

1409

AFFIDAVIT
#2 of 3

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State of Alabama
Jefferson County

Pertains to Deed Book 233 pages 696 and 697
Located in Probate Office Record Room in
Columbiana, Alabama.

Before me, the undersigned, personally appeared Robert Samuel Harper
and after being duly sworn, states as follows:

The deed on record at Columbiana, Alabama numbered Book 233 pages
696 and 697 and dated as being filed in Probate Office on January 7, 1965,
is not a valid deed.

The reasons being; (1) There are only six (6) Heirs' names listed
as Grantors and, of those six (6) names, only five (5) of them should be
listed as Grantors. (Walter Lee Harper at time was a single man.)
(2) But, at the time this deed was made and signed, and also notarized
January 6, 1965, there were, and should have been listed as Grantors a
total of ten (10) different Heirs of Edgar Dewey Harper who, at time of
this deed each owned a child's part of the described land on this deed,
Book 233 pages 696 and 697. The names omitted were, Mary Elizabeth Harper
Norton and her husband William A. Norton, Robert S. Harper and his wife
Eva Eloise Harper, E. Louise Harper (the widow of Edgar D. Harper),
making a total of ten (10) Heirs and Grantors. (3) Furthermore, the
five (5) signers of the said Deed Book 233 pages 696 and 697 have made
sworn affidavits which are recorded in Probate Office at Columbiana,
Alabama, in Deed Book 170 pages 800, 801, 802, 803, 804 to the effect;
that what is recorded as Deed Book 233 pages 696 and 697 is not the
deed they all signed as; what they each signed was a deed that did not
have but one description upon it and it only pertained to the 1/2 acre we
all, (all ten (10) of Edgar D. Harper's Heir's) had given to our oldest
brother and his wife Frances K. Harper to build a house upon. The deed
on record Book 233 pages 696 and 697 has a second description added
which was added after the five (5) Heirs had signed but, before being re-
corded in Probate Office describing approximately two (2) more acres.
Compare the deed on record with "Copy" of this particular deed which was
furnished to me by one Mr. W. W. Conwell, the person to which made up
the deed on record. He, Mr. W. W. Conwell, although now states in his
letter to me dated February 15, 1974 that, "I know nothing about the addition
to one of the deeds which I prepared, of the description which was on the
other deed." I presume Mr. Conwell is referring to the "Copy" above
where there is only one (1) description typed upon it.

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Mr. Conwell admits to having made or prepared the deed on record Book 233 pages 696 and 697 and he is listed as Notary for the five (5) signers, so he had to be the one to add or, have someone else to type in the 2nd description. (4) And finally as for Deed Book 233 pages 696 and 697 not to be valid. Since Mr. W. W. Conwell saw fit to notarize each of the signers of said deed without having seen them do so (see affidavits from those five signers in Deed Book 170 pages 800, 801, 802, 803, 804) is reason enough in itself to declare the said deed, Book 233 pages 696 and 697 invalid.

The description of the property as it should be, is as follows:

From the Northwest corner of the Northwest one quarter of the Northeast one quarter of Section twenty-five (25), Township Nineteen South (19-S), and Range one (1), West go south on the West border of the above said quarter-quarter section a distance of some three hundred seventy-eight feet (378) to the right of way as presently located, of Highway No. 280 or the Florida Short Route, running from Childersburg, Alabama to Birmingham, Alabama. Thence go Eastward along the right of way of said 280 Highway one hundred five feet (105 Ft.) for a point of beginning. From this point of beginning go Eastward one hundred fifty feet (150 Ft.) thence North two hundred ten feet (210 Ft.) thence West one hundred fifty feet (150 Ft.) thence South two hundred ten feet (210 Ft.) to the point of beginning, comprising one acre land situated in Shelby Co., Alabama.

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

88 FEB 23 AM 8:36

Thomas A. Snowden, Jr.
JUDGE OF PROBATE

Robert S. Harper
Robert Samuel Harper

Sworn to and Subscribed before me this 23 day of February 1988.

*My Commission expires
January 11, 1989*

Erline B. Mayhew
Notary Public

RECORDING FEES	
Recording Fee	<u>\$5.00</u>
Index Fee	<u>1.00</u>
TOTAL	<u>\$6.00</u>