

This instrument prepared by
Wade H. Morton, Jr., Attorney at Law
P O Box 1227, Columbiana, Alabama.

STATE OF ALABAMA)

AFFIDAVIT

SHELBY COUNTY)

19770902000091770 1/3 \$.00
Shelby Cnty Judge of Probate, AL
09/02/1977 12:00:00 AM FILED/CERT

Before me the undersigned authority, in and for the said County and State, personally appeared the undersigned Affiant who, after being by me first duly sworn to speak the truth, deposes and says as follows:

My name is Cecil L. Hodgins. I am 67 years of age and a resident of Shelby County, Alabama. I am and have been since 1948 very familiar with the use, occupation, possession and ownership of the following described 20 acre tract of land located in Shelby County, Alabama, to-wit:

Commencing at the Northwest corner of SE $\frac{1}{4}$ of the SE $\frac{1}{4}$, Section 8, Township 22, Range 1 West, Shelby County, Alabama, and run thence East along the North boundary of said $\frac{1}{4}$ - $\frac{1}{4}$ Section 330 feet for a point of beginning of the land herein described and conveyed; thence Southerly and parallel with the East boundary of said $\frac{1}{4}$ - $\frac{1}{4}$ Section 1320 feet to the South boundary of said $\frac{1}{4}$ - $\frac{1}{4}$ Section; thence Easterly along the South boundary of said $\frac{1}{4}$ - $\frac{1}{4}$ Section 660 feet; thence Northerly and parallel with the East boundary of said $\frac{1}{4}$ - $\frac{1}{4}$ Section 1320 feet to the North boundary of said $\frac{1}{4}$ - $\frac{1}{4}$ Section; thence Westerly along the North boundary of said $\frac{1}{4}$ - $\frac{1}{4}$ Section 660 feet to point of beginning. Also being known as the West half of the East half and the East half of the West half of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 8, Township 22 South, Range 1 West, Shelby County, Alabama.

This 20 acre tract is located in the Shelby Springs community of Shelby County and is crossed approximately in the middle by the public dirt road maintained by the Shelby County Highway Department, which public road intersects Alabama Highway No. 25 at the Shelby Springs community and leads in a Southeasterly direction to Shelby, Alabama, which is a distance of about 8 miles. This 20 acre tract lies about 2 miles Southeast from the intersection of this public dirt road with Alabama Highway No. 25 at Shelby Springs community.

I became familiar with this land in 1948 when I began working as a forester with Belcher Timber Company and have known captioned land continuously since that time. Two years ago I retired as the forester for Lewis B. Walker Pulpwood Company. All four boundaries of this 20 acre tract are well and notoriously marked and there is a permanent

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iron at each of the four corners and has been continuously since 1948. This is the middle 20 acres of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Section 8 and all four corners of said $\frac{1}{4}$ - $\frac{1}{4}$ Section were marked many years ago by Shelby Iron Company with steel markers which are still in place.

Affiant further says that he has personal knowledge that this 20 acre tract was part of a 90 acre tract, consisting of the East $\frac{1}{2}$ of the SE $\frac{1}{4}$ and the E $\frac{1}{2}$ of the E $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Section 8 which was owned by Mrs. Jacqueline Brannen, at the time he first became familiar with the land in 1948. I know that Mrs. Brannen and her son, Lee Don Brannen, started building a house on part of the 90 acre tract around 1948 and dug out the foundation and laid some concrete blocks, but construction of this house was discontinued, although the foundation is still visible. About that time the Brannens sold the timber on the entire 90 acre tract to Columbiana Heading Company and the timber was cut. From the time I first became familiar with this land, I noticed how closely the Brannens watched the land and inspected it at frequent intervals and I know that no one was ever in possession of any part of it or used it in any way without their permission.

In 1956 Mrs. Jacqueline Brannen sold the above described 20 acre tract to Bertie Mae Swann and Elsie L. Swann. I had known the Swann sisters since the 1920's and know that immediately after their purchase of this 20 acre tract from Mrs. Brannen they took possession of this land and visited and used the land at frequent intervals. From 1956 up to the present time I know that the Swann sisters watched the land very carefully and I know that no one was in possession of it or used any part of it in any way without permission from the Swann sisters. In 1969 I negotiated and handled the purchase of the timber on this 20 acre tract from the Swann sisters and supervised the cutting of such timber by Lewis B. Walker Pulpwood Company.

I know of my own personal knowledge that from 1956 until the present time Bertie Mae Swann and Elsie L. Swann were in continuous,

exclusive, adverse, notorious, and hostile possession of all of the above described 20 acre tract of land and no other person, firm or corporation has been in possession of any part of said land and that the title to said land has never been questioned or disputed in any way.

Further deposing, Affiant says that at the present time Bertie Mae Swann and Elsie L. Swann are the owners of the above described 20 acre tract of land and that they have been in actual, exclusive, open, notorious, hostile and continuous possession of captioned land since 1956 and I know of my own personal knowledge that neither their title or the title of their predecessor in title has been questioned in any way since 1948 when I first became familiar with this land.

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Cecil L. Hodgins
Cecil L. Hodgins

Sworn to and subscribed to before me on this 2nd day of September, 1977.

Margaret Swann
Notary Public

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

1977 SEP -7 PM 2:03

Thomas A. Sherrin, Jr.
JUDGE OF PROBATE

Rec. 4.50
Index 1.00
5.50