

STATE OF ALABAMA

SHELBY COUNTY

19761217000121860 1/2 \$.00  
Shelby Cnty Judge of Probate, AL  
12/17/1976 12:00:00 AM FILED/CERT

Before me, the undersigned authority in and for said county and state personally appeared Harris M. Gordon, who is known to me and who being first by me duly sworn, deposes and says as follows:

I am 60 years of age and have lived in the City of Columbiana, Shelby County, Alabama, continuously since the year 1916 except for about 14 years during World War II and until 1955 and continuously from 1955 until the date of this affidavit. I became personally acquainted with the property which is the subject of this affidavit in June, 1944, when Paul O. Luck purchased said property from the Estate of W. G. Parker, the deed for which property is recorded in Deed Book 118, page 453, in the Probate Office of Shelby County, Alabama.

Affiant further says that he recently had the property surveyed by Frank W. Wheeler, Ala. Reg. L.S. No. 3385 as shown by a survey dated November 4, 1976, and which particularly describes the land as hereinafter set out. Affiant verily believes that the property hereinafter described is the north 200 feet of the parcel conveyed in said deed recorded in Deed Book 118 page 453 in said Probate Office. The description of same being:

Commence at the northeast corner of the Southwest Quarter of the Northwest Quarter, Section 36, Township 21 South, Range 1 West, thence run west along the north line of said  $\frac{1}{4}$ - $\frac{1}{4}$  Section a distance of 496.39 feet to the west right-of-way line of Shelby County Highway No. 47; thence turn an angle of 112 deg. 41 min. to the left and run along said Highway right-of-way a distance of 714.28 feet to the P.C. of a right-of-way curve; thence turn an angle of 90 deg. 00 min. to the right and run a distance of 10.00 feet; thence turn an angle of 90 deg. 00 min. to the left and run along said right-of-way curve, whose Delta Angle is 4 deg. 42 min. 03 sec. to the right, radius is 1870.01 feet, tangent is 76.75 feet, length of arc is 153.42 feet, to a point of tangent, and the point of beginning of the land herein described; thence continue along said right-of-way curve whose Delta Angle is 6 deg. 07 min. 51 sec. to the right, radius is 1870.01 feet, tangent is 100.14 feet, length of arc is 200.09 feet to the point of tangent; thence turn an angle of 79 deg. 54 min. 09 sec. to the right from tangent and run a distance of 257.41 feet to the east right-of-way of the L & N Railroad; thence turn an angle of 93 deg. 17 min. 56 sec. to the right and run along said Railroad

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right-of-way a distance of 200.00 feet; thence turn an angle of 86 deg. 57 min. to the right and run a distance of 270.39 feet to the west right-of-way line of Shelby County Highway No. 47 and the said point of beginning; situated in the Southwest Quarter of the Northwest Quarter, Section 36, Township 21 South, Range 1 West, Huntsville Meridian, Shelby County, Alabama.

Affiant further says that the above description does not coincide with the description in that certain deed from the said Paul O. Luck to Francis Bouie in 1955 recorded in Deed Book 172, Page 300, in the Probate Office of Shelby County, Alabama, conveying all of that said parcel of land described in said deed recorded in said Deed Book 118, page 453, except the north 200 feet thereof. Nor does the said above description coincide with the description in that certain deed from Sidney M. Bird, Jr. and wife to Kenneth Leon Mc Cord dated the 21st day of August, 1976, recorded in Deed Book 300, Page 522, in the Probate Office of Shelby County, Alabama. Affiant further says, however, that he is advised by the said Frank W. Wheeler that the discrepancies between said descriptions arises from the accepted location of the north line of the Southwest Quarter of the Northwest Quarter, Section 36, Township 21 South, Range 1 West, Shelby County, Alabama, being presently north of the location of same accepted many years ago when Leon Powell conveyed to Ellis Bentley Jr. and wife, Lallaze Powell Bentley, the lands described in the said deed from Sidney M. Bird, Jr. and wife to Kenneth Leon Mc Cord. Affiant says that he knows of his own knowledge that the South boundary line of the said Mc Cord lands and the North boundary line of the said Luck lands is one and the same line.

Affiant further says that Clarice White Luck and Ruth Luck Gordon and Ruth Luck Gordon, as Executrix of the Last Will and Testament of Clarice White Luck, deceased, and their predecessor Paul O. Luck, have been in continuous, actual, open, hostile, notorious and peaceful possession of said property since 1944 and there has been no dispute as to the ownership of the above described property, and to my knowledge no one has ever contested their title to said property.

In Witness Whereof, I have hereunto set my hand and seal on this the 13 th day of December, 1976.

Sworn to and subscribed to before me on this the 14<sup>th</sup> day of December, 1976.

*Martha B. Joiner*  
Notary Public

*Harris M. Gordon*  
Harris M. Gordon

STATE OF ALABAMA  
SHELBY COUNTY  
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