STATE OF ALABAMA SHELBY COUNTY

Before me, Grace Carter, a Notary Public in and for said County, in said State, personally appeared J. W. Fulton, who is known to me and who, being by me first duly sworn, deposes and says:

I am grantee in that certain deed executed by B. J. Large and others on April 22, 1893, and recorded in the Probate Office of Shelby County, Alabama, in deed book 19 at page 403; the grantee in said deed is "Walter Fulton", who is one and the same person as myself. The land which I actually bought from Large and Bragg, by said deed above referred to, and the land intended to be conveyed to me under said deed was the east half of the north east quarter of Section 13, Township 21, Range 3 West, but by mistake it was described as being the north half of said quarter section. Immediately upon the execution of said deed, I went in possession of the east half of the north east quarter os aid Section, under said deed, and put some of the eighty acres in cultivation, and continued to have it cultivated, or cultivated it, until I sola it.

As to that portion of the eighty south of Buck Creek I have had portions of it fenced up for twenty years or more and in constant use as a pasture, and during all the time from 1893 to the present time I have owned said portion of said eighty south of said Buck Creek, and have been in the actual possession of it, and my possession has been open, norotious, continuous, exclusive and adverse and no other person has advanced any claim to it.

I am acquainted with that portion of the east half of the north east quarter of Section 13, Township 21, Range 3 West, Shelby County, Alabama, described as follows:

Commence at a point where Buck Creek intersects the west line of said east half of the north east quarter of said Section 13, thence run in an easterly direction along Buck Creek 31 yards, thence north 1280 feet to the south boundary line of the right of way of the Louisville & Mashville Railroad, thence in a westerly direction along the south line of said right of way 31 yards to the west line of said eighty, thence south to the point of beginning.

This strip of land was in cultivation, or portions of it were, when I bought it in 1893 from Large and Bragg and soon thereafter I put all of it, or practically all of it in pultivation and continued to cultivate it until I sold and deeded it to N. E. Coe in 1895, as shown by deed recorded in deed book 56 at page 379. N. E. Coe sold it to Elijah Fulton in 1895, as appears from deed recorded in the Probate Office of Shelby County, Alabama, in deed book 19 at page 406. Elijah Fulton went into possession of said land immediately upon the execution of said deed and remained in possession cultivating portions of it each and every year until he deeded it back to me in 1915, as shown by deed recorded in the Probate Office of Shelby County, Alabama, in deed book 86 at page 603. During that time E. L. Fulton resided upon the land conveyed in deed of Coe to him, as above stated. Since 1915, and continuously thereafter I have been in possession of this thirtyone yead strip of land and had it cultivated each and every year to the present time.

I am acquainted with the west half of the north east quarter of Section 13, Township 21, Range 3 West. I bought this eighty acre tract of land from C. B. Elliott in November, 1895, as shown by deed recorded in the Probate Office of Shelby County, Alabama, in deed book 19 at page 404, except a three acre tract off of the north east corner thereof, to which I shall refer later in this afridavit. Said deed refers to twelve acres on the south side of said eighty which I already owned, but this was an error, as I did not own any part of that eighty when I bought from Elliott, and immediately upon the execution of the deed from Elliott I went into possession of the entire eighty, with the exception of three acre tract above referred to and cleared upoportions of it each and every year until I moved on it, about 1902, having built me a dwelling house at that time.

From 1902 until 1928 I actually lived upon this land and cultivaded portions of it, or had it cultivated, until 1928, as stated, when I moved away, but since that time I have had it rented out and

have had it cultivated by tenants each and every year down to the present time, and this possession covered the entire eighty, without regard to the twelve acre exception referred to in the deed, except of course the three acre strip to which I have already referred. I have, therefore, been in the actual, open, notorious, continuous, exclusive, adverse possession of said land, either actually cultivating it myself, and living upon it, or having it cultivated through tenants for the past forty four years. While the three acre tract above referred to, as described being three acres in the north east corner of said forty, yet it is more correctly described as follows: Begin at an iron stake at the north east corner of said west half of north east quarter, known as the Sparks corner, and which corner has been established for the last twenty five years, and from said point of beginning, run thence south 2 degrees 30 minutes east 608 feet, thence north 83 degrees 15 minutes west 345.0 feet, thence north 3 degrees 45 minutes west 126.4 feet, thence north 43 degrees 45 minutes east 49.5 feet, thence north 70 degrees 15 minutes east 173.0 feet, thence north 1 degree 20 minutes west 337.5 feet, thence north 85 degrees 45 minutes east 137 feet to the point of beginning. The above description of the three acre tract is taken from a survey and map recently made by by J. R. McMillan, County Engineer, and I attach hereto as a part of this affidavit map made by Mr. McMillan, showing his urvey. The supposed north east corner of the west half of the north east quarter of Section 13, Township 21 Range 3 West referred to on the McMillan map is the Sparks corner marked by iron stob, and is the corner to which I have referred in this affidavit. J. W. Fulton

Sworn to and subscribed before me this the 13th day of January, 1940.

Grace Carter, Notary Public

Filed in office Jan. 18, 1940 at 8 am and recorded in Deed Record 107 at page 491 and examined. L. C. Walker J. of P.