

STATE OF ALABAMA)

JEFFERSON COUNTY)

6490



1977031600023990 1/2 \$.00
Shelby Cnty Judge of Probate, AL
03/16/1977 12:00:00 AM FILED/CERT

Before me the undersigned a Notary Public in and for said county in said state personally appeared Barbara Allan Bristow Grainger, who, being by me first duly sworn to speak the truth, says as follows:

My name is Barbara Allan Bristow Grainger. I am over the age of twenty-one years and presently a resident of Bluff Park, Jefferson County, Alabama. I am the wife of Morris A. (Lex) Grainger, Jr.

For in excess of twenty years I have been familiar with the ownership and possession of certain property located on Cahaba Valley Road in Shelby County, Alabama, which I understand at this time my husband, as Executor of his father's estate intends to convey to Billy Smith and Carl G. Murray. This property includes, among other property, the property described as:

A tract of land situated in the $W\frac{1}{2}$ of the $NE\frac{1}{4}$ of Section 23, Township 19 South, Range 2 West, Shelby County, Alabama, being more particularly described as: commence at the NE corner of the $SW\frac{1}{4}$ of the $NE\frac{1}{4}$ of Section 23, Township 19 South, Range 2 West; thence West along the North line of said quarter $\frac{1}{4}$ Section 902.80' to the point of beginning; thence $72^{\circ} 50' 00''$ left 89.76'; then $40^{\circ} 18' 00''$ left 989.66' to the north right of way line of Cahaba Valley Road; thence $69^{\circ} 42' 00''$ right and along said right of way line 88.03'; thence $110^{\circ} 18' 00''$ right, 1698.30' to the center line of Cahaba Valley Creek; thence $58^{\circ} 56' 00''$ right and along said creek 73.90'; thence $110^{\circ} 26' 05''$ right 615.59'; thence $50^{\circ} 55' 55''$ right 56.05' to the point of beginning and containing 4.000, more or less.

I was the predecessor in title to Morris A. Grainger, Sr., my deceased father-in-law. I conveyed this property, along with my husband, to my father-in-law, Morris A. Grainger, Sr., by Warranty Deeds executed on October 12, 1970 and recorded in the office of the Judge of Probate of Shelby County, Alabama at Book 264, pages 419, 420, 421 and 422. My father was James Madison Allan, Jr. He died in the year 1949 or 1950. At the time of his death he left surviving myself and my brother, James Coston Allan and my father's mother and father, James Madison Allan and Jessie Sorrell Allan. He was also survived by sisters, including one Kathleen A. Turner who, I understand, in August of 1967 executed an affidavit similar to this. At the time of his death my father, James Madison Allan, had no interest in the subject property. My grandfather, James Madison Allan, died July, 1952. My grandmother died April 22, 1956. Upon her death my grandmother left no Last Will and Testament. My grandfather, I understand, left a Last Will and Testament which was probated in the name of "Jim" Allan. Going back to the date of my earliest memory, my grandfather and grandmother resided continuously and exclusively in a residence located on a large tract of land, some sixty-one acres, which

19 PAGE 23

BOOK



included the property here involved. After my grandfather's death, my grandmother continued to reside on this property until the time she died in 1956. In 1961, there was a division of property to the heirs and my brother and I acquired property in this tract, our share being approximately the share our father would have received. During the entire time of my knowledge of this property (commencing approximately with the year 1949), the property that I have previously described was owned by either my grandfather, grandmother, or their heirs. I have never known of any person, firm or corporation asserting any other right to this property except following my conveyance to Morris Grainger, Sr..

I would point out that approximately 1970 my husband and I purchased the interests of my brother in certain tracts of property, all of which was included in the original sixty-one (61) acre tract belonging to my grandmother and grandfather. It was by virtue of these transactions that my husband and I acquired all of the property that I have previously specifically described and which we later conveyed to Morris Grainger, Sr. At the present time, my husband still owns a tract of property adjacent to the property here involved.

Except as above described, to my knowledge, my grandfather and grandmother, and their heirs, have had open and notorious, continuous, exclusive and hostile possession of the property herein previously described for in excess of the past twenty years, and I have known of no person, firm or corporation asserting any right, title or interest except as above described, in the subject property. I do understand that mistakes were made in certain deeds to Marion B. Holmes, Charlotte F. and James F. Thornton and Gladys Sorrell Holmes wherein the property conveyed was described as appearing to be North of the Cahaba Valley Road when the property conveyed actually lay South of the Cahaba Valley Road and did not touch or overlap the above described property in any way. In any event, those parties did not assert any interest in the property here involved and previously described.

BOOK 19 PAGE 24

STATE OF ALA. SHELBY CO.
INSTRUMENT WAS FILED
1977 MAR 16 AM 10:21
1976

Fee 3.00
Ind. 1.00
\$ 4.00

Barbara Allan Bristow Grainger
BARBARA ALLAN BRISTOW GRAINGER

Thomas A. ...
JUDGE OF PROBATE

Sworn to and subscribed before me on this the 19 day of February
Maria L. Catalano
NOTARY PUBLIC
EXPIRES FEBRUARY 11, 1978