

STATE OF ALABAMA

SHELBY COUNTY



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Shelby Cnty Judge of Probate, AL
04/12/1977 12:00:00 AM FILED/CERT

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

My name is Oscar Harris. I am 72 years of age and reside at Route 1, Box 72, Helena (Shelby County), Alabama.

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

Parcel One

Commence at the Northeast corner of the NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 36, Township 19 South, Range 3 West; thence Southerly along the East line of said quarter-quarter section to the South right of way line of the old (abandoned) right of way of the Acton Branch railroad; which is the point of beginning; thence continue south along said east quarter-quarter section line 516.9 feet, more or less, to the centerline of the Helena-Acton Road; thence 60 deg. 06 min. 30 sec. right southwesterly along said centerline a distance of 115.34 feet; thence 119 deg. 53 min. 30 sec. right northerly and parallel to said quarter-quarter line a distance of 575.0 feet, more or less, to said south railroad right of way line; thence easterly 100 feet, more or less, along said south railroad right of way line to the point of beginning; EXCEPTING, however, that area lying within the right of way of the Helena-Acton Road.

Parcel Two

ALSO, that part of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 36, Township 19 South, Range 3 West, lying southwest of Old U. S. Highway 31, and northwest of the Helena-Acton Road more particularly described as follows:

Begin at the NW corner of the NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 36, Township 19 South, Range 3 West; thence Easterly along the North line of said quarter-quarter section 65.1 feet to the centerline of U. S. Highway 31; thence 52 deg. 43 min. 30 sec. right along said centerline a distance of 430.70 feet to the intersection with the centerline of the Helena-Acton Road; thence 98 deg. 56 min. right along the last mentioned centerline 366.48 feet to the intersection with the West line of said quarter-quarter section; thence 117 deg. 49 min. 30 sec. right northerly along said West line a distance of 516.9 feet to the point of beginning.

EXCEPTING, however, that area lying within the right of way of said U. S. Highway 31 and the Helena-Acton Road,

since 1930 (when I began working at the Acton Mine and running the Commissary Store for Acton Mine which was situated near said property) and prior thereto.

Said Parcel One as described above was owned by J. C. Lee and J. H. Lee (who were brothers) in 1930 when I began working at Acton Mine—said property being situated south of and adjoining the railroad right of way line going to Acton Mine—except for a small parcel approximately 30 feet east and west

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by 90 feet north and south situated at or near the northwest corner of said Parcel One which was then owned by Paul O. Luck and R. Brewer. The south line of the right of way of the Old Acton Mine Railroad right of way line was considered to be at or near the north line of the quarter-quarter section in which said property was situated.

Said J. C. Lee subsequently died, and said J. H. Lee and the widow and next of kin of said J. C. Lee then conveyed said Parcel One (except for said Parcel 30 feet by 90 feet situated near the northwest corner thereof) to W. W. Russell and his wife, about 1936; Mr. Russell (who was known as "Bill" Russell) started constructing a house on said property after he bought the same, as aforesaid, and I bought said property from Mr. and Mrs. Russell on September 12, 1938, as shown by my deed which is recorded in Deed Book 98 at page 338, Office of Judge of Probate of Shelby County, Alabama. Said house which Mr. and Mrs. Russell had started constructing was framed and covered at the time when I bought said property, and no one had ever lived in said house at that time. I completed said house on said property within a year after I acquired title to said property and have lived in said house on said property with my wife and with my children, while they were young, continuously since about 1939 until the present date, living on said property and occupying the same, together with adjoining property as will be set forth below, as my homestead continuously during all of said period of time.

Referring to the parcel 30 feet by 90 feet situated at or near the northwest corner of Parcel One which was owned by Paul O. Luck and R. Brewer in 1930, as aforesaid, it is my understanding that Mr. and Mrs. Brewer later conveyed their undivided interest in and to said property to Harris M. Gordon, who is son-in-law of Mr. Luck, and I subsequently bought the full title to said property from said Paul O. Luck and wife, and said Harris M. Gordon and wife, in October, 1954, and I received a deed at that time which was recorded in Deed Book 169 at page 277, Office of Judge of Probate of Shelby County, Alabama; I went into actual adverse possession of said 30 by 90 foot lot at that time, in October, 1954, taking it into my homestead property with the remainder of Parcel One and with Parcel Two, which I then owned (I had previously acquired Parcel Two in 1945, as set forth below). I subsequently obtained a quit claim deed in May, 1971, from Mr. and Mrs. Gordon and from Mr. Luck's widow which also describes said 30 by 90 foot parcel, said deed being





recorded in Deed Book 267 at page 917 in said Probate Office.

As stated above, I went into actual adverse possession of said 30 by 90 foot parcel in October, 1954, when I bought it from Luck and Gordon and when I combined it together with the remainder of Parcel One, as described above. According to my understanding, there had formerly been a store building on said property known as "Walker's Store" many years ago, but said store building was no longer on said property in 1930 when I went to work at Acton Mines. I do remember the old store building from before 1930; I remember when C. J. Sweat or his wife, Lula B. Sweat, occupied said building and said property, but neither they, nor their heirs or devisees or next of kin, nor any persons claiming under them, nor H. C. Hearst, nor W. A. Barnett, nor P. R. Robinson, nor C. A. Ruffin, nor Mrs. C. A. Ruffin, nor any other person, persons, or corporations claiming title through said persons have occupied or possessed said 30 by 90 foot parcel, nor any part thereof, nor any part of Parcel One as described above, since 1930 and until the present date, except myself and my predecessors in title, as designated above. I fenced off said 30 by 90 foot parcel, together with the entire back part of Parcel One back in the 1950's and kept and maintained said fence^{area} as a cow pasture for more than ten years, back in the 1950's; said fence has subsequently deteriorated and rotted down, but portions of said old fence are still remaining and visible. I kept a cow within the fence on said property for many years, as aforesaid.

I formerly made an affidavit relative to Parcel One in October, 1938, as shown by my affidavit which is recorded in Deed Book 105 at page 355, Office of Judge of Probate of Shelby County, Alabama, but I am now informed that additional information relative to said property is desirable, and hence I am making this affidavit to assert more facts relative to said property.

Referring to Parcel Two as described above, said parcel, together with the entire quarter-quarter section in which the same is situated, was owned by the Alabama State Land Company in 1930 when I went to work at Acton Mine; said property was subsequently conveyed by the Alabama State Land Company to Wesley W. West, Phil E. Davant and P. M. Stevenson, and I bought the entire quarter-quarter section in which said parcel is situated from said Wesley W. West, Phil E. Davant, and P. M. Stevenson in August, 1945, as shown by my deed which is recorded in Deed Book 121 at page 437, Office of Judge of Probate of Shelby

County, Alabama. Said Parcel Two adjoins Parcel One on the East side, and is situated west of the Old Birmingham-Montgomery Highway and north of the Helena-Acton Public Highway, and I took it into actual adverse possession, combining it as a part of my homestead with Parcel One as described above, in August, 1945, when I purchased the same under my deed as designated above, and I have maintained actual possession of said property, together with my wife, as a part of our homestead since 1945 and until the present date.

I do unqualifiedly state that my wife and I, and our predecessors in title as to Parcel One and Parcel Two as described above, have been in the open, continuous, notorious, undisturbed, peaceable, exclusive, hostile, actual adverse possession of said property from the present date and going backward in time until 1930, and during said period of time, I have never heard of anyone claiming said property, or any interest therein or any part thereof, other than ourselves and our predecessors in title, as designated above.

Oscar Harris
Oscar Harris

Sworn to and subscribed before me
this 8 day of April, 1977.



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Andrew J. Pearson
Notary Public

My Commission expires 8-78

A F F I D A V I T

STATE OF ALABAMA

SHELBY COUNTY

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

My name is D. G. Owens. I am 66 years of age and reside at Route 1, Helena, Alabama, in Shelby County.

I have read the ^{above} affidavit of Oscar Harris, and I know to my own personal knowledge that the statements of facts set forth in said affidavit are true



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and correct, as I have lived and resided within a quarter of a mile of said Parcel 1 and Parcel 2, as described in the affidavit of Oscar Harris, since prior to 1930.

I know that said Oscar Harris and wife, and their predecessors in title as designated in the affidavit of said Oscar Harris, have been in the open, continuous, notorious, undisturbed, peaceable, exclusive, hostile, actual adverse possession of said property, Parcel one (1) and Parcel two (2) since 1930, and until the present date.

D. G. Owens
D. G. Owens

Sworn to and subscribed before me

this the 8 day of April, 1977

William P. Dean
Notary Public

my Commission expires 8-78

STATE OF ALA. SHELBY CO.
I CERTIFY THIS
DOCUMENT WAS FILED

'77 APR 12 PM 1:37

William A. Snowdon, Jr.
JUDGE OF PROBATE

Rec 7.50

Seal 1.00

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