

A F F I D A V I T

STATE OF ALABAMA

SHELBY COUNTY

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

My name is Richard Porter. I reside at Box 26, Shelby, Alabama. I have been familiar with the occupation, use and possession of the hereinafter described property for a period in excess of twenty-five years, said property being more particularly described as follows, to-wit:

Lots 6, 7 and 8, Block 68 according to Safford's Map of the Town of Shelby, Alabama. Situated in Shelby County, Alabama.

The above described property is presently owned by Dewey Carden, Jr. I recall that in the summer of 1961, the above described property was owned by Dewey Carden, Sr. along with Lots 1, 2, 3, 4 and 5 of that Block 68. The residence of Dewey Carden, Sr. was located on Lot 1 of Block 68 which is contiguous property to Lots 6, 7 and 8 or it was at that time due to the ownership of the intervening lots. In the summer of 1961, Dewey Carden, Sr. was sick and was confined to his bed in the house located on Lot 1. Dewey Carden, Sr. eventually died in September of 1961 following a conversation which I had with Mr. Thurman Juzan in the summer of 1961. In the summer of 1961, just a few months before Mr. Dewey Carden, Sr. died in September of 1961, Thurman Juzan came to the Dewey Carden, Sr. residence on Lot 1, Block 68, for the purpose of discussing with Mr. Carden the closing of a 70 feet wide strip road which lies between the Eastern boundary of Block 68 and the Western boundary of Block 69 of Safford's Map of the Town of Shelby. When the Safford's Map of the Town of Shelby was originally laid out, there was a strip of land between the Eastern boundary of Block 68 and the Western boundary of Block 69 which was designated as 3rd Street. For many years, there was an actual street which ran along this designated area between the Western Boundary of Block 69 and the Eastern boundary of Block 68 and, in fact, that street had been open and in use up until the actual time when Thurman Juzan came to see Dewey Carden, Sr. in the summer of 1961. At that time, it developed that Dewey Carden, Sr. was too ill to discuss the matter with Mr. Juzan and, for that reason, Thurman Juzan talked with affiant about his desire to place a



19780725000096050 1/2 \$.00
Shelby Cnty Judge of Probate, AL
07/25/1978 12:00:00 AM FILED/CERT

BOOK 26 PAGE 140

fence across 3rd Street, marking the old existing road. He asked affiant if I thought that anyone would "kick" about his putting the fence across and stated that if so, he would move the fence. I told him that this sounded all right to me and he departed with the understanding that if any objection was made about it, he would move the fence from the point where he was going to place it. At that time, Mr. Juzan had purchased Lots 9 and 10 of Block 68 of Safford's Map and was going to fence this in for the purpose of raising cattle. He said that Lots 9 and 10 were low and they had some mosquitoes there and wanted the cattle to clean it out in order to stop the mosquito problem. Shortly after affiant's conversation with Mr. Juzan, Mr. Juzan began to dig the holes for the fence. He had not completed the fence in September of 1961 when Dewey Carden, Sr. died but I remember that he was working on the fence at that time. Mr. Juzan also went to Leonard Willis who owns the other part of this low lying area and discussed the problem with him and Leonard Willis fenced in the other part of the low area for the same purpose of controlling sure honeysuckle weeds and mosquitoes. I am not exactly/as to when Leonard Willis actually fenced his in but know that that was the sequence of events as it happened.



19780725000096050 2/2 \$.00
Shelby Cnty Judge of Probate, AL
07/25/1978 12:00:00 AM FILED/CERT

Richard L. Porter

Richard Porter

Sworn to and subscribed to before me

on this the 24 day of July,
1978.

Nancy K. Farmer
Notary Public

STATE OF ALA. SHELBY CO.
CERTIFY THIS

JUL 25 PM 1:31

Thomas R. ...
JUDGE OF PROBATE

Rec. 300
Dep. 100
400