



19780310000030100 1/4 \$.00
Shelby Cnty Judge of Probate, AL
03/10/1978 12:00:00 AM FILED/CERT

STATE OF ALABAMA)
SHELBY COUNTY)

8697

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

My name is Robert L. Tolbert. I am 56 years of age and reside in Alabaster, in Shelby County, Alabama.

I have been familiar with the location and possession of the following described property, viz:

PARCEL 1:

A parcel of land situated in the $S\frac{1}{2}$ of $S\frac{1}{2}$ of $SW\frac{1}{4}$, Section 1, Township 21 South, Range 3 West, Shelby County, Alabama, and more particularly described as follows:

Begin at the intersection of the North line of the $S\frac{1}{2}$ of $S\frac{1}{2}$ of the $SW\frac{1}{4}$ of Section 1, Township 21 South, Range 3 West, Shelby County, Alabama, and the Northeasterly right of way line of Old U.S. Highway 31; thence run Easterly along the North line of said $S\frac{1}{2}$ of $S\frac{1}{2}$ of $SW\frac{1}{4}$ for 702.08 feet to a point on the centerline of an Unpaved Road; thence 119 deg. 18' right and run Southwesterly along the centerline of said Unpaved Road for 468.90 feet to a point on the Northeasterly right of way line of Old U.S. Highway 31; thence 101 deg. 06' right and run Northeasterly along said Right of way line of Old U.S. Highway 31 for 618 feet, more or less, to the point of beginning; less and except a 40 foot wide road right of way lying Northwest of, adjacent to, and running parallel with the above described Unpaved Road centerline.

PARCEL 2:

A parcel of land situated in the $S\frac{1}{2}$ of $S\frac{1}{2}$ of $SW\frac{1}{4}$, Section 1, Township 21 South, Range 3 West, Shelby County, Alabama, and more particularly described as follows:

Commence at the intersection of the North line of the $S\frac{1}{2}$ of the $S\frac{1}{2}$ of $SW\frac{1}{4}$ of Section 1, Township 21 South, Range 3 West, Shelby County, Alabama, and the Northeasterly right of way line of Old U. S. Highway 31; thence run Easterly along the North line of said $S\frac{1}{2}$ of $S\frac{1}{2}$ of $SW\frac{1}{4}$ for 702.08 feet to a point on the centerline of an unpaved road, said point being the point of beginning; thence continue Easterly along the North line of said $S\frac{1}{2}$ of $S\frac{1}{2}$ of $SW\frac{1}{4}$ for 50.28 feet; thence 89 deg. 12' 30" right and run Southerly along the Westerly line of Lee Byas Land for 128.21 feet; thence 41 deg. 11' 30" right and run Southwesterly 396.24 feet to a point on the Northeasterly right of way line of said Old U.S. Highway 31; thence 90 deg. right and run Northwesterly along said right of way line for 32.45 feet to a point on the centerline of said unpaved road; thence 78 deg. 54' right and run Northeasterly along the centerline of said unpaved road for 468.90 feet to the point of beginning; less and except a 40 foot wide ^{road} right of way lying Southeast of, adjacent to, and running parallel with the above described unpaved road centerline.

According to survey of Miller and Norrell, Registered Land Surveyors, dated November, 1972.,

for more than the past forty years. I have lived and resided in the Alabaster community all of my life, except for the time I was in the Military Service,

29 PAGE 325

BOOK

W. B. N. J.

and I have seen the property all of my life on frequent occasions. I do not mean to state, however, that I have known who owned the property all of my life: I did not actually know who owned the land until about 1972, when the Alabaster Suburban League^{Inc} (of which I was and am President) decided to try to buy said land. We inquired around and found that it was owned by Mrs. Emma Oden, and the Alabaster Suburban League^{Inc} did in fact purchase said land from Mrs. Oden in 1973.

I know of my own personal knowledge that the above described land (which is now divided by a 50 foot paved street) has been vacant for more than forty years prior to the time when the Alabaster Suburban League^{Inc} purchased the same in 1973. Said lands have not been fenced during said forty year period, nor has there been any building or structure or evidence of actual occupation or possession on said lands during said forty year period.

The closest Church to said above described property is the Freewill Missionary Baptist Church at Byarsville, which is located on 12th Avenue Southeast and approximately 1,500 to 2,000 feet to the south of the above described property. My former wife, Alice Tolbert, owns property adjoining on one side of said Church and Frank Keith lives on the other side of said Church, all facing the south side of 12th Avenue; across 12th Avenue from said Church is owned or claimed by Mabel Jackson.

The Cemetery for said Church or for the Colored Second Baptist Church, Siluria, is located approximately 1/2 mile from the above described property. There is no cemetery or graves, or any evidence thereof, situated on the above described property owned by the Alabaster Suburban League^{Inc}, nor any part thereof, nor has there been for the past forty or more years.

I know of my own personal knowledge that the Alabaster Suburban League^{Inc} and its successors in title to the above described property have been in the open, continuous, notorious, undisturbed, peaceable, exclusive, hostile, actual adverse possession of the above described property since 1973 and until the present date under deed from Mrs. Emma Oden, and I further know and certify that neither the Freewill Missionary Baptist Church at Byarsville, nor the Trustees of the Cemetery of said Church, nor the Trustees of the Cemetery of the Colored Second Baptist Church, Siluria, nor any other persons or Churches or



19780310000030100 2/4 \$.00
Shelby Cnty Judge of Probate, AL
03/10/1978 12:00:00 AM FILED/CERT

anyone else has possessed said property, nor any part thereof, for more than the past forty years and until the present date, other than said Alabaster Suburban League, Inc., and its predecessors in title.

Robert L. Tolbert
Robert L. Tolbert

Sworn to and subscribed before me

this 9 day of ^{March} February, 1978.

X Barthley Henry
Notary Public

my com expires 5-1-80

STATE OF ALABAMA

SHELBY COUNTY

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

I have read the above affidavit of Robert L. Tolbert, and I know of my own personal knowledge that the statements of fact set forth by said Robert L. Tolbert in said affidavit are true and correct. My property is between the Alabaster Suburban League/^{Inc} property, as described in the affidavit of said Robert L. Tolbert, and the Freewill Missionary Baptist Church at Byarsville, and I have been familiar with said Alabaster Suburban League Inc. property for more than the past forty years.

Neither the Freewill Missionary Baptist Church at Byarsville, the Trustees of the Cemetery of said Church, the Trustees of the Cemetery of the Colored Second Baptist Church, Siluria, nor any other persons, other than Mrs. Emma Oden and her predecessors/^{and successors} in title, have possessed said property, nor any part thereof, for more than the past forty years, and I further certify that there is no cemetery or graves located on said property, nor any part thereof, nor has there been for more than the past forty years.

George I. Bunkley
George Bunkley

Sworn to and subscribed before me

this 9 day of ^{March} February, 1978.

X Barthley Henry
Notary Public

my com expires 5-1-80



19780310000030100 3/4 \$.00
Shelby Cnty Judge of Probate, AL
03/10/1978 12:00:00 AM FILED/CERT

STATE OF ALABAMA

SHELBY COUNTY

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

My name is Lee Byars Harris. I am 67 years of age and reside on 13th Avenue in Alabaster, Alabama. I have read the above affidavit of Robert L. Tolbert, and I know of my own personal knowledge that the statements of facts as set forth in said affidavit are true and correct. I have been familiar with the Alabaster Suburban League/^{Inc.} property described in the affidavit of said Robert L. Tolbert for more than the past forty years, and I know and state that neither the Freewill Missionary Baptist Church at Byarsville, the Trustees of the Cemetery of said Church, the Trustees of the Cemetery of the Colored Second Baptist Church, Siluria, nor any other persons, other than Mrs. Emma Oden and her predecessors/^{and successors} in title, have possessed said property, nor any part thereof, for more than the past forty years, and I further certify that there is no cemetery or graves located on said property, nor any part thereof, nor has there been for more than the past forty years.

Lee Byars Harris
Lee Byars Harris

Sworn to and subscribed before me

this 9 day of March, 1978.

Notary Public

my comm expires 5-1-80

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

1978 MAR 10 AM 9:53

JUDGE OF PROBATE

Rec. 600
Ind 100
700



19780310000030100 4/4 \$.00
Shelby Cnty Judge of Probate, AL
03/10/1978 12:00:00 AM FILED/CERT

826 300 172
24 MAR 328
1978