURT
INDEPENDENT WAS FILE
1972 MAY 25 AM 9:16
U.C.C. FILE NUMBER OR
REC. BK. & PAGE AS SHOWN ABOVE
Clerk of Probate
JUDGE OF PROBATE

Jan. 13, 1971
2:57 pm.

BOOK 274 PAGE 445

923