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State of Alabama Jefferson County 1

Personally appeared before me the undersigned authority in and for said County in said State, Elbert Howard, who being known to me and who being by me first duly sworn deposes and says that he is a resident citizen of Shelby County, Alabama, and that he is over 50 years of age.

Affiant further says that he was acquainted with Jane Harmon Nicholas during her life time and that she died in February 1912, in Shelby CountymAlabama, and that at the time of her death she was a widow and had been for a number of years. Affiant further says that at the time of her death she was a widow and had been for a number of years. Affiant further says that at the time the said Jane Harmon Nicholas died she was the owner of the following described property, to-wit:

The SE4 of the SW4 of Section 31, Township 20, Range 4 West; and the North one-half of the NW4; and the SE2 of the NW4 of Section 6, Township 21, Range 4 West, which contained 160 acres more or less, in Shelby County, Alabama.

And further, that at the time of her death she was survived by the following named children, to-wit: a son, John Nicholas; a daughter Nerva Nicholas; a daughter Martha Ann Nicholas; a son Joe Nicholas; a son Sidney W. Nicholas¢ and the heirs of a son named Vince Nicholas who died prior to 1905.

Affiant further says that the foregoing heirs each owned an undivided one sixth interest in and to the above described property.

Affiant further says that the said John Nicholas and his wife, Margaret Nicholas, about the year 1912, executed a warranty deed conveying his interest in the said property to his brother, Sidney W. Nicholas, and that John Nicholas died about 1922, and that his wife died in 1924, while residents of Pickens County, Alabama.

And further ,that Joe Nicholas and his wife, Adelia Nicholas, in the year 1912, executed a warranty deed conveying tjeir interest in the foregoing property to Sidney W. Nicholas and that the said Joe Nicholas died in 1927 and his wife died in April, 1940, while both were residents of Pickens County, Alabama.

And further , that Martha Ann Nicholas on the 21st day of October, 1913, executed a warrant y deed conveying all of her right, title and interest in and to the above described property uhto Sidney W. Nicholas (S.W.Nicholas); and further, that the said Martha Ann Nicholas died in Juhe, 1932. And further, that this deed made the said Sidney W. Nicholas owned of, together with his one-sixth share of said property he inherited, a four-sixth undivided interest in and to the foregoing property. And further, that from time he purchased the said share of said John Nicholas, Joe Nicholas and Martha Ann Nicholas as aforesaid, together with his one-sixth undivided interest he inherited from his mother at the time of her death, that he took possession of said property and had possession of it open, notorious, continuous and peaceful possession from that time up until the date of his death which occured on the 9th day of January, 1938. That he regularly assessed said property and paid taxes on it during the said period of time, and that no one has ever questioned his right of possession nor has any suit ever been filed in any court wherein his right to the possession of said property was ever in question. And further, that his widow, Elizabeth Nicholas has had possession of said property since the date of her husband's death and that on the 1st day of September, 1939, the Probate Court of Shelby County, Alabama, in a proceedings to set out the homestead exemption of said Elizabeth Nicholas out of the property owned by her husband at the time of his death decreed the fourth-sixths undivided interest in the foregoing described property unto the said Elizabeth Nicholas absolutely in fee sample.

Affiant further says that Nerva Nicholas died in 1931, and was the mother of two children, affiant's wife Sarah Nicholas Howard, and a son John H Nicholas, and that the said John H. Nicholas is married and his wife is named Hattie Nicholas.

Affiant further says that the said Vince Nicholas as heretofore mentioned died prior to 1905 and that his wife died 10 years afterwards, and that the said Vince Nicholas, deceased, was the father of four sons; Albert Nicholas who lives at Johns Alabama, and who is married and his wife is name Elizabeth Nicholas; a son Roscoe Nicholas who lives in North Jefferson County, Alabama, and who is married and his wife is named Dora Nicholas; a son Tom Nicholas who died in 1922 while a resident of Bessemer, Jefferson County, Alabama, and left surviving him his widow, Rachel Nicholas who has since married and her name is now Rachel Nicholas Weeks and her husb and is named Mody A. Weeks; and a daughter Viola Nicholas who is over the age of 21 years and who is married and whose name is now Viola Nicholas Bristol and her husband is named James Murray Bristol; and a son Vince Nicholas Jr., who was killed in a mine in Jefferson County, Alabama, and he was not the father of any children and is survived by his widow, Annie Harkey Nicholas.

Elbert Howard

Sworn to and subscribed before me this 10 day of September, 1940

H P Libscomb Jr.,

Notary Public

Filed for record in this office September 12th 1940 at 2 PM and recorded in deed record 109, page 180 and examined L C Walker, Judge of Probate