

AFFIDAVIT

STATE OF ALABAMA)

SHELBY COUNTY)

Before me J.E.Ruffin a Notary Public Ex. Off. J.P. in and for said County in said State, personally appeared Lula Rutherford, who is known to me and who being by me first duly sworn deposes and says as follows:

I am acquainted with the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ and ten acres on the south side of SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 20, Township 19, Range 2 west, in Shelby County, Alabama.

I have known said land and have been intimately acquainted with said land and the various owners thereof for the last 30 years. I know of my own knowledge that Isaac N. Gilbert was in possession of said land under claim of ownership and claiming to own said land in the year 1893, when he purchased said land from James A. Acton and wife and was put in possession of said land, and that he continued in possession of said land until he died intestate about the year 1911. All debts owing by deceased have been paid, and there are ~~no~~ debts owing by said deceased chargeable against said land. Said Isaac N. Gilbert at the time of his death left surviving him the following heirs and none others, as follows; his widow, Mrs. N. E. Gilbert, who was one and the same person as Nancy E. Acton, a daughter of James W. and Jane Acton; A. C. Gilbert, whose wife was E. L. Gilbert; Ida P. Lacey whose husband is P. B. Lacey; Ophelia Gardner; whose husband is J. A. Gardner; Lula Rutherford, whose husband is G. W. Rutherford. I am a daughter of said Isaac N. Gilbert. I knew and was acquainted with the W $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 21, Township 19, Range 2 west when said land was in the possession of Jane Acton, and who continued in possession, under claim of ownership, until she died intestate in 1902. In 1907, after the death of said Jane Acton, R. M. Acton, who was one and the same person as Rufus M. Acton, and A. J. Acton, both of whom were sons of Jane Acton and James W. Acton, both of whom were then dead, sold and conveyed their interest in said land to Isaac N. Gilbert, the other undivided interest at that time being owned by Nancy E. Gilbert, the wife of Isaac N. Gilbert.

From 1907 until the present time, all of said land has been in the possession of Isaac N. Gilbert and his wife Nancy E. Gilbert, and their heirs, and to the exclusion of all other persons. Said possession has been continuous. Part of said time said land has been cultivated and during all of said time said land has been used by said persons as their own, as pasture and woodland and said persons have assessed and paid taxes on said land, under claim of ownership and during all of said years Alden N. Byram, nor any other person, has been in possession of said land, nor claimed to own the same, other than the said heirs of Isaac N. Gilbert and their predecessors in title as aforesaid.

This affidavit does not apply to the mineral interest in said land.

Sworn and subscribed to before me this Lula Rutherford--Affiant
the 27th day of June 1928.

J. E. Rutherford--N.P. & Ex Off. J.P.

Before me J. E. Ruffin a Notary Public and Ex Off. J.P. in and for said County, in said State, personally appeared Ida Lacey who is known to me, and who being by me first duly sworn, on oath, deposes and says as follows: I have known the land mentioned in the foregoing affidavit for 30 years. I have read over the foregoing statements in the affidavit of Lula Rutherford and know said statements to be true facts and knowing the same of my own personal knowledge, do hereby adopt said

statements, and testify that said statements are true.

This the 27th day or June 1928.

Ida Lacey--Affiant

Sworn and subscribed to before me on this the
27th day of June, 1928.

J.E.Ruffin--N.P. & Ex Off. J.P.

THE STATE OF ALABAMA)

SHELBY COUNTY)

I, L.B.Riddle Judge of Probate hereby certify that the within affidavit
was filed in this office for record July 6th 1928 at 2 oclock P.M. and recorded in
Deed record 86 page 363 and examined.

L. B.Riddle--Judge of Probate