

STATE OF ALABAMA )  
SHELBY COUNTY )



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Shelby Cnty Judge of Probate, AL  
07/29/1977 10:32:00 AM FILED/CERT

115-13

Before me, the undersigned authority in and for said County and State, personally appeared ETTA BOLES, who, being known to me and being by me first duly sworn, deposes and says as follows:

My name is ETTA BOLES. I am 59 years of age and have lived in Shelby County, Alabama, for the last past 20 years.

My husband and I conveyed the following described land to Floyd Sudsberry and wife, Tommie Sudsberry, on April 29, 1977 by deed which is recorded in the Probate Office of Shelby County, Alabama in Deed Book 305, page 165, to-wit:

A lot or parcel of land lying and being situated in the SE $\frac{1}{4}$  of SE $\frac{1}{4}$  Section 32, Tp 21 South, Range 2 West, Shelby County, Alabama and being more particularly described as follows: From the NW corner of said  $\frac{1}{4}$   $\frac{1}{4}$  Section (a concrete monument established by Alabama Power Company) run South along the West line of said  $\frac{1}{4}$   $\frac{1}{4}$  Section for 1240.7 feet to point of beginning of subject parcel of land; from said point thus established, run South 05 deg. 04' East for 105 feet, more or less, to the SW corner of said  $\frac{1}{4}$   $\frac{1}{4}$  Section; run thence East and along the South line of said  $\frac{1}{4}$   $\frac{1}{4}$  Section for 235 feet, to a point where said line intersects the Northerly boundary line of an unpaved drive; run thence Easterly along said line of said drive (a curve concave to the right) for 130 feet, more or less, to a point; run thence North and parallel to the West  $\frac{1}{4}$   $\frac{1}{4}$  line for 105 feet; run thence South 83 deg. 39' West for 366.2 feet, and back to the point of beginning, and contained 0.9 (9/10) of an acre, more or less. Situated in Shelby County, Alabama.

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I became owner of the above property, together with other property to the North East and West of said property in about the year 1965, however, in about the year 1955 I began tending the above land for someone else and we built a fence for a pasture at that time for the purpose of grazing cattle. The fence that we built, as stated, in 1955, ran through the Southerly portion of the above land. We did not build in on the South line of said property, but went a few feet Northerly of the South line of the above property in order to go around stumps and other debris so that the cattle would immediately have a good place to graze; thus, the reason for the off-set in the fence and boundary line. At no time did we think the fence was along the South line or West line of the above property, but knew that the South line of the above said property extended on past the fence to the South. Mr. Alexander Schoettlin was the owner of the property at the time the fence was built and he and I were in business together operating a cattle farm, and we were in a hurry to move cattle onto the above land, and other land, and this was the reason the fence was constructed where it was, in order for the cattle to immediately have grazing areas.

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Originally a Mr. Onnie Lee owned property to the South of the above land. It is my understanding that he sold a portion of his property to Merle Vance and that now Merle Vance joins the above property along the South boundary thereof. However, neither Onnie Lee nor Merle Vance, or any other person, firm or corporation, ever went into possession of any portion of the above property and none of said persons ever claimed up to the fence line referred to above; they have stated to me that they understand and accept the boundaries of the property as described and as stated, they have never exercised any ownership of any portion of the above property. The fence in question has now been torn down and there is no fence at all now on any portion of the above described land.

Since I have known the above land and said land to the North, West and East of said land, it has been owned by <sup>Mr. and Mrs. Floyd Sudsberry,</sup> myself and my predecessors in title, exclusively, adversely, continuously, notoriously, openly and hostilely, and I have never heard the title to said land or any of the boundaries thereof questioned in any way.

All of the above land has now been cleared off, and Mr. and Mrs. Floyd Sudsberry are in the process of constructing a new dwelling on said land.

Etta Boles  
Etta Boles

Sworn to, and subscribed before me this  
25<sup>th</sup> day of July, 1977.

James Braskie  
Notary Public

STATE OF ALA. SHELBY CO.

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Thomas G. Swearingen, Jr.  
JUDGE OF PROBATE

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