

STATE OF ALABAMA

SHELBY COUNTY

Before me the undersigned Notary Public in and for said County and State, personally appeared Mary Magdalene Hartsfield, who being by me first duly sworn, deposes and says as follows:

My name is Mary Magdalene Hartsfield. I am 61 years of age and reside at Route 1, Box 2, Sterrett, Shelby County, Alabama.

I previously made an affidavit relative to the NE $\frac{1}{4}$  of the NW $\frac{1}{4}$  of Section 24, Township 18 South, Range 1 East, Shelby County, Alabama, said affidavit having been recorded in Miscellaneous Book 28 at page 517-518, Office of Judge of Probate of Shelby County, Alabama. I reaffirm the facts as set forth in said prior affidavit, which is dated December 5, 1978, and I make this affidavit, having been called upon to declare certain additional facts relative to said real estate, relative to my father, Roy Champion, and to my grandfather, S. Z. T. Champion.

My said father, Roy Champion, predeceased my mother, Myrtle Champion, he having died over 10 years ago. My said father and my said mother were never married, except to each other. My mother's maiden name was <sup>MYRTLE</sup> Mary Whitfield.

My said father had only eight children, and my said mother had only eight children, said eight children having been children of their marriage, their names being as follows: Lorene Perry, Beatrice Irene Shoop, Eugene J. Champion, Verna Mae Guy, Hellen Hartsfield, Mary Magdalene Hartsfield (the affiant herein), Lillian Brasher, and one other child, who died as an infant.

My said father, Roy Champion, died intestate (without a Will) while a resident of Shelby County, Alabama, and all of his debts, and all debts against his estate, were paid many years ago. After the death of my said father and mother, I and the other children of my father divided up his property which was situated within the NE $\frac{1}{4}$  of NW $\frac{1}{4}$  of Section 24, Township 18 South, Range 1 East, among ourselves.

The deed to my sister, Lillian Brasher, for her share of the property, was dated February 10, 1968, and is recorded in Deed Book 251 at page 858, Office of Judge of Probate of Shelby County, Alabama, and is more particularly described as follows:

BOOK 29 PAGE 656



Starting at Highway 25, 707 feet from section line to point of beginning; thence East 25 deg. North 1210 feet to quarter line; thence along quarter line, 235 feet; thence West 25 deg. South 1017 feet to Highway 25; thence along Highway in a Northeast direction 235 feet to point of beginning, containing 5 acres, more or less, situated in Shelby County, Alabama, lying in the NE $\frac{1}{4}$  of NW $\frac{1}{4}$  of Section 24, Township 18, Range 1 East, Shelby County, Alabama.

It has been called to my attention that said deed to Lillian Brasher which is recorded in Deed Book 251 at page 858 in said Probate Office, contains an error in the designation of the name of my sister, Beatrice Irene Shoop. My said sister is the wife of James H. Shoop, and her correct name is Beatrice Irene Shoop, and not "Betty Shoop", as is incorrectly stated in said deed.

My grandfather, S. Z. T. Champion, died before I was born, and his widow, Mary Champion, who was my grandmother, died later. My said grandfather had only eleven children whose names are as follows: S. E. (Ed) Champion, C. C. Champion, Fred Champion, Bob Champion, Joel Champion, Mary Hollis, Margie Watson, Mary Franklin, Artie White, Roy Champion (who was my father), and Yearby Champion.

After the death of my said grandfather, my said father bought his property, including the NE $\frac{1}{4}$  of NW $\frac{1}{4}$  of Section 24, Township 18 South, Range 1 East, from the surviving children, in 1942. Said Yearby Champion was deceased at that time but Buford Champion, who was the only child of said Yearby Champion, joined in the execution of said deed to my father, which is recorded in Deed Book 113 at page 337 in said Probate Office.

My said grandfather's home was situated on said quarter-quarter section, it being a log house which still stood until just about a year ago. My father and his family had pasture and crops on said quarter-quarter section for as long as I can remember, and after my father bought said property, he fixed up the old log house and lived there until he died, and no one has actually lived in said log house on said property since the time of my father's death, about 10 years ago.

Referring to the above described property which was conveyed to my sister, Lillian Brasher, said property is bounded on the East by the East line of the quarter-quarter section, is bounded on the West by Shelby County Road No. 25, is bounded on the North by the property of Lorene Perry, and is bounded on the South by property of my sister, ~~Beatrice Irene Shoop and her~~

*Thrice HENRIETTA DOY.*



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Shelby Cnty Judge of Probate, AL  
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husband, James H. <sup>Shoep</sup>Shoep. There is a fence marking the South line of said property and the Shoep property, and said line has been accepted as marking the property line for the last 10 years or more.

It has been called to my attention that the records in the Probate Office of Shelby County show a transmission line permit executed by C.N. Kicker and wife, Carrie M. Kicker, to the Alabama Power Company recorded in Deed Book 139 at page 434 which purports to convey the transmission line permit over and across the NE $\frac{1}{4}$  of NW $\frac{1}{4}$  of Section 24, Township 18 South, Range 1 East; said transmission line permit is erroneous, as I know of my own personal knowledge that C. N. Kicker and wife, Carrier M. Kicker have never owned or claimed any part of the above described property or any part of the NE $\frac{1}{4}$  of NW $\frac{1}{4}$  of said Section 24 for the past 50 or more years since I have been familiar with said property. In fact, there are not any Alabama Power Company lines in this quarter-quarter section at all, as the Coosa Valley Power Company has served the property since before 1950, there being no Alabama Power Company lines in the area at all.

Henrietta Guy is my niece and I am familiar with the location of her property, which does not touch the above property which was conveyed to Lillian Brasher and does not overlap it in any way.

Said Lillian Brasher recently conveyed her property, as described above, to W & W Builders, Inc..

Said property which was formerly owned by Lillian Brasher and is described above in this affidavit has been recently surveyed by Evander E. Peavy, a Registered Land Surveyor, and I have seen his plat of said property which is dated January 29, 1979, and which describes said property which was formerly owned by said Lillian Brasher as follows:

From the Northeast corner of the NW $\frac{1}{4}$  of Section 24, Township 18 South, Range 1 East, run Southwardly along the East line of said quarter-quarter a distance of 249.26 feet to the point of beginning; thence continue in a straight line along said quarter-quarter a distance of 235.00 feet; thence right 69 deg. 42 min. a distance of 1118.16 feet to a point of the East right of way line of a County Road Number 25; thence right 94 deg. 25 min. 30 sec. along the East line of said County Road a distance of 235.00 feet; thence right 86 deg. 15 min. a distance of 1181.63 feet to the point of beginning of the property herein described; except that part lying within the Central of Georgia Railroad right of way as shown.

I know of my own personal knowledge that said W & W Builders, Inc. and its predecessors in title have been in the open, continuous, notorious, undis-

turbed, peaceable, exclusive, hostile, actual adverse possession of said property as described above in said deed to Lillian Brasher, and as described according to said survey of Evander E. Peavy dated January 27, 1979, for more than the past 50 years and until the present date. I have never heard anyone dispute the title and ownership of said property, as is set forth in this affidavit.

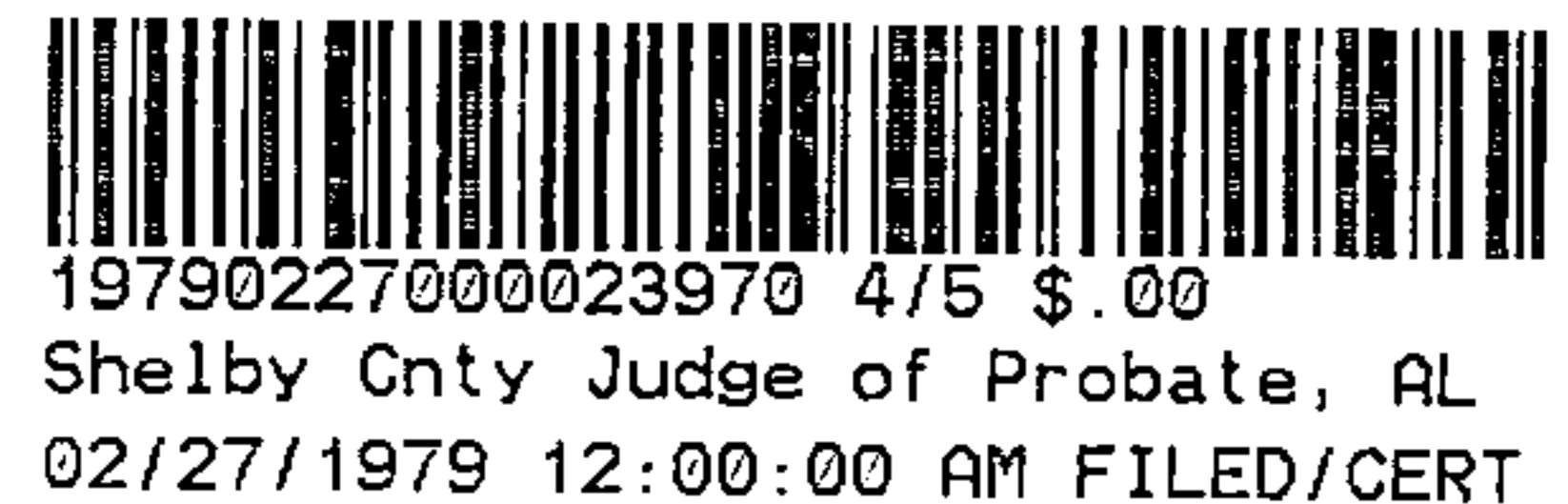
*Mary Magdalene Hartsfield*  
*Mary Magdalene Hartsfield*  
Mary Magdalene Hartsfield

Sworn to and subscribed before me  
this 14 day of February, 1979.

*Fred M. Strothe*  
Notary Public

STATE OF ALABAMA

SHELBY COUNTY



Before me, the undersigned Notary Public in and for said County in said State, personally appeared James H. Shoop, who being by me first duly sworn, deposes and says as follows:

My name is James H. Shoop. I am 76 years of age and reside at Route 1, Box 3, Sterrett, Shelby County, Alabama. My wife is Beatrice Irene Champion Shoop.

I have read the above affidavit of Mary Magdalene Hartsfield, and I know that the facts as set forth in said affidavit are true and correct, as said facts have occurred subsequent to 1933 when I married my said wife and married into the family of Roy Champion.

I was not acquainted with all of the eleven children of S. Z. T. Champion, as set forth in the affidavit of Mrs. Hartsfield, but I did know some of them, and I know the family history and tradition to be as stated by Mrs. Hartsfield.

I know of my own personal knowledge that W & W Builders, Inc. and its predecessors in title have been in the open, continuous, notorious, undisturbed, peaceable, exclusive, hostile, actual adverse possession of said



possession of said property as described above in said deed to Lillian Brasher, and as described according to said survey of Evander E. Peavy dated January 27, 1979, from 1933 and until the present date. I have never heard anyone dispute the title and ownership of said property, as is set forth in this affidavit.

James H. Shoop  
James H. Shoop

Sworn to and subscribed before me  
this 14 day of January, 1979.

Fred M. Strother  
Notary Public

STATE OF ALA. SHELBY CO.  
I CERTIFY THIS  
INSTRUMENT WAS FILED  
1979 FEB 27 PM 2:49

Thomas A. Swannick, Jr.  
JUDGE OF PROBATE

Rec. 7.50  
Ind. 1.00  
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