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STATE OF ALABAMA

SHELBY COUNTY

AFFIDAVIT



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Shelby Cnty Judge of Probate, AL  
06/28/1978 12:00:00 AM FILED/CERT

BEFORE ME, the undersigned authority, a Notary Public in and for said County, in said State, personally appeared James Leon Nix, who after being by me first duly sworn to speak the truth, deposes and says as follows: My name is James Leon Nix and I reside at 614 Highway 119 North, Montevallo, Shelby County, Alabama. I am the son of Bertie Bliss Nix. I have been familiar with the occupation, use and possession of the hereinafter described property for a period in excess of forty years, said property being more particularly described on Exhibit "A" attached hereto and made part and parcel hereof as if set out herein. W. M. Nix was my grandfather and B. B. Nix was my father. My father, B. B. Nix, purchased the property shown on Exhibit "A" attached hereto in or about 1935 from all the other heirs of W. M. Nix. In or about 1936, my family moved on to the property described on Exhibit "A" attached hereto and we have resided there continuously and exclusively for each and other year from that date up to and including the date of this affidavit. There were some years during that period of time that I did not live on the property but my mother and other members of my family did during all that time. During the time that I did not live on the property, I remained closely familiar with the occupation, use and possession of said property. My father, B. B. Nix, died in January, 1956, without leaving a last will and testament. The sole heirs of B. B. Nix and the only children ever born to him are as follows: George Nix, Lula Sherrer, Mack Nix, John Nix, Will B. Nix, Edgar Roy Nix, Nellie Lucille Nix Dixon (now deceased) and Lydia Nix Anderson and James Leon Nix and Bliss Nix (now deceased). The said Nellie Lucille Nix Dixon died and willed all of her interest in said property to Edgar Roy Nix and wife, Mary Juanita Nix. Bliss Nix is now deceased and willed all of his interest in said property to his widow, Peggy Nix. The entire property described on Exhibit "A" attached hereto and each and every parcel thereof described on Exhibit "A" attached hereto is all under fence and is completely surrounded by a boundary line fence on each and every side thereof. The fences around said property and forming the boundaries thereof have been on such boundary lines as such property is described on Exhibit "A" for a period in excess of forty years. I am not real sure how





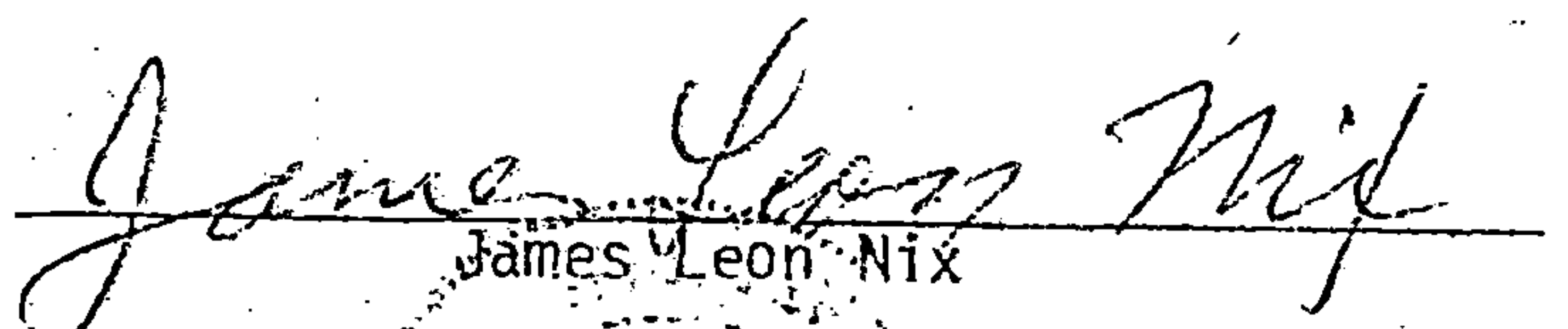
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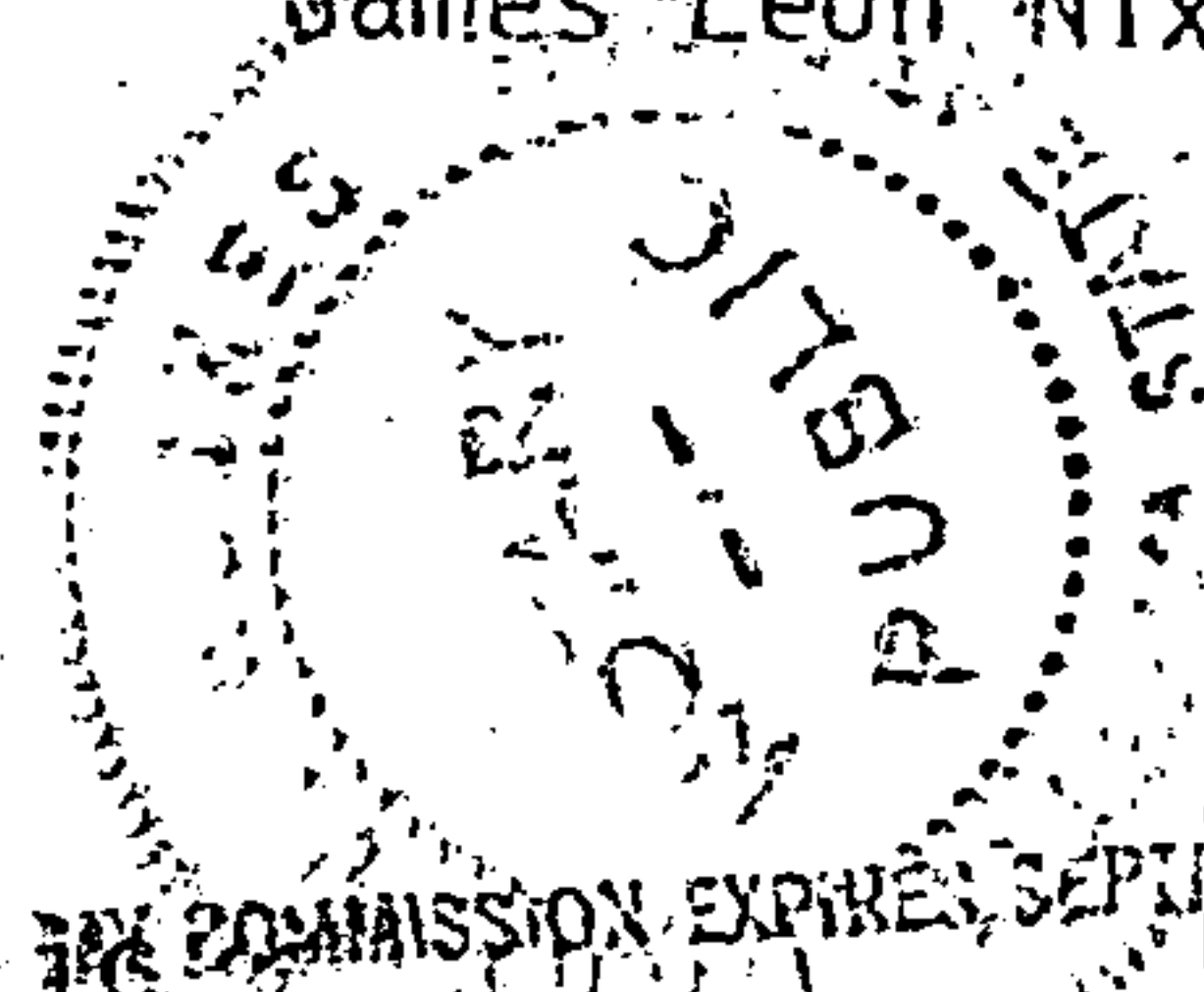
the original fences were built, but they were either built by my father shortly after we moved to the property in or about 1936 or perhaps were even originally constructed by my grandfather when he owned the property. At any rate, each and every boundary of each and every parcel of land as described on Exhibit "A" attached hereto is completely within the enclosed fence. For more than forty years prior to the date hereof, we and my family have maintained these fences, grazed cattle, and farmed various portions of the property continuously and exclusively for each and every year. No other person, firm or corporation has been in possession of any party of the property described on Exhibit "A" or asserted any right, title, claim or interest thereto. There have never been any disputes whatsoever concerning the occupation, use, ownership or boundary lines of the property with the exception of an in family dispute concerning a claim by my aunt, Mattie Eddins, which dispute was completely resolved. Neither French Nabors, Sarah E. Nabors, nor F. May Lyman has been in possession of said property or any part thereof for more than forty years. I am familiar with the property which was conveyed to Henry Frank Moody. Said property of Henry Frank Moody lies South of that property described on Exhibit "A" as "John Nix - 40.49 acres" and East of that property shown on Exhibit "A" attached hereto which is described as "Leon Nix - 25.89 acres". There is no dispute whatsoever nor has there been concerning the location of the boundary line of this property or the ownership of it. The same is true of the property conveyed to John H. Mahler and the Western boundary of the Mahler property is the Eastern boundary of the property described on Exhibit "A" as "John Nix - 40.49 acres".

It has been called to my attention that the property which was conveyed to affiant in deed from the other Nix heirs recorded in Deed Book 304, page 857, in the Probate Records of Shelby County, Alabama, has a small off-setting triangle on the Southern portion of the Eastern boundary at a point where the same joins with Alabama Highway No. 119. Even though the original deeds into my father, B. B. Nix, and my grandfather, W. M. Nix, called for that Eastern line of the property conveyed to me to be a straight line, the reason for the small off-set triangle is that I purchased that additional property from Mrs. Rosa Wooley, a widow. I am now the owner, along with my wife, of that additional triangle as well.

State of Alabama  
Shelby County

Sworn to and subscribed to before  
me by James Leon Nix this 29th day of  
October, 1977.

  
James Leon Nix



Notary Public

1980



John Nix - 40.49 acres:  
 portion of the SE $\frac{1}{4}$  of the NW $\frac{1}{4}$ , and the S $\frac{1}{2}$  of the NE $\frac{1}{4}$  of Section 16, Township 22 South, Range 3 West, more particularly described as follows: Begin at the S.W. corner of the SE $\frac{1}{4}$  of the NW $\frac{1}{4}$  of Section 16, Township 22 South, Range 3 West and run Easterly along the South side of the S $\frac{1}{2}$  of the said Section for 52.40 ft. to a point on the East 80 ft. right of way of Shelby County Road No. 15, then continue easterly along the South side of the said S $\frac{1}{2}$  for 1790.82 ft., then turn an angle of 91 deg. 36 min. 56 sec. to the left and run Northerly along the West side of the Reese Wooley land for 66.48 ft. to the N.W. corner of said Wooley land, then turn an angle of 93 deg. 1 min. 22 sec. to the right and run Easterly along a fence marking the North side of the Wooley land for 1357.39 ft., then turn an angle of 95 deg. 04 min. 56 sec. to the left and run Northerly along the West side of the Mahler land for 1118.17 ft. to an iron at a fence corner, (said point being the S.E. corner of the Arnold property), then turn an angle of 91 deg. 09 min. 54 sec. to the left and run Westerly along a fence marking the South side of the Arnold property for 323.29 ft. to an iron, then turn an angle of 4 deg. 23 min. to the left and run Westerly along a fence marking the South side of the Arnold property for 344.78 ft. to an iron, then turn an angle of 91 deg. 09 min. 45 sec. to the right and run Westerly along a fence marking the South side of the Arnold land for 908.36 ft. to an iron at a fence corner, then turn an angle of 94 deg. 48 min. 1 sec. to the left and run Southerly along a fence marking the East side of the Arnold land for 159.37 ft. to an iron at a fence corner, then turn an angle of 91 deg. 36 min. 37 sec. to the right and run Westerly for 1545.33 ft. along a fence marking the South side of the Arnold land to a point on the East 80 ft. right of way of Shelby County Road No. 15, then turn an angle of 96 deg. 43 min. 1 sec. to the left and run Southerly for 52.34 ft. back to the point of beginning. The above described parcel contains 40.49 acres and is subject to the easements, rights of ways, and restrictions of record. Situated in Shelby County, Alabama.

Leon Nix - 25.89 acres:  
 portion of the W $\frac{1}{2}$  of the SE $\frac{1}{4}$  of Section 16, Township 22 South, Range 3 West, more particularly described as follows: Begin at the N.W. corner of the W $\frac{1}{2}$  of the SE $\frac{1}{4}$  of Section 16, Township 22 South, Range 3 West and run Southerly along the west side of the said W $\frac{1}{2}$  for 2134.84 ft. to the North side of the George Nix land as described in Deed Book 165, page 97, then turn an angle of 91 deg. 35 min. 53 sec. to the left and run Easterly along the North side of the George Nix land for 146.26 ft. to an existing iron, then turn an angle of 89 deg. 57 min. 14 sec. to the right and run Southerly along the East side of the George Nix land for 28.47 ft. to the North side of the Bob Sheerer land as described in Deed Book 176, page 7, then turn an angle of 130 deg. 35 min. 1 sec. to the left and run 42.75 ft. along the North side of the Bob Sheerer land to the N.W. corner of the Bliss Nix land described in Deed Book 168, page 90, then continue along the same line easterly along the North side of the Bliss Nix land for 100.00 ft. to the N.E. corner of the Bliss Nix land, then turn an angle of 90 deg. 00 min. to the right and run Southeasterly along the East side of the Bliss Nix land for 165.29 ft. to a point on the N.W. 80 ft. right of way of State Highway No. 119, then turn an angle of 90 deg. 00 min. to the left and run Northeasterly along the N.W. 80 ft. R.O.W. of said Highway 119 for 262.05 ft. to an existing iron, then turn an angle of 90 deg. 00 min. to the left and run Northwesterly for 33.45 ft. to an existing iron, then turn an angle of 40 deg. 53 min. 55 sec. to the right and run Northerly for 1982.34 ft. to a point on the North side of the said W $\frac{1}{2}$  of the SE $\frac{1}{4}$ , then turn an angle of 88 deg. 23 min. 04 sec. to the left and run Westerly along the North side of the said W $\frac{1}{2}$  for 526.54 ft. back to the point of beginning. The above described parcel contains 25.89 acres and is subject to the easements, rights of ways, and restrictions of record. Situated in Shelby County, Alabama.

All that portion of the NE $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 16, Township 22 South, Range 3 West lying east of Shelby County Road 15 more particularly described as follows: Begin at the N.E. corner of the NE $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 16, Township 22 South, Range 3 West and run Westerly along the North side of said quarter-quarter for 1264.28 ft. to a point on the East 80 ft. right of way of Shelby County Road No. 15, then turn an angle of 94 deg. 48 min. 30 sec. to the left and run Southerly for 329.46 ft. to a point on the East 80 ft. R.O.W. of said road, then turn an angle of 3 deg. 01 min. 50 sec. to the right and run Southerly for 328.64 ft. to a point on the East 80 ft. R.O.W. of said road, then turn an angle of 00 min. 20 sec. 46 min. to the right and run Southerly for 328.44 ft. to a point on the East 80 ft. R.O.W. of said road, then turn an angle of 7 deg. 17 min. 41 sec. to the left and run Southerly for 332.25 ft. to a point on the East 80 ft. R.O.W. of said Road No. 15, said point is also on the South side of the NE $\frac{1}{4}$  of the SW $\frac{1}{4}$  of said Section, then turn an angle of 1 deg. 11 min. 54 sec. to the left and run Easterly along the South side of the said Quarter-Quarter for 1197.29 ft. to the S.E. corner of the said Quarter-Quarter, then turn an angle of 91 deg. 21 min. 1 sec. to the left and run Northerly along the East side of the said Quarter-Quarter for 1315.37 ft. back to the point of beginning. The above described land contains 37.38 acres and is subject to the easements, rights of ways, and restrictions of record. Situated in Shelby County, Alabama.

portion of the SW $\frac{1}{4}$  of the SE $\frac{1}{4}$  of Section 16, Township 22 South, Range 3 West more particularly described as follows: Begin at the S.W. corner of the SW $\frac{1}{4}$  of the SE $\frac{1}{4}$  of Section 16, Township 22 South, Range 3 West and run Northerly along the West side of the said quarter-quarter for 495.94 ft., then turn an angle of 89 deg. 24 min. 07 sec. to the right and run Easterly for 146.26 ft., then turn an angle of 89 deg. 57 min. 14 sec. to the right and run South along the East side of the George Nix land as described in Deed Book 165, page 97 for 116.48 ft. to the point of beginning. Then continue southerly along the East side of the George Nix land for 148.22 ft. to a point on a curved portion of the N.W. 80 ft. right of way of State Highway No. 119, (said curve being concave Southeasterly and having a radius to the N.W. R.O.W. of 995.37 ft.) then turn an angle to the left and run northeasterly along the said R.O.W. through a central angle of 5 deg. 35 min. 26 sec. for 97.12 ft., then turn an angle to the left and run Northwesterly for 100.94 ft. back to the point of beginning. The above described parcel contains .11 acres and is subject to the easements, rights of ways, and restrictions of record. Situated in Shelby County, Alabama.