State of Alabama } Before me, the undersigned authority
Shelby County } personally appeared John W. Johnston,
who being by me first duly sworn, deposes and says
that he is a son of the John Johnston now deceased and
his wife Mary A. Johnston, also now deceased; that the said
John Johnston, was his father and the said Mary A. Johnston
was his mother. That his said father died about the year
Feby 1879 and left two children only, viz: John W. Johnston
affiant and Mary J. Millstead, the wife of Henry M. Millstead,
affiant says that his mother Mary A. Johnston died about
the year May 1896 and was never married again after
the death of affiants father.
Affiant further says that the said Mary J. Millstead which
was affiants sister died about the year Feby 1880 leav-
ing four children to-wit; John W. Millstead, James F.
Millstead, Lulu Millstead who married James Evans and
Emma Millstead who married James W. Dykes; and
that the said four children were the only children and
heirs at law of the said Mary J. Millstead, and were
all over the age of 21 years in January 1897.
Affiant further says that he is now 72 years of age
and well remembers the time when he and his father
and mother made a deed to James Bramford and Joseph
R. Finley in the year 1879 to the following lands, viz:
N.E¼ of Section 5 - Tp. 21 Range 1 East and the W½ of
S.E¼ and W½ of E½ of S.E¼ of Section 32. Tp 20. Range
1 East, in Shelby County, Alabama, and that they took
a mortgage on said land to secure the said pur-
chase money as it was sold to them on a credit,
but that the mortgage was never paid off or any
part of it, and that the said lands were taken back
to satisfy said mortgage debt, and the said mortgage
was never foreclosed, and that the said James

Crawford and Joseph R. Finley did not make any deed back to the land, but just gave up the land for the debt. Affiant further says that when he and the children of his sister Mary J. Millstead sold and conveyed the said land to Dudley M. Smith John and James Smith in the year 1897, that they took a mortgage on said land to secure themselves for the purchase money, but that said mortgage was never paid off and said lands were taken back for this debt, in the same manner as the one above described; and that affiant after the said lands were taken back to satisfy the same mortgage debt being indebted to the Talladega Mercantile Company, agreed that the said lands should be conveyed to said Talladega Mercantile Company in satisfaction of affiants debt, and had the deed made to said Company by the said Dudley M. Smith, James Smith and John Smith, who had purchased the same prior to that time; and that the said debt to the Talladega Mercantile Company and the mortgage debt made by said Smiths to J. H. Johnston and others were settled in this way. Also that Henry M. Millstead is now dead, having died about two years ago.

John H. Johnston

Sworn to and subscribed before me on this the 10th day of November 1916.

W. J. Horsley
Notary Public.

The State of Alabama } I hereby certify that the within affi-
Shelby County. } davit was filed in this office for record 25th day of January 1917, at 4 o'clock P.M. and recorded in Deed Record 61 Pages 22-23 and examined.

J. H. Weaver
Judge of Probate