

STATE OF ALABAMA

SHELBY COUNTY

6033

19760615000055190 1/5 \$.00
Shelby Cnty Judge of Probate, AL
06/15/1976 12:00:00 AM FILED/CERT

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

My name is James Ted Brasher. I am 54 years of age and I am a resident of Shelby County, Alabama, my residence address being at Route 1, Box 711, Leeds, Alabama.

I have been familar with the ownership and possession of the following described property situated in Shelby County, Alabama, viz.:

East Half of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 11,
Township 19, Range 1 West, Shelby County,
Alabama, containing 20 acres, more or less,

since I was a small boy. My mother, Mary Brasher, and our family lived on said property before 1935 when I was a small boy and when I can first remember clearly. My father, who was Alex Brasher, had left my mother and our family, and my mother raised her eight children, who will be named hereafter, on said property.

Prior to 1935, my mother and I, along with my other brother and sisters, lived in a log house which was situated on the above described property, and we continued to live and reside in said house and in another house which was later built on said property until various members of the family would become grown and move away. At one point in time we built a frame house on said property and moved from the log house into the frame house; the log house was subsequently torn down. My said mother, Mary Brasher, lived and resided continuallyⁱⁿ said log house and said frame house from prior to 1935 until she died, about four years ago.

The property lines and corners of said property are marked, but there has been no fences marking the boundary lines on said property since I can remember; there have been various fences and pieces of fences on said property from time to time, but they are

BOOK 15 PAGE 718

hardly visible at all now. The property is mostly woodland, with a small garden spot which has been cleared and which has been maintained as a garden since I was a child.

It is my understanding that the legal title to the said property was in George Huddleston about 1935 and when I can first remember clearly, that Mr. Huddleston later conveyed to W. A. Belcher Lumber Company in 1946, and that my mother received her deed from W. A. Belcher Lumber Company in 1954. My mother claimed the ownership of said land by some claim of title which is not clear to me since prior to 1935, although she did not receive her deed from W. A. Belcher Lumber Company until 1954, as stated above. It is possible that she had some other deed that I don't know about and which was never recorded, but I do know, as stated, that she claimed ownership of said land and that she did not pay rent to anyone. I am not sure as to whether or not she paid taxes on said property prior to 1954 when she received her said deed from W. A. Belcher Lumber Company, but I do know that she and her successors in title have regularly and exclusively assessed and paid taxes on said property from 1954 and until the present date.

I built a log house on said property in 1943 and lived in said house about three years. After I moved from said log house, we let various members of the family live in said house for a period of time; said log house has fallen in now, but part of the old logs are still there.

My brother, Lewis Brasher, never married, and he and my sister, Nellie Aderholt, lived in the frame house with my mother until the time of her death about four years ago. My mother had conveyed said property to my said brother in 1964. After my mother's death about four years ago, my said brother, Lewis Brasher, and my said sister, Nellie Aderholt, continued to live in said house on said property until my brother died on June 26, 1974; my said sister, Nellie Aderholt, continued to live in said house on said property

until during the last year when the members of the family decided to vacate the property and sell it.

As stated, my said brother, Lewis Brasher, never married, and of course he had no children. He died intestate, without a will, while a resident of Shelby County, Alabama, actually living and residing on the above described property, on June 26, 1974. All of the debts of said Lewis Brasher have been paid in full, and all claims against his estate have been paid in full. My said mother, Mary Brasher, and my said father, Alex Brasher, never married, except to each other, and they had only eight children, namely, myself, James Ted Brasher, Odie M. Snow, Rose E. Cash, Jadie Lee Brasher, Nellie Aderholt, Daisy L. Parker, and Betty L. Nelson (who are all still living) and our deceased brother, Lewis Brasher.

I know of my own personal knowledge that my said mother, Mary Brasher, and her successors in title, as designated in this affidavit, have been in the open, continuous, notorious, undisturbed, peaceable, exclusive, hostile, actual adverse possession of said property since 1935 and until the present date, claiming to own said property during all of said period of time, regularly assessing and paying the taxes thereon at least since 1954, my said mother having received a deed to said property from W. A. Belcher Lumber Company in 1954, as stated above. During all of said period of time I have been personally familiar with said property on a continuing basis, and I have never heard of anyone asserting any claim to said property, or any part thereof, other than my said mother and her successors in title, as designated herein, and I know that no person has possessed said property, nor any part thereof, during said period of time other than my said mother and her successors in title as designated herein. I am not sure as to the identity of W. H. Brasher, E. B. Brasher, or G. L. Brasher: they may be some relation to me, as there are many Brashers in Shelby County. It is my understanding that said persons received some tax title or deed to said property

15 PAGE 7:30
BOOK

about 1930 or 1938, but I do know that neither said W. H. Brasher, E. B. Brasher, G. L. Brasher, nor any other person other than my said mother and members of her family have claimed or possessed said property, nor any part thereof, since 1935, and until the present date.

James T Brasher

James Ted Brasher

Sworn to and subscribed before

me this 14th day of June, 1976.

David E. Cash
Notary Public

#20942 Eff. 7-2-78

STATE OF ALABAMA

SHELBY COUNTY

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

My name is Frank Pierce. I am 82 years of age and have resided in my home in Shelby County adjoining U. S. Highway 280 for the past 22 years.

I have read the above affidavit of James Ted Brasher relating to the East Half of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 11, Township 19, Range 1 West, and I know of my own personal knowledge that the facts as set forth in said affidavit of James Ted Brasher are true and correct.

I have known Mrs. Mary Brasher and her family since they moved on said property before 1935, and I know that said Mary Brasher and her family have remained in the open, continuous, notorious, undisturbed, peaceable, exclusive, hostile, actual adverse possession of said property since before 1935 and until

BOOK 15 PAGE 721



19760615000055190 4/5 \$.00
Shelby Cnty Judge of Probate, AL
06/15/1976 12:00:00 AM FILED/CERT



19760615000055190 5/5 \$.00
Shelby Cnty Judge of Probate, AL
06/15/1976 12:00:00 AM FILED/CERT

the present date.

I have visited said property on numerous occasions during the course of the years since 1935. Said James Ted Brasher and his brother, Lewis Brasher, used to work for me when they were boys and I used to go to their home in my car and get them and bring them to work and take them back.

I know of my own personal knowledge that neither W. H. Brasher, E. B. Brasher, G. L. Brasher, nor any other person other than said Mary Brasher and her successors in title have occupied, possessed, or claimed said property, or any part thereof, since 1935 and until the present date.

Frank Pierce
Frank Pierce

Sworn to and subscribed before me
this 14th day of June, 1976.

David E. Cash
Notary Public
#20942- Eff 7-2-78

Conrad M. S. Miller
JUDGE OF PROBATE

STATE OF ALA. SHELBY CO.
I CERTIFY THIS
INSTRUMENT WAS FILED
1976 JUN 15 AM 11:44