

STATE OF ALABAMA

SHELBY COUNTY



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 Shelby Cnty Judge of Probate, AL
 08/22/1977 12:00:00 AM FILED/CERT

Before me the undersigned authority, in and for Shelby County, Alabama, personally appeared W. B. Suggs, who is known to me and who being by me first duly sworn, deposes and says as follows:

My name is W. B. Suggs. I am ⁷⁶~~XX~~ ^{W B S} years of age and reside at Route 1, Box 113, Sterrett, Shelby County, Alabama.

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

Parcel No. 1:

A part of the NE $\frac{1}{4}$ of SW $\frac{1}{4}$ Section 29, Township 19, Range 1 East, being more particularly described as follows: Commencing at the right of way of the A. B. & A. Railroad where the public road (dirt road) strikes the right of way of said A. B. & A. Railroad running Northerly along said road 70 yards; thence Westerly 140 yards; thence Southerly 70 yards; thence Easterly along the North right of way of said A. B. & A. Railroad to the point of beginning, containing 2 acres, more or less.

Parcel No. 2:

Part of the NE $\frac{1}{4}$ of SW $\frac{1}{4}$ Section 29, Township 19, Range 1 East, being more particularly described as follows: Starting at the SW corner of said NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section 29, Township 19, Range 1 East, and run East along South line of said forty 199 yards and 1 foot; thence North 199 yards and 1 foot; thence West 199 yards and 1 foot; thence South 199 yards and 1 foot to starting point, containing 8 acres, more or less.

Parcel No. 3:

The East Half of NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 29, Township 19 South, Range 1 East.

Parcel No. 4:

All that part of the SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 29, Township 19 South, Range 1 East lying North of the Atlantic Coastline Railroad right of way, being more particularly described as follows: Begin at the Northwest corner of the SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 29, Township 19 South, Range 1 East and run thence East along the North line of said quarter-quarter section a distance of 592 feet, more or less, to the intersection thereof with the North right of way line of said Atlantic Coastline Railroad; thence run Southwesterly along said North right of way line of said railroad to the intersection thereof with the West line of said quarter-quarter section; thence run North, along the West line of said quarter-quarter section, a distance of 63 feet, more or less, to the point of beginning, containing 0.43 acres, more or less.

Together with an easement for a right of way over and across an existing dirt road which has been located and used for the past 40 or more years from said Parcel No. 1 to said Parcel No. 2, providing ingress and egress to and from said Parcel No. 1 and said Parcel No. 2,

for more than the past fifty-five years, I having owed said property during most of said fifty-five year period.

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My wife, namely, Audrey Suggs (who is sometimes referred to as "Audrea Suggs") and I first bought and went into possession of Parcel No. 2 on September 8, 1923, from Mrs. Johnnie Cornelius Stewart and her husband, E. J. Stewart. Said parcel was mostly wooded at that time, although a house had previously been started thereon, but said house was never finished.

A little over a year later, on November 13, 1924, my said wife and I bought and went into possession of Parcel No. 1 from my wife's father, Eska Henderson, who was the owner thereof. My said wife's mother, namely, Mattie Henderson, she being the wife of said Eska Henderson, has been deceased now for many years, said Eska Henderson also having been deceased for many years.

There was a house on said Parcel No. 1 at the time when my wife and I bought said parcel. My said wife and I lived on said parcel for a short while after we bought said parcel; actually we lived there about two or three years, and then we moved away, letting various people live in said house on said parcel. My said wife and I moved back in said house on said parcel No. 1 in 1936 and have lived there continuously since that time until the present date, that is, I have lived there continuously in said house on said parcel since 1936 until the present date, my said wife having lived with me until about a year ago when she went into a Nursing Home. I have, of course, made improvements on said house over the course of the years.

When my said wife and I bought said Parcel No. 2, and shortly thereafter when we bought said Parcel No. 1, there was then an existing dirt road from the public road fronting the east boundary of said Parcel No. 1, said dirt road extending across said Parcel No. 1 providing ingress to and from said Parcel No. 1 to said Parcel No. 2. This dirt road has during all of the time since 1923 and until the present date been a private road for the owners of said Parcel No. 1 and Parcel No. 2, to provide access to the interior of the property from the public road fronting on the east line of said Parcel No. 1. Said private road has been open continuously since 1923 until the present date underclaim of right without object, or challenge.

Said public road fronting on the east line of said Parcel No. 1 was in past years known as the "Pumpkin Swamp Road", said road now having been



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widened and paved, all of the old right of way of said old Pumpkin Swamp Road as it fronted on the east line of said Parcel No. 1 now being included in the present right of way of said paved Shelby County Highway.

My said wife and I bought and went into possession of Parcel No. 3 in July, 1946, under our deed from W. A. Belcher Lumber Company.

My said ^{wife} and I bought and went into possession of Parcel No. 4 under deed from Cecil Burney two or three years ago, it being a small triangular strip of land lying south of Parcel No. 2 and the railroad.

My said wife and I have occupied and possessed said Parcel No. 2, Parcel No. 1, Parcel No. 3, and Parcel No. 4 as one homestead residence from the dates of our respective deeds for said respective parcels, as set forth above, until the present date. Said Parcel No. 2 and Parcel No. 3 were fenced and cross-fenced for over thirty years up until the time when U. S. Highway No. 280 was re-located about four or five years ago, said highway construction having destroyed or partially destroyed some of said fencing about four or five years ago.

Said Parcel No. 3 was partially cleared when we bought the same in 1946 and I have subsequently cleared more or it, and have also cleared a portion of said Parcel No. 2 over the course of the years. I have grown various gardens and agricultural crops on said Parcel No. 2 and Parcel No. 3 each and every year for the past twenty or more years, at least. I had a lake consisting of approximately 1 acre constructed on said Parcel No. 2 about twenty years ago, and since the re-location of U. S. Highway No. 280, as mentioned above, said lake has been increased in size to about 4 acres.

I was involved in a motor vehicle accident in the 1930's and had to borrow some money from my said father-in-law, Eska Henderson, in order to settle my obligations arising from said case, and as security for said loan from my said father-in-law, I ~~pledged~~ ^{conveyed} or mortgaged to him said Parcel No. 2. When I had repaid the loan to my said father-in-law, he executed a deed to my said wife for said Parcel No. 2, less and except a small portion thereof, which is recorded in Deed Book 115 at page 198, Office of Judge of Probate of Shelby County, Alabama, in order to acknowledge the repayment of said indebtedness. My said father-in-law conveyed said portion of Parcel No. 2 which was not included in his deed to my said wife to his son, E. C. Henderson (who was my wife's brother) as shown by deed recorded in Deed Book 115 at page 220, and my said wife and I later regained title to said parcel from said

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E. C. Henderson, in 1955, as shown by deed recorded in Deed Book 176 at page 191 in said Probate Office. Said E. C. Henderson and my said father-in-law built a house on said parcel, said house having burned about ten or fifteen years ago. Said E. C. Henderson and his wife, are now deceased.

My said wife and I later conveyed all of said Parcel No. 1, Parcel No. 2, Parcel No. 3, Parcel No. 4, and the easement for the dirt road between said Parcel No. 1 and Parcel No. 2 to our son, James H. Suggs and his wife, Ruth Suggs, I having reserved a life estate therein, as shown by deeds recorded in Deed Book 274 at page 229, and Deed Book 288 at page 406, Office of Judge of Probate of Shelby County, Alabama.

I know of my own personal knowledge that my said son and his wife, and their predecessors in title as designated above in this affidavit, have been in the open, Continuous, notorious, undisturbed, peaceable, exclusive, hostile, actual adverse possession of said Parcel No. 1, Parcel No. 2, Parcel No. 3, Parcel No. 4, and said easement between said Parcel No. 1 and Parcel No. 2, since the dates designated above in this affidavit when my said wife and I bought and went into possession of said respective parcels and until the present date. I know also of my own personal knowledge that neither Fred Smith, nor his wife, Hilda Smith, nor James M. Spearman, Jr. nor J. M. Spearman, nor his wife, Elizan Spearman, nor J. S. Rasco, nor any other person other than those persons mentioned in this affidavit, have been in possession of any portion of said Parcel No. 1, Parcel No. 2, Parcel No. 3, Parcel No. 4, and said easement between said Parcel No. 1 and Parcel No. 2 for more than the past fifty-five years and until the present date.

W B SUGGS
W. B. Suggs

Sworn to and subscribed before me
this 5th day of August, 1977.



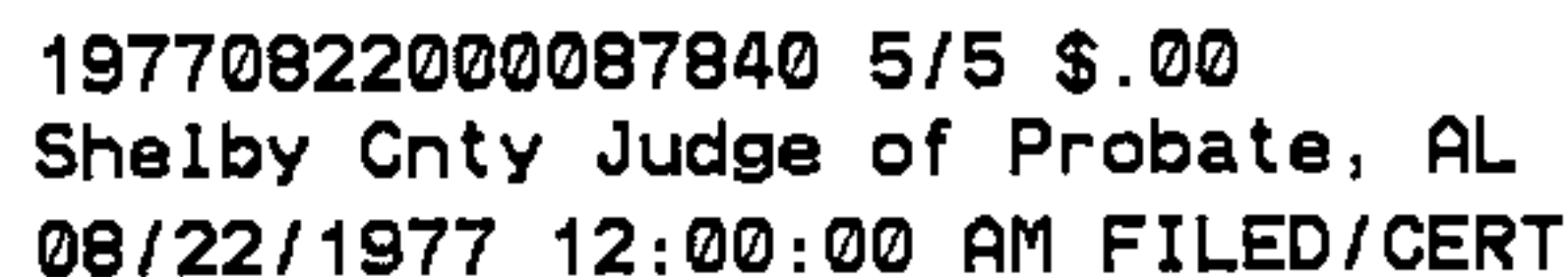
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Louise M. Foster, Jr.
Notary Public

STATE OF ALABAMA

SHELBY COUNTY

Before me the undersigned authority, in and for Shelby County, Alabama, personally appeared Gerald Moore, who is known to me and who being by me



My name is Gerald Moore. I am 37 years of age and reside at P. O. Box 32, Westover, Alabama.

I have read the foregoing affidavit of W. B. Suggs dated August 5, 1977, and I know of my own personal knowledge that the statements of fact as alleged and set forth in said affidavit of W. B. Suggs are true and correct as they relate to said property during the past twenty-five years.

Preston Moore was my father, and I grew up and have lived in the general community of said property as described in said affidavit of W. B. Suggs and have been familiar with the ownership and possession of said property for the past twenty-five years. I have known Mr. W. B. Suggs and his wife, Mrs. Audrey Suggs, for the past twenty-five years and know of my own personal knowledge that they have lived and resided on said property for the past twenty-five years. I have been on and by said property on numerous occasions and am well familiar with said property and know that Mr. Suggs has farmed said property continuously for the past twenty-five years.

I know of my own personal knowledge that said W. B. Suggs and wife, Audrey Suggs, and their son, James H. Suggs, and his wife, Ruth Suggs, have been in the open, continuous, notorious, undisturbed, peaceable, exclusive, hostile, actual adverse possession of said property for the past twenty-five years and until the present date.

Gerald Moore
Gerald Moore

this 22nd day of August, 1977.

By C. L. Tamm Secy.

Notary Public

My Commission expires Sept. 7, 1979

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77 AUG 22 PM 2:00

Re. 7.50
Due 1.00

\$ 8.50

John P. [illegible]
CLERK OF PROBATE