STATE OF ALABAMA SHELBY COUNTY

Before me the undersigned authority, in and for said County, in said State, personally appeared Ernest R. Braswell, who being by me first duly sworn, deposes and says:

I was born in 1909; my father was W. T. Braswell, who during his life time, owned the south west quarter of the north west quarter of Section 11, Township 20 Range 3 West. I know where there is located across said forty what is known as the Acton Branch line of the South and North Alabama Railroad, being now the Louisville & Nashville Railroad, and it is located now just where it was in 1906, when my father deeded a right of way for said railroad to the South and North Alabama Railroad Company, by deed dated November 2, 1906, and recorded in the Probate Office of Shelby County, Alabama, in deed book 37 at page 424.

I also know there the railroad tracks and tipple of the Paramount Coal Company are situated on said land and they are in the same place now, as they were in 1926, when my father executed a deed to Paramount Coal Company which deed is recorded in the Probate Office of Shelby County, Alabama, in deed book 85 at page 67.

I am also acquainted with and know that portion of the land deeded by my father to the Paramount Coal Company in 1927, by deed which is recorded in the probate office of Shelby County, Alabama, in deed book 79 at page 570. This tract of land deeded to the Paramount Coal Company contains about four acres, and is all of the forty north of the spur track leading from the Acton branch of the Louisville & Nashville Railroad to and past the tipple of the Paramount Coal Company's Number 4 mine.

As far back as I can remember, my father was in possession of the above described forty acre tract of land, claiming to own it. I can remember very well as far back as 1919, when I was ten years of age. At that time the spur track above referred to of the Paramount Coal Company had not been located on the land and it had no tipple on it, but they were put up after the execution of the aforementioned deed by my father to said Paramount Coal Company.

As far back as I can remember I helped cultivate this land, some of it north of the spur track above mentioned and some of it south of it and I helped cultivate that east of the Acton branch of the Louisville & Nashville Rablroad.

My father remained in the actual possession of this land as far back as I can remember down to the time of his death, and continued to cultivate it, or have it cultivated, until about three or four years before he died, and his death occurred in February, 1933, After he quit cultivating it he rented the land out and had it cultivated by tenants and had part of it in pasture. So my father either cultivated it or had it cultivated, or had it in pasture, continuously from as far back as I can remember until the time of his death, except of course the rights of way above referred to, and except the stip north of the spur track referred to hereinabove.

After my father's death, my mother and his children, have been in the actual possession of said property claiming to own it and have wither had it in cultivation or in pasture each and every year down to the present time, except of course the rights of way above referred to and except also the right of way for the Acton and Helena public road, which runs across the south east corner of the forty.

When I can first remember my father lived on the north east quarter of the south east quarter of Section 10, Township 20, Range 3 West, and owned a three acre tract of land in the north west corner of said forty. My recollection is the three acre tract was about in a square, but I am not sure about this, but any way he had a house on it, and lived there and continued to live there in that house until about 1926, and thereafter he continued to live on the same forty until he died, and said forty in section 10 at that time belonged to Mrs. M. L. Braswell, his step mother. So, my father lived on an adjoining forty to the south west quarter of the north west quarter of Section 11, Township 20 Range 3 West, from as far back as I can remember, to the time of his death. My father died in 1933 and his estate has been administered in the Probate Court of Shelby County, Alabama, where I was administrator. He left surviving him his widow, Sarah Ocie Braswell, his widow, who is still living and the following children, all of whom are now over 21 years of age and who constitute his sold heirs at law and next of kin entitled to share in the distribution of his estate, viz:

T. E. Braswell, a son
W. H. Braswell, a son
Clara Braswell, Dunnaway, a daughter

Ernest R. Braswell, a son J. O. Braswell, a son Rosa Braswell Davis, a daughter, Thelma Braswell, a daughter.

Ernest R. Braswell

Sworn and subscribed to before me this the 2nd day of Nov. 1940.

Grace Carter.
Notary Public.

Filed for record in this office the 18th day of November, 1940 at 4 PM and recorded in Deed Record No. 109 page 463 and examined.

L. C. Walker, Judge of Probate, Shelby County, Alabama