

STATE OF ALABAMA )

SHELBY COUNTY )

AFFIDAVIT OF ALTA V. NICHOLS GAY

Before me, a Notary Public in and for Shelby County, Alabama, personally appeared Alta V. Gay, who is known to me, and who being by me first duly sworn, deposes and says on oath as follows:

My name is Alta V. Gay. I am 73 years of age and I am a resident of Shelby County, Alabama, my residence address being Route 2, Box 231, Montevallo, Alabama 35115.

I was formerly married to James O. Nichols, who died on December 14, 1972. Said James O. Nichols had three children at the time of our marriage, namely, Ann Johnson, James F. Nichols, and Jane Farrar, and said James O. Nichols and I had one child, a son, namely, David Nichols.

Said James O. Nichols and I bought a parcel of property from Floyd Miles and wife, Rosenna Miles, in October, 1956, as shown by Deed recorded in Deed Book 183, at Page 343, Office of the Judge of Probate of Shelby County, Alabama. We subsequently had our property surveyed and got an accurate legal description of the property which we had bought, and we obtained a correction deed from Mr. and Mrs. Miles in September, 1958, as shown by Deed recorded in Deed Book 196, at Page 54, in said Probate Office, our property, according to our survey, and according to our deed of correction, being more particularly described as follows:

Part of Lot 24, according to the Survey of Wilson Subdivision No. 1, as recorded in Map Book 3, Page 62, in the Probate Office of Shelby County, Alabama, more particularly described as follows: Begin at the NE corner of said Lot 24; thence South along the East line thereof a distance of 157.0 feet; thence right at an angle of 61 deg. run a distance of 47.0 feet; thence right at an angle of 73 deg. 40' run a distance of 226.3 feet; thence right at an angle of 74 deg. run a distance of 15.4 feet to an iron stake; thence turn right at an angle of 59 deg. 45' and run along the North line of said Lot a distance of 190.5 feet to the point of beginning.

My said husband and I obtained financing from City Federal Savings and Loan Association in October, 1958, and we thereafter constructed our home on said property in the year 1958. Said home is still standing on said property, said J. O. Nichols and I having occupied the same as our residence dwelling until the time of his death, and I continued to reside on said property until my remarriage after the death of Mr. Nichols, I having moved

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from said property in April, 1932.

Said James O. Nichols and I subsequently bought a parcel of property <sup>which</sup> adjoins the above described property from Floyd Miles and wife, in March, 1960, as shown by our Deed as recorded in Deed Book 209, at Page 8, in said Probate Office, said parcel being more particularly described as follows:

A certain parcel of land situated in the NE $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 3, Township 24 North, Range 12 East. Begin at the center of said Section 3, and run thence South 42 deg. 15' West 660 feet; thence North 5 deg. 15' West 50 feet; thence South 50 deg. 15' West 47 feet to point of beginning; thence South 42 deg. 15' West 70 feet; thence North 48 deg. 48' West 200 feet; thence North 21 deg. 30' East 74.5 feet to pipe by long post corner of J. C. Nichols; thence South 48 deg. East 226.3 feet to point of beginning. According to Survey of J. R. McMillan, Reg. No. 419.

As has already been stated, I have occupied both of the parcels of real estate described above in this affidavit as one parcel of property, living and residing thereon as my homestead residence for more than twenty years. I have never heard anyone question my title or ownership of said property, and I certify and state that my late husband, James O. Nichols, and his successors in title, and myself, have been in the actual, peaceable, open, notorious, hostile, continuous, exclusive, adverse possession of all of said property as described above in this affidavit for more than twenty years prior to this date. Our possession of said property has been plainly visible to the world at large, since we have actually lived and resided in our home on said property.

I have been asked to comment on a certain judgment in favor of Carraway Methodist Hospital, Inc. against Daniel L. Johnson and Peggy Ann Johnson, which is recorded in Judgment Book L, at Page 323, Office of Judge of Probate of Shelby County, Alabama. I feel certain that said judgment is not against Ann Johnson, who is a daughter of my late husband, James O. Nichols, since the full and complete name of the Ann Johnson who is the daughter of my late husband is "Annie Lucile Nichols Johnson", and not Peggy Ann Johnson. Also, to my knowledge, the Ann Johnson who is the daughter of my late husband has never been married to Daniel L. Johnson, the husband of Annie Lucile Nichols Johnson being Jack Robert Johnson.

Alta V. Nichols Gay  
Alta V. Nichols Gay

Sworn to and subscribed before me on this the 8th day of November, 1932.

[Signature]  
Notary Public

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