

STATE OF ALABAMA
SHELBY COUNTY

8238



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Shelby Cnty Judge of Probate, AL
05/03/1977 12:00:00 AM FILED/CERT

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

My name is Peddie Bearden. I am 72 years of age and reside at Route 1, Montevallo, Shelby County, Alabama. I have been familiar with the ownership and possession of the following described property, viz.:

A parcel of land situated in the N $\frac{1}{2}$ of Section 4, Township 22 South, Range 3 West, described as follows: Commence at the SE corner of the NW $\frac{1}{4}$ of Section 4, and go North 2 deg. 31 $\frac{1}{2}$ min. West along the East boundary of said quarter section 39.20 feet to the point of beginning on the North boundary of Shelby County Highway No. 22; thence North 88 deg. 55 min. West along this boundary for 114.67 feet; thence North 1 deg. 05 min. East for 200.68 feet; thence North 83 deg. 02 min. East for 136.60 feet; thence 1 deg. 37 min. East for 219.95 feet to the North boundary of Highway 22; thence North 88 deg. 55 min. West along this boundary for 31.0 feet to the point of beginning; containing 0.67 acres, more or less, according to survey of James A. Riggins, Registered Land Surveyor dated May 16, 1974,

for more than the past fifty years, having lived and resided in the close proximity of said property during said fifty year period.

I remember when J. M. Edwards owned said property, together with other property, and when his widow and child subsequently conveyed said property, together with property, to T. A. Bearden, about 1932.

The old Columbiana-Tuscaloosa Public Road borders said property on the South; said old road was later widened and paved as a Shelby County Highway, and the old roadbed of the Old Columbiana-Tuscaloosa Public Road was situated entirely within / ^{the} present right of way of said Shelby County paved highway, as it now exists along the South line of the above described property and to the intersection thereof with the old Montevallo-Elyton Public Road. Said Old Montevallo-Elyton Public Road has subsequently been widened and paved, and the old right of way bed of said old Montevallo-Elyton Public Road is also located within the present right of way of the new paved highway as it crosses the Southeast Quarter of Northwest Quarter of Section 4, Township 22 Range 3 West.

Said T. A. Bearden mentioned above as having owned the above described property, together with other property, conveyed said parcel consisting of 20 acres, more or less (being bounded on the West by said Montevallo-Elyton

Public Road, on the South by said Old Columbiana-Tuscaloosa Public Road, and on the North by a branch, and on the East by an old fence separating said property from the property of Justie J. Kirkpatrick^{and her husband, W. E. Kirkpatrick)} to Bessie B. Allen and husband, William Lee Allen, in 1939; said T. A. Bearden was related to me, he being my father, who has now passed away.

Said Bessie B. Allen and husband, William Lee Allen, then later conveyed a 2 acre parcel, more or less, which includes the above described parcel to Luther Bearden and wife, Ruth Bearden, in 1956, and said Bessie B. Allen and husband, William Lee Allen, subsequently conveyed the remaining 18 acres of said 20 acre parcel to me and my son, Charles Bearden, in 1961.

A fence was constructed along the North line of said 2 acre parcel conveyed to Luther Bearden and Ruth Bearden shortly after they bought said parcel in 1956, and said old fence row remains as being the boundary line between said 2 acre parcel and the remaining 18 acres parcel which was purchased by myself and Charles Bearden; said old fence marks the North boundary of the above described parcel.

Said Luther Bearden and Ruth Bearden moved in a home situated on said 2 acre parcel, which includes the above described property, after they bought said property in 1956, and lived and resided on said property until the death of said Luther Bearden which occurred in July, 1970, and thereafter by said Ruth Bearden until recently, said Ruth Bearden having conveyed the lot situated just West of the above described property and which contains the hmeplace of said Luther and Ruth Bearden to Laura Estelle Rutherford and Mattie R. Jones in October, 1976, and having previously conveyed the remaining portion of said 2 acre parcel lying just West of said Rutherford and Jones lot and lying at the intersection of said Old^{Columbiana-}Tuscaloosa Public Road and said Old Montevallo-Elyton Road. The old fence row which was originally built shortly after Luther and Ruth Bearden bought said 2 acre parcel along the North boundary thereof still exists and marks not only the North boundary of the above described property, but also the North boundary of said Laura Estelle Rutherford and Mattie R. Jones lot and also the North boundary of the adjoining which lies directly West of said Rutherford and Jones lot at the intersection of said road.

The above described parcel was conveyed by said Ruth Bearden, the widow of Luther Bearden, to Larry Bearden and wife, Brenda Bearden, in May, 1974, and said Brenda Bearden subsequently conveyed her interest in and to said property to said Larry Bearden in 1975.

I know of my own personal knowledge that said Larry Bearden and his predecessors in title as designated above have been in the open, continuous, notorious, undisturbed, peaceable, exclusive, hostile, actual adverse possession of said property for more than the past fifty years and until the present date.

As stated above, the East boundary of the above described Larry Bearden property is an old existing fence row between said property and the Justice J. Kirkpatrick property which lies immediately to the East thereof.

Peddie H Bearden
Peddie Bearden

Sworn to and subscribed before me
this 26th day of April, 1977.

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Jennett B. Bailey
Notary Public

My Commission Expires November 15, 1982

ALABAMA SHELBY COUNTY
CERTIFY THIS
DOCUMENT WAS FILED

MAY -3 PM 1:23 Re. 4.50
Thomas A. Snowles, Jr. Ind 1.00
JUDGE OF PROBATE \$5.50

STATE OF ALABAMA

SHELBY COUNTY

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

My name is Herman McGaughy, and my residence address is Route 2,
Montevallo

I have read the above affidavit of Peddie Bearden, and I know of my own personal knowledge that the statements of fact contained in said affidavit are true and correct. I have lived in the immediate vicinity of said property for the past 73 years and am personally familiar with said property and of the past ownership and possession thereof during all of said period

NOTARY PUBLIC

Herman McGaughy
Herman McGaughy

Sworn to and subscribed before me this 26th day of April, 1977.

Jennett B. Bailey
Notary Public