

State of Alabama } Before me T. N. Whatley, P.P. & Ex off.  
Philly County Justice of the Peace in and for said  
County in said State personally appeared Jackson  
Smith, who, being first duly sworn depos'd and says:  
That he was acquainted with Richmond Butler,  
deceased during his life time; that Mr. Jackson  
Smith married M. G. Butler, the widow of Richmond  
Butler, deceased; that Richmond Butler deceased  
about the time of the close of the Civil War.

2nd. The Affiant further says that Richmond Butler and "Richard" Butler was one and the same party; that the said Richmond Butler acquired title to the following described property between 2 and 10 years before the Civil War viz:  $\frac{1}{2}$  E $\frac{1}{2}$  of the S. N $\frac{1}{4}$  and the N $\frac{1}{2}$  of the S. E $\frac{1}{4}$  of Section 2, and the N. N $\frac{1}{4}$  of N. E $\frac{1}{4}$  and N. E $\frac{1}{4}$  of N. N $\frac{1}{4}$  of Section 11, all in Township 22, Range 2 West, known as the old Richmond Butler place; that the said Richmond Butler took actual possession of said property at the time he acquired title thereto, worked upon same and held and kept same in his open, notorious, exclusive, and adverse possession up until the time of his death, and that his family continued to live upon said property in same manner until about the year 1868, the time when he married the widow of said Richmond Butler.

3rd. The Affiant further says that the said Richmond Butler at the time of his death left no last will and testament, and that he left no debts at the time of his death.

4th. That the following is a correct list of the names of all of the children of said Richmond Butler, viz: John H. Butler - G. T. Butler - Vinceney Oley, Dicy Gray - Fannie Alphin - Lottie J. Cole - with the exception of one boy about 17 years of age whose name was James Butler, that died during the war about the same time of the death of Richmond Butler, and who was not married at the time of his death nor had ever been married. The affiant further says that all of the above named children were alive at the time of the death of Richmond Butler, except the boy who died during the war as above set forth and who was unmarried, that the foregoing is a true and correct list of all of the children of said Richmond Butler deceased. The following is a true and correct list of the names of the children living at the time of the death of Richmond Butler who have since died, viz: Dicy Gray, Fannie Alphin and Lottie J. Cole. The affiant further says that at the time of the death of Dicy Gray

She left surviving her two children of the following names, R. B. Gray and Mamie Gray Webb; that R. B. Gray married Lizzie D. Wade and his wife's name, a flag the marriage was Lizzie D. Gray; that Mamie Gray, the daughter of Lucy Gray married Alonso Webb. The affiant further says that Fannie Butler married John T. Alphin and that at the time of her death she left only two children, John T. Alphin and Minnie Alphin; that John T. Alphin later married L. E. Sanders and that the name of his wife after the marriage was L. E. Alphin; that Minnie Alphin, the daughter of Fannie Alphin married W. D. Ogle; that John T. Alphin the husband of Fannie Alphin and Fannie Alphin died about 20 years ago. The affiant further says that Lattie J. Butler married a man by the name of Cole, who died preceding the year 1884, and that said Lattie J. Cole left no children surviving her at the time of her death, viz.: Tom Cole and Lulu Cole; that Tom Cole is not married; that Lulu Cole is married but that the affiant does not remember whom she married other than a man by name of Hattam. The affiant further says that Lattie J. Cole & Bettie Cole are one and the same person, Lattie J. Cole being her true name, but that she was usually called by the name of "Bettie"; and that the said Lattie J. Cole was a widow at the time she executed a quit-claim deed to the lands herein above described, which deed was executed by said Lattie J. Cole on the 16th day of December 1884 to Jackson Smith. The affiant further says that in addition to the lands herein above described and with which he has been familiar ever since and a short while before the Civil War, that he is familiar with the following lands, and has been for a period beginning before the Civil War S. W.<sup>1/4</sup> of S. W.<sup>1/4</sup> Section 2, and the N. W.<sup>1/4</sup> of N. W.<sup>1/4</sup> of Section 11 all in Township 22, Range 3 West and that he knows of his personal knowledge that J. T. Hunt or D. W. Killingsworth never occupied or lived on same and that same was not the homestead of either of said parties. That the affiant further says that he is personally acquainted with the above

named parties and has been for many years past, that he has lived near and around said property all of his life. The affiant further says that M. C. Butler Smith, his wife is dead.

Jackson <sup>his</sup> mark

Sworn to and subscribed before me on this 7th day of December 1911.

Mtness:

J. L. Aldridge - Alabama } P. W. Whatley - N. P. & Ex Off J. P.  
G. E. Robinson. } Notary Public & Ex Off Justice of the Peace.

The State of Alabama, I do hereby certify that the within  
Shelby County, Conveyance was filed in this  
Office for record April 8th 1912, at 10 o'clock A.M. and  
recorded in Deed Record 51 pages 85-88- & examined.

A. P. Parryshere - Judge of Probate.