State of Alabama

Shelby County

Before me, L. H. Ellis, a Notary Public in and for said County, in stad State, personally appeared J. M Murphy, who is known to me and who, being by me first duly sworn, deposes and says:

About the year 1929, I contracted orally with Dan Roberson to sell him the following land situated in Shelby County, Alabama, and said oral agreement was made about the first of the year 1929, viz:

The south east quarter of the south west quarter of Section 26 and all of the east half of the north east quarter of the north west quarter of section 35, except a strip 330 feet wife off of the South side, all in Township 18 South Range 2 East, Shelby County, Alabama.

Said Roberson went in possession of it under said oral contract of sale. No deed was made, however, and none was to be made under said agreement unless and until said Roberson paid for it. Roberson remained in possession of it two years and, under our agreement, he was to pay two hundred dollars per year as rent unless he paid for the place. After having possession of it two years Roberson came to the conclusions that he could not pay for the land and turned it back to me and paid the rent and there was never any written instrument of any kind concerning said transaction, and Roberson claims no interest in the land whatsoever. Our trade was really a rental trade, with the privilege of buying if he wanted to, but he never did exercise his option to purchase and as, stated above, he merely rented said place and surrendered possession of the property.

As to the mortgage executed by me to J. H. Kincaid on the15th day of September, 1913, and recorded in the Probate Office of Shelby County, Alabama, in mortgage book 103 at page 93, I have paid this mortgage and have it in my possession. On the back of it there is an endorsement of a transfer from J. H. Kincaid to A. G. Embry & Sons, which endorsement reads as follows:

"Ihereby transfer to A. G. Embry & Sons the within paper, without recourse on me. Feb. 18/1920. J. H. Kincaid."

This transfer was never recorded but is being endorsed on the record of the mortgage to-day.

J. M. Murphy

Sworn and subscribed to before me this the 4th day of October, 1935.

L. H. Ellis,
Notary public.

Filed for record in this office the 16th day of october, 1935, in the Deed Record 98, page 596, and examined.

L. C. Walker, Judge of Probate.