

STATE OF ALABAMA)
SHELBY COUNTY)

3634

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

My name is MRS. J. H. KIMBROUGH. B. T. Kimbrough died November 6, 1971 in Harpersville, Alabama, leaving a last will and testament which has been recorded in Shelby County, Alabama. His estate was left among his various heirs and I was appointed Executrix of his estate; and in handling his estate I was given power of sale by decree of the Probate Court and in that capacity sold certain property to John W. Urquhart and wife, Louise M. Urquhart by deed dated November 16, 1972 recorded in said Probate Office in Deed Book 278, page 687.

My husband, J. H. Kimbrough, was a brother of Duncan Kimbrough and B. T. Kimbrough and Carrie Kimbrough. Carrie Kimbrough died first leaving a last will and testament, leaving all of ^{her} his estate and property to D. G. (or Duncan) Kimbrough, and B. T. Kimbrough. Neither Carrie Kimbrough, D. G. Kimbrough, nor B. T. Kimbrough ever married or had children. D. G. Kimbrough died next and left a last will and testament, leaving all his estate to B. T. Kimbrough, thus the land which was sold to the Urquharts, as aforesaid, was owned completely and entirely by B. T. Kimbrough at the time of his death. Said property is situated in Shelby County, Alabama, and is more particularly described as follows:

Commence at the Northeast Corner of Section 33, Township 19 South, Range 2 East, Shelby County, Alabama; thence proceed South 88 deg. 30' West along the North Boundary of said section for a distance of 396.72 feet to the point of beginning, at a point on the Westerly side of a street. From this beginning point turn an angle of 65 deg. 09' to the right and proceed North 26 deg. 21' West along the Westerly right-of-way line of said street for a distance of 99.16 feet to its point of intersection with the South right-of-way line of Glaze Ferry Road; thence proceed South 66 deg. 50' West along the Southerly right-of-way line of said road for a distance of 446.3 feet; thence proceed South 4 deg. 06' West for a distance of 70.02 feet to a point on the Northeast right-of-way line of U. S. 280 Highway; thence proceed South 55 deg. 44' East along the Northeasterly right-of-way line of said highway for a distance of 494.71 feet; thence proceed North 87 deg. 55' East for a distance of 238.0 feet; thence proceed North 7 deg. 58' East for a distance of 244.8 feet to a point on the Southerly Boundary of a street; thence proceed Northwesterly along the Southerly Boundary of said street for a distance of 211.4 feet to the point of beginning.

The above described land is located in the Northeast One-Fourth of the Northeast One-Fourth of Section 33, and the Southeast One-Fourth of the Southeast One-Fourth of Section 28, Township 19, South, Range 2 East, Shelby County, Alabama, and contains 4.9 acres.



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I have known the above described property for a period in excess of 40 years. When I first knew subject property it was owned by B. T. Kimbrough and D. G. Kimbrough, and they have owned it and had it in their possession continuously and exclusively for each and every year for more than 40 years up to and including the date of his affidavit, said possession having continued after the death of B. T. Kimbrough by heirs in his estate. The land is timbered land and on more than one occasion during the years the timber and/or pulpwood was cut off the property by D. G. and B. T. Kimbrough. I know the location of the property conveyed to F. Jackson and Wilma Tate Jackson by deed from C. T. Roberts and wife, Celesta Roberts dated November 14, 1942 recorded in Deed Book 115, page 365; said property does not overlap or conflict with the above described property sold to Mr. and Mrs. Urquhart to any extent whatsoever and in fact, the property which was conveyed to F. Jackson and Wilma Tate Jackson by said deed does not even touch or share any common boundary with subject property.

I am familiar with the location of the property which was conveyed to Joe L. Tidmore and Charles Tidmore for a Gulf Service Station shown in Deed Book 290, page 291 in said Probate Records; said property forms the Southern, Southeastern, and Eastern boundaries of the property conveyed to Mr. and Mrs. Urquhart. There is absolutely no conflict or dispute, whatsoever, between the Tidmore property and the Urquhart property; said property was surveyed out by Ray, Peoples and White of Sylacauga, Registered Surveyors, and the two lines join exactly.

There has never been any question or dispute whatsoever concerning the title, ownership, use, occupation, possession, or boundary lines of the property sold to Mr. and Mrs. Urquhart, and no other person, firm or corporation has ever been in possession of the same or any part thereof, or made any claim whatsoever to any part or portion thereof except B. T. and D. G. Kimbrough and now the present owners, Mr. and Mrs. Urquhart.

Sworn to and subscribed before
me this 28th day of June, 1977.

Notary Public

STATE OF ALABAMA
I CERTIFY THIS
NOTARIAL INSTRUMENT WAS
FILED FOR RECORD

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JUDGE OF PROBATE

Rec. 300
Ind. 100
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