

Affidavit

State of Alabama, Shelby County) Before me, Grace Carter, a Notary Public in and for said County, in said State, personally appeared J.L.Isbell, who, being by me first duly sworn, deposes and says:

I am acquainted with the south half of the north west quarter of section 33, Township 17, Range 1 East, Shelby County, Alabama, and have known said land 45 years or more; when I first knew the land I lived about two miles from it and way back there forty five years ago I cut cord wood on the land. I bought this land from the State Auditor on the 10th day of December, 1918, and this tax deed is recorded in the Probate Office of Shelby County, Alabama, in deed book 65 at page 353. Immediately after the execution and delivery of the aforementioned deed I went in possession of this land ~~and~~ remained in the actual, continuous open, notorious, exclusive, adverse possession of same until I sold and deeded it to J.M.Isbell by deed dated January 23, 1926, and which deed is recorded in the Probate Office of Shelby County, Alabama, in deed book 80 at page 98. During the time that I owned the land, as above stated, I was in possession of it. I posted it and kept it posted with written notices against tresspassers, and this continued throughout my possession, and until I deeded it to J.M.Isbell, I also had cross ties cut upon it throughout the years I owned it. These cross tie operations were not every day but did take place every year, or a considerable portion of each year, and there was quite a bit of cross tie timber on the land.

Immediately after J.M.Isbell purchased the land from me, he went in possession of it and built a house upon it and lived upon it, and cultivated portions of it each year and every down to the present time, or at least until he deeded it to L. H. Ellis by deed dated August 11, 1937, and said J.M.Isbell has remained in possession of said land as the tenant of said L. H. Ellis down to the present time since the execution of said deed. Immediately upon the execution of my deed to J.M.Isbell on the 23rd day of January, 1926, said J.M. Isbell went in possession of said land and remained in the continuous, actual, open, notorious, exclusive, adverse possession of same, claiming to own it, down to the time he deeded said land to L. H. Ellis as hereinabove referred to.

What I have testified to above does not include the tract of land deeded by me to Empire Lumber Company in 1925 nor the right of way of the Central of Georgia Railway Company, nor is it meant to include the ten acres deeded by J.M.Isbell to T. B. Whitmire in 1935, so far as possession after that date is concerned as to said ten acre tract.

J.L.Isbell

Sworn and subscribed to before me this the 6th day of December, 1937.

Grace Carter, Notary Public

Filed for record in this office December 7th 1937 at 9 ³⁰ AM and recorded in deed record 103, page 442. L. C. Walker, Judge of Probate