

STATE OF ALABAMA)

SHELBY COUNTY)

2172

AFFIDAVIT

Before me, the undersigned authority, in and for said County and State, personally appeared W. C. Billingsley, who, being known to me and being by me first duly sworn, deposes and says as follows:

My name is W. C. Billingsley and I am 75 years of age. I live in Columbiana, Alabama, and have lived in this town for the past 46 years. I know John Will Battle and Mozell Battle, and have know them for over 28 years. I am well acquainted with the Battles, and with their property located on the Egg and Butter Road in Columbiana, Shelby County, Alabama, which said property was formerly owned by B. E. McClanahan and Lula B. McClanahan, and which said property is more particularly described as follows:

A one acre tract of land situated in the NE 1/4 of the SE 1/4 of Sec. 35, Tp. 21 South, Range 1 West, described as follows: Commence at the NW corner of the NE 1/4 of the SE 1/4 of Sec. 35, Tp. 21 South, Range 1 West, thence run East along the North line of said forty a distance of 178.20 feet to the East line of the Egg and Butter Road and the point of beginning, thence continue in the same direction along said forty line a distance of 242.05 feet; thence turn an angle of 59 deg. and 00 min. to the right and run South 31 deg. and 00 min. East, a distance of 210.00 feet, thence turn an angle of 121 deg. and 00 min. to the right and run West a distance of 242.05 feet to the East line of said road, thence turn an angle of 59 deg. 00 min. to the right and run North 31 deg. and 00 min. West along the East line of said road a distance of 210.00 feet to the point of beginning.

Less and Except that certain parcel of property conveyed to Isabell Battle Burns as recorded in Deed Book 311, page 715, Probate Office of Shelby County, Alabama.

I have been familiar with the use, occupancy and ownership of the above described lands for over 28 years, and know that John Will Battle and Mozell Battle have been in open, notorious, peaceful, adverse and undisputed possession of said lands for that period of time. I have never heard their title to said property or their possession of said lands to be disputed or questioned. I have personal

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knowledge that John Will Battle has raised gardens on his property every year since it was purchased, and know that he has raised numerous and various types of vegetables in his gardens. I know that he built a house on the property, and he and his wife have lived there since at least early 1960, and he raised a family on said property. I am satisfied that the above described property accurately reflects that particular parcel owned by John Will Battle and Mozell Battle.

Also, I knew Ollis "Son" Lambs, who is now deceased. Ollis Lambs and his family lived in a house up the Egg and Butter Road from where the Battle's live, and the two parcels of property are separated by the house and property owned by Marvin Harwill and the mobile home and lot occupied by Isabell Battle Burns. The Lambs' property is approximately 3/4 of a city block from that of the Battle property.

W. C. Billingsley
W. C. Billingsley Affiant

Sworn to and subscribed to before
me on this 10th day of June, 1988.

Peggy J. Lutton
Notary Public

STATE OF ALA. SHELLEY
I CERTIFY THIS
INSTRUMENT WAS FILED

88 JUL 29 PM 12:47

James H. Henderson, Jr.
JUDGE OF PROBATE

RECORDING FEES

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