


**INSTRUMENT PREPARED WITHOUT  
BENEFIT OF TITLE EXAMINATION**

  
20110921000279260 1/9 \$60.00  
Shelby Cnty Judge of Probate, AL  
09/21/2011 12:46:07 PM FILED/CERT

This instrument was prepared by:

**Mitchell A. Spears, Attorney at Law**

P.O. Box 119

205/665-5102

Montevallo, AL 35115-0091

205/665-5076

Sent Tax Notice To:

Charles Edward Daviston

(Address) P. O. Box 1

Montevallo, AL 35115

MINIMUM VALUE: \$20,000.00

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**Warranty Deed**

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STATE OF ALABAMA  
COUNTY OF SHELBY

KNOW ALL MEN BY THESE PRESENTS,

That in consideration of **ONE (\$1.00) DOLLAR AND OTHER GOOD AND VALUABLE CONSIDERATION** to the undersigned Grantor, in hand paid by the Grantee herein, the receipt whereof is acknowledged, I or we, **TERRY DAVISTON, a married man and CHARLES EDWARD DAVISTON, a married man, constituting all of the heirs at law and next of kin of E. M. DAVISTON (also known as ED DAVISTON) and MATTIE E. DAVISTON (also known as MATT DAVISTON), both of whom are deceased** (herein referred to as Grantor, whether one or more), grant, bargain, sell and convey unto **CHARLES EDWARD DAVISTON** (herein referred to as Grantee), the following described real estate, situated in **SHELBY** County, Alabama, to-wit:

**PARCEL 1:**

Commencing at the corner of the NE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of Section 3, Township 22 South, Range 4 West; thence run West along said  $\frac{1}{4}$  -  $\frac{1}{4}$  section line for 660 feet to the point of beginning of the parcel herein described; thence run North 329 feet to the South right-of-way line of Shelby County Highway 10; thence run East along said right-of-way line for 131 feet; thence run South for 288 feet; thence run West for 104 feet, to the point of beginning, being situated in Shelby County, Alabama.

SOURCE OF TITLE: Deed Book 120, Page 101.

**PARCEL 2:**

A parcel of property situated in Section 16, Township 19 South, Range 1 West, Shelby County, Alabama with a point of beginning being the SW corner of the NW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$ ; thence run North 850 feet; thence run East for 210 feet to the point of beginning of the property herein described; thence continue East for 210 feet; thence run North for 210 feet; thence run West for 210 feet; thence run South to 210 feet, to the point of beginning, being situated in Shelby County, Alabama.

SOURCE OF TITLE: Deed Book 269, Page 657.

All of the heirs and next of kin of E. M. Daviston (also known as Ed Daviston) and Mattie E. Daviston (also known as Matt Daviston) do hereby join in this conveyance and acknowledge and confirm the facts set forth within their Heirship Affidavit, attached hereto as Exhibit "A" and incorporated herewith, as though fully set out herein.

This conveyance is further supported by Disinterested Party Affidavits hereto attached as Exhibits "B" and "C", respectively, the facts stated therein being incorporated herewith, as though fully set out herein.

THE REAL PROPERTY HEREINABOVE DESCRIBED DOES NOT CONSTITUTE THE HOMESTEAD OF THE MARRIED GRANTORS HEREIN, NOR THAT OF THEIR RESPECTIVE SPOUSES, NEITHER IS IT CONTIGUOUS THERETO.

E. M. DAVISTON IS ONE AND THE SAME PERSON AS "ED DAVISTON", WHO USED SAID NAMES INTERCHANGEABLY, AND HE IS ONE AND THE SAME PERSON WHO RECEIVED TITLE TO THE REAL PROPERTIES DESCRIBED WITHIN THE SOURCES OF TITLE TO PARCELS 1 AND 2, HEREINABOVE REFERENCED.

MATTIE E. DAVISTON IS ONE AND THE SAME PERSON AS "MATT DAVISTON", WHO USED SAID NAMES INTERCHANGEABLY, AND SHE IS ONE AND THE SAME PERSON WHO RECEIVED TITLE TO THE REAL PROPERTIES DESCRIBED WITHIN THE SOURCES OF TITLE TO PARCELS 1 AND 2, HEREINABOVE REFERENCED.

TO HAVE AND TO HOLD, to the said GRANTEE, his, her or their heirs and assigns forever. And I (we) do, for myself (ourselves) and for my (our) heirs, executors and administrators covenant with the said grantee, his, her or their heirs and assigns, that I am (we are) lawfully seized in fee simple of said premises; that they are free from all encumbrances, unless otherwise stated above; that I (we) have a good right to sell and convey the same as aforesaid; that I (we) will and my (our) heirs, executors and administrators shall warrant and defend the same to the said grantee, his, her or their heirs and assigns forever, against the lawful claims of all persons.

IN WITNESS WHEREOF, I (we) have hereunto set my (our) hand(s) and seal(s), this 19<sup>th</sup> day of September, 2011.

Terry Daviston  
TERRY DAVISTON

Charles Edward Daviston  
CHARLES EDWARD DAVISTON

STATE OF ALABAMA       )  
COUNTY OF SHELBY     )


I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that **TERRY DAVISTON and CHARLES EDWARD DAVISTON**, whose names are signed to the foregoing conveyance, and who are known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, they executed same voluntarily on the day the same bears date.

Given under my hand and official seal this 19<sup>th</sup> day of September, 2011.

Sharon J. Dean  
Notary Public  
My commission expires: 9/3/2014

**INSTRUMENT PREPARED BY:**

**Mitchell A. Spears  
Attorney at Law  
P.O. Box 119  
Montevallo, AL 35115  
(205)665-5076**

  
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STATE OF ALABAMA                     )  
COUNTY OF SHELBY                 )

**HEIRSHIP AFFIDAVIT**  
(Exhibit A)

COME NOW **TERRY DAVISTON and CHARLES EDWARD DAVISTON**,  
as "Affiants" herein, and after first having been duly sworn, said Affiants do hereby  
depone and say, as follows:

1. Affiants have personal knowledge of the facts stated herein, each Affiant is  
over the age of nineteen (19) years and each Affiant is competent to execute this  
Affidavit.

2. E. M. Daviston was one and the same person as Ed Daviston, and at times  
during his lifetime, he used said names interchangeably.

3. Mattie E. Daviston was one and the same person as Matt Daviston, and at  
times, during her lifetime, she used said names interchangeably.

4. Pursuant to Warranty Deed recorded in the Office of the Probate Judge, Shelby  
County, Alabama, at Deed Book 120, Page 101, on August 30, 1943, E. M. Daviston  
(using the name Ed Daviston) and wife, Mattie E. Daviston (using the name Matt  
Daviston), acquired title to certain real property situated in Shelby County, Alabama,  
more particularly described as follows:

**PARCEL 1:**

Commencing at the corner of the NE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of Section 3, Township 22 South, Range  
4 West; thence run West along said  $\frac{1}{4}$  -  $\frac{1}{4}$  section line for 660 feet to the point of beginning  
of the parcel herein described; thence run North 329 feet to the South right-of-way line of  
Shelby County Highway 10; thence run East along said right-of-way line for 131 feet; thence  
run South for 288 feet; thence run West for 104 feet, to the point of beginning, being situated  
in Shelby County, Alabama.

5. Pursuant to Tax Deed recorded in the Office of the Probate Judge, Shelby  
County, Alabama, at Deed Book 269, Page 657, on August 30, 1971, E. M. Daviston and

Mattie E. Daviston acquired tax deed title to certain real property situated in Shelby County, Alabama, more particularly described as follows:

PARCEL 2:

A parcel of property situated in Section 16, Township 19 South, Range 1 West, Shelby County, Alabama with a point of beginning being the SW corner of the NW 1/4 of the SW 1/4, thence run North 850 feet; thence run East for 210 feet to the point of beginning of the property herein described; thence continue East for 210 feet; thence run North for 210 feet; thence run West for 210 feet; thence run South to 210 feet, to the point of beginning, being situated in Shelby County, Alabama.

6. On or about October 27, 1982, E. M. Daviston died testate; however, his Will was never probated, and no probate of his Will is anticipated. E. M. Daviston was survived by his next-of-kin, whose names, addresses and relationships to said decedent are stated as follows:

Mattie E. Daviston (wife, now deceased)

Terry Daviston (son)  
18 Red Bud Trail  
Newnam, Georgia 30263

Charles Edward Daviston (son)  
18774 Highway 139  
Brierfield Alabama 35035

7. During the term of their marital relationship, there were only two children born E. M. Daviston and Mattie E. Daviston, whose names and addresses are hereinabove referenced. Other than their two children referenced above, there were no children born to E. M. Daviston and Mattie E. Daviston, and they had no children, either natural or adopted, who predeceased them.

8. On or about December 23, 1992, Mattie E. Daviston died intestate, leaving only her two sons hereinabove identified, to survive her as her next of kin. She died while in seisen of Parcels I and II hereinabove described. Her estate has not been administered, and the administration of her estate is not anticipated.

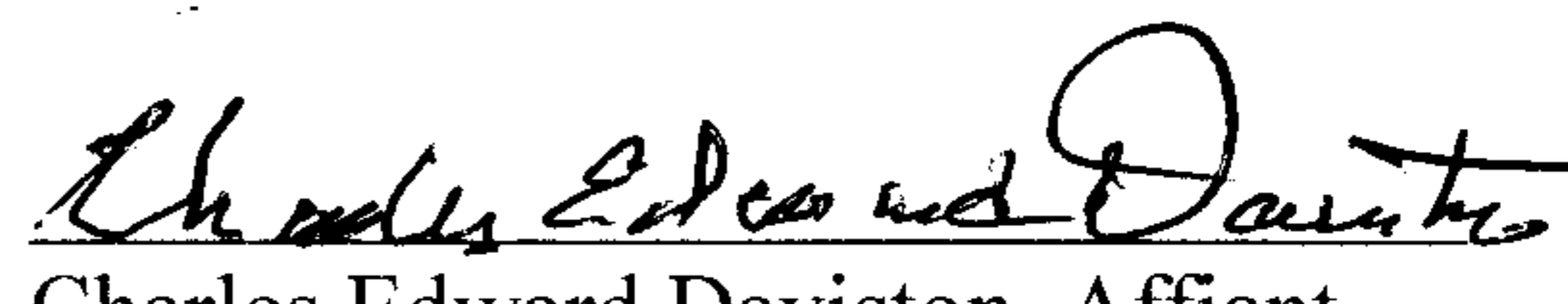
9. All debts and charge against the respective estates of E. M. Daviston and Mattie E. Daviston have been fully satisfied.

10. E. M. Daviston and Mattie E. Daviston constitute the same Grantees whose names appear upon the above referenced Warranty Deed and Tax Deed.

11. Since the date of acquisition of title to Parcels I and II, as described within the aforementioned Warranty Deed and Tax Deed, E. M. Daviston and Mattie E. Daviston, or their successor in interest, Charles Edward Daviston, have been in sole and exclusive possession of said Parcels I and II, without interruption, and without any other person or entity making any claim of right of possession or ownership to either of said parcels.

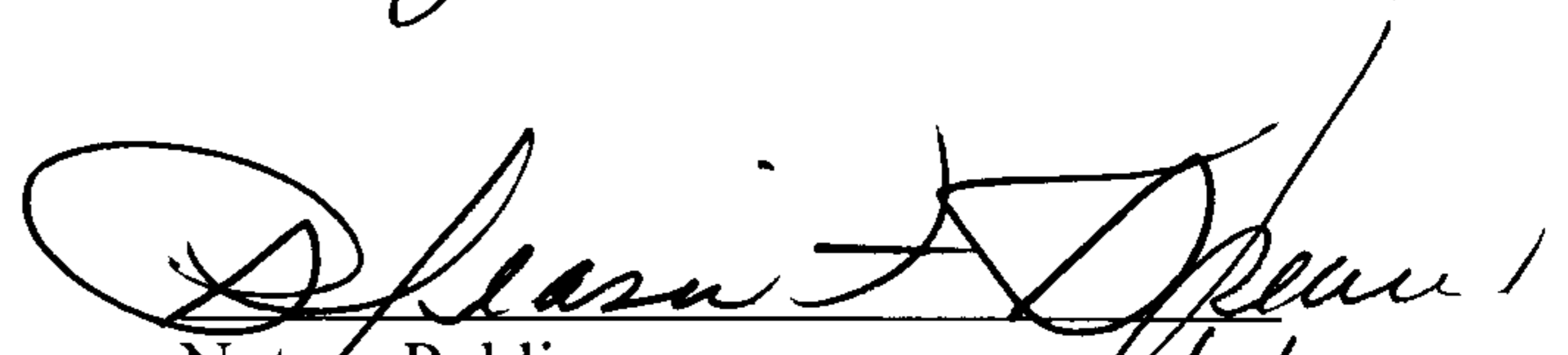
12. This Affidavit is rendered for the purpose of establishing a proper chain of title in and to the above described Parcels I and II.

  
Terry Daviston, Affiant

  
Charles Edward Daviston, Affiant


STATE OF ALABAMA                     )  
COUNTY OF SHELBY                 )

I, the undersigned authority a Notary Public in and for said County, in said State, hereby certify that **TERRY DAVISTON and CHARLES EDWARD DAVISTON**, whose names are signed to the foregoing Affidavit, and who are known to me, acknowledged before me on this day that, being informed of the contents of the Affidavit, they executed the same voluntarily on the 19<sup>th</sup> day of September, 2011.

  
Notary Public  
My Commission Expires: 6/3/2014

**INSTRUMENT PREPARED BY:**

**Mitchell A. Spears**  
**Attorney at Law**  
**P.O. Box 119**  
**Montevallo, AL 35115**  
**205-665-5076**

  
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STATE OF ALABAMA                     )  
COUNTY OF SHELBY                 )

**DISINTERESTED PARTY AFFIDAVIT**  
(Exhibit B)

**COMES NOW**, Ann P. Snow, as “Affiant” herein, and after first having been duly sworn, said Affiant does hereby depose and say, as follows:

1. Affiant has personal knowledge of the facts stated herein, particularly as relating to the family history of E. M. Daviston and Mattie E. Daviston. Affiant is over the age of seventy (70) years, and is competent to execute this Affidavit. Affiant resides at 4592 Hwy 22, Montevallo, Alabama 35115.

2. Affiant has no pecuniary or other interest in the following described property situated in Shelby County, Alabama, more particularly described, as follows:

**PARCEL 1:**

Commencing at the corner of the NE ¼ of the NE ¼ of Section 3, Township 22 South, Range 4 West; thence run West along said ¼ - ¼ section line for 660 feet to the point of beginning of the parcel herein described; thence run North 329 feet to the South right-of-way line of Shelby County Highway 10; thence run East along said right-of-way line for 131 feet; thence run South for 288 feet; thence run West for 104 feet, to the point of beginning, being situated in Shelby County, Alabama.

**PARCEL 2:**

A parcel of property situated in Section 16, Township 19 South, Range 1 West, Shelby County, Alabama with a point of beginning being the SW corner of the NW ¼ of the SW ¼; thence run North 850 feet; thence run East for 210 feet to the point of beginning of the property herein described; thence continue East for 210 feet; thence run North for 210 feet; thence run West for 210 feet; thence run South to 210 feet, to the point of beginning, being situated in Shelby County, Alabama.

3. Affiant does hereby attest to the fact that Affiant has known E. M. Daviston and Mattie E. Daviston for over forty (40) years.

4. E. M. Daviston and Mattie E. Daviston, during the term of their marriage, had two (2) children, both of whom survived them.

5. During the term of their respective lives, E. M. Daviston was also known as Ed Daviston, and Mattie E. Daviston was also known as Matt Daviston.

6. E. M. Daviston died on or about October 27, 1982, and Mattie E. Daviston died on or about December 23, 1992.

7. E. M. Daviston and Mattie E. Daviston were survived by their two children, whose names and addresses are stated as follows:


Terry Daviston (son)  
18 Red Bud Trail  
Newman, Georgia 30263

Charles Edward Daviston (son)  
18774 Highway 139  
Brierfield, Alabama 35035

8. E. M. Daviston and Mattie E. Daviston did not have any children, either natural or adopted, other than those hereinabove listed, neither did they have any children who predeceased them.

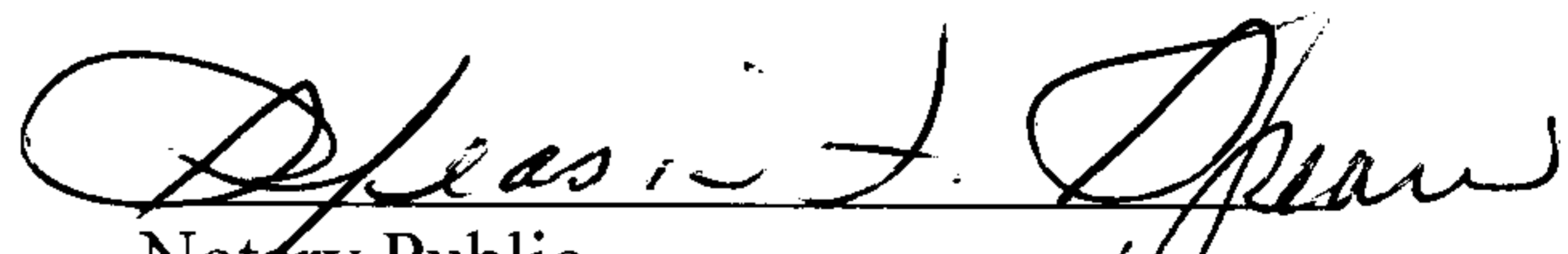
9. Affiant is not aware of any person or entity who has or claims possession or ownership of the above described property, other than Charles Edward Daviston.

FURTHERMORE, the Affiant saith naught.


  
Ann P. Snow

STATE OF ALABAMA                    )  
COUNTY OF SHELBY                )

I, the undersigned authority, a notary public in and for said County, in said State, hereby certify that **Ann P. Snow**, whose name is signed to the foregoing Affidavit, and who is known to me, acknowledged before me on this day, that, being informed of the contents of the Affidavit, he/she executed the same voluntarily on the 16<sup>th</sup> day of September, 2011.

  
Notary Public  
My Commission Expires: 9/3/2014

INSTRUMENT PREPARED BY:  
Mitchell A. Spears  
Attorney at Law  
P.O. Box 119  
Montevallo, AL 35115  
205-665-5076

  
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STATE OF ALABAMA            )  
COUNTY OF SHELBY         )

**DISINTERESTED PARTY AFFIDAVIT**  
(Exhibit C)

**COMES NOW**, Lillie Ann Fancher, as “Affiant” herein, and after first having been duly sworn, said Affiant does hereby depose and say, as follows:

1. Affiant has personal knowledge of the facts stated herein, particularly as relating to the family history of E. M. Daviston and Mattie E. Daviston. Affiant is over the age of seventy (72) years, and is competent to execute this Affidavit. Affiant resides at 350 Ward Avenue, Montevallo, Alabama 35115.

2. Affiant has no pecuniary or other interest in the following described property situated in Shelby County, Alabama, more particularly described, as follows:

**PARCEL 1:**

Commencing at the corner of the NE ¼ of the NE ¼ of Section 3, Township 22 South, Range 4 West; thence run West along said ¼ - ¼ section line for 660 feet to the point of beginning of the parcel herein described; thence run North 329 feet to the South right-of-way line of Shelby County Highway 10; thence run East along said right-of-way line for 131 feet; thence run South for 288 feet; thence run West for 104 feet, to the point of beginning, being situated in Shelby County, Alabama.

**PARCEL 2:**

A parcel of property situated in Section 16, Township 19 South, Range 1 West, Shelby County, Alabama with a point of beginning being the SW corner of the NW 1/4 of the SW ¼; thence run North 850 feet; thence run East for 210 feet to the point of beginning of the property herein described; thence continue East for 210 feet; thence run North for 210 feet; thence run West for 210 feet; thence run South to 210 feet, to the point of beginning, being situated in Shelby County, Alabama.

3. Affiant does hereby attest to the fact that Affiant has known E. M. Daviston and Mattie E. Daviston for over forty (40) years.

4. E. M. Daviston and Mattie E. Daviston, during the term of their marriage, had two (2) children, both of whom survived them.

5. During the term of their respective lives, E. M. Daviston was also known as Ed Daviston, and Mattie E. Daviston was also known as Matt Daviston.

6. E. M. Daviston died on or about October 27, 1982, and Mattie E. Daviston died on or about December 23, 1992.

7. E. M. Daviston and Mattie E. Daviston were survived by their two children, whose names and addresses are stated as follows:

Terry Daviston (son)  
18 Red Bud Trail  
Newman, Georgia 30263

Charles Edward Daviston (son)  
18774 Highway 139  
Brierfield, Alabama 35035

8. E. M. Daviston and Mattie E. Daviston did not have any children, either natural or adopted, other than those hereinabove listed, neither did they have any children who predeceased them.

9. Affiant is not aware of any person or entity who has or claims possession or ownership of the above described property, other than Charles Edward Daviston.

FURTHERMORE, the Affiant saith naught.

Lillie Ann Fancher  
Lillie Ann Fancher

STATE OF ALABAMA                    )  
COUNTY OF SHELBY                )

I, the undersigned authority, a notary public in and for said County, in said State, hereby certify that **Lillie Ann Fancher**, whose name is signed to the foregoing Affidavit, and who is known to me, acknowledged before me on this day, that, being informed of the contents of the Affidavit, he/she executed the same voluntarily on the 16<sup>th</sup> day of September, 2011.

Ann P. Snow  
Notary Public  
My Commission Expires: Aug 13, 2013