

AFFIDAVIT

STATE OF ALABAMA |

SHELBY COUNTY |

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

I am acquainted with The Merchants & Planters Bank, a corporation, which has its principal place of business at Montevallo, Alabama. The correct name of said corporation is The Merchants & Planters Bank, and is often referred to as the "Merchants & Planters Bank of Montevallo" and "Merchants & Planters Bank."

I handled the deal by which The Merchants & Planters Bank, a corporation, obtained a deed from Robert B. Dawson as Guardian of Ethel McMath Dawson, a person of unsound mind, on the 1st day of June, 1934, which deed is recorded in the Probate Office of Shelby County, Alabama, in deed book 97 at page 381. The grantee in said deed is the same as The Merchants & Planters Bank, which was incorporated by certificate filed in the Probate Office of Shelby County, Alabama, on the 10th day of October, 1902, and which is recorded in the Probate Office of Shelby County, Alabama, in Incorporation Record #2 at page 57, and is the same bank or corporation whose corporate existence was extended by certificate filed in the Probate Office of Shelby County, Alabama, on the 5th day of October, 1922, and which declaration or certificate is recorded in Incorporation Record #2 at page 506 in the Probate Office of Shelby County, Alabama, and is the same corporation or bank which decreased its capital stock on January 30th, 1933, by certificate filed in the Probate Office of Shelby County, Alabama, on said date and which is recorded in said office in Incorporation Record #3 at page 122, and is the same bank or corporation, which executed a deed to Elizabeth Haley Moore on April 22, 1937, and which is recorded in the Probate Office of Shelby County, Alabama, in deed book 102 at page 467, in which a part of lot #29, according to the original plan of Montevallo was deeded to said Elizabeth Haley Moore.

I represent this bank and have represented it for a number of years and have known of the bank and its operations and existence since June 1, 1909. I also handled the proceedings by which Mrs. Ethel McMath Dawson was adjudged insane, as shown by the following instruments filed in the Probate Court of Shelby County, Alabama, as follows:

1. Petition for Inquisition of lunacy, recorded in Final Record 11 at page 139 in the Probate Office of Shelby County, Alabama;
2. Verdict of the jury recorded in final record 11 at page 143, in the Probate Office of Shelby County, Alabama; and all other matters pertaining to said adjudication.

I also filed a petition for the sale of the lands owned by said Mrs. Dawson, which petition is recorded in the Probate Office of Shelby County, Alabama, in Final Record 11 at page 147, and all proceedings relating to that procedure.

At the time said petition was filed Mrs. Dawson owed The Merchants & Planters Bank, a corporation, the sum of three thousand dollars, which was secured by a mortgage on a store building in Montevallo which was of value considerably in excess of the mortgage debt, and it was deemed inadvisable to let that property sell to pay the debt, and she had free of encumbrance that part of lot 29 described in the petition for the sale of lands aforesaid, and it was deemed advisable that that lot be sold to pay the bank debt, or a portion of it, and this portion of lot 29 was sold through probate proceedings for that purpose, and while the bank, at my suggestion, bought that portion of lot 29 at the sale, this money was at once used to reduce the indebtedness against the store building, and in fact the twenty five hundred dollars resulting from the sale of the dwelling lot, being that portion of lot 29 above referred to, was applied to the mortgage debt on the store building, thus reducing Mrs. Dawson's debt as represented by her mortgage to the bank on the store building.

[illegible]