STATE OF ALABAMA

SHELBY COUNTY

Before me, L.C. Walker, Judge of Probate, the undersigned authority in and for said County in said State, personally appeared B.B. Nix who, after being first by me duly sworn to speak the truth, deposes and says he is 58 years of age, and has known the property described below since 1900, and has all along been well acquainted with it and those in possession of it;

SWH of NWH of Section 16, Township 22, Range 3 West, that lies west of the old Montevallo and Elyton Road, Shelby County, Alabama.

In 1900 when affiant first become acquainted with said land it belonged to J.T. McGaughy who had it fenced in with other lands all through the years, and farmed and cultivated it each and every year until 1931, when he conveyed it to his son, Marion C. McGaughy. Shortly before March, 1931, said J. T. McGaughy built a house on said land, affiant remembers it well because he built the house for said J. T. McGaughy, which house still stands. Shortley after it was built the house was rented out until sometime in 1934, when said Marion C. McGaughy married and moved into said house, and immediately put a fence between the above said land described above and lands owned by J.T. McGaughy, affiant helped build this fence, and since said time the above described land has been fenced in unto itself. Between March 1931, and the time Marion C. McGaughy moved onto said land he and his father, J.T. McGaughy, had farmed it each and every year, then Marion C. McGaughy either farmed or used it for a pasture each and every year until he sold it to Ward Merchant who has farmed it and used it as a pasture each and every year since, even to this day.

Affiant has never known of Edmund King, Frank R. King, or his wife, Fannie V. King, R.J. Chubbuck, S.Z. Standish, or French Nabors, or any of the heirs of said parties having any interest whatsoever in the above described land.

Since 1900 affiant has never known of J.E. McGaughy or his wife, Ida (also known as Mary I. McGaughy, being one and the same person) claiming any interest in said land, nor has he known of them exercising any ownership over said above described land. Affiant further says said land at its nearest point is approximately one half mile from McHenry Creek or Kings Creek, meaning said creeks high-water line.

That the possession of Ward Merchants, and the possession of those through whom he claims, has since 1900, to his own personal knowledge, been open, actual, not orious, adverse, hostile, exclusive, peaceful, quiet, continuous and under color of title and claim of ownership. That affiant has never known of anyone being in possession of said land, claiming adverse to said owners, nor has he known of anyone disputing their title.

B. B. Nix

State of Alabama

Shelby County

<u>~==</u>

Sworn to and subscribed to before me this 20 day of October, 1938.

L.C. Walker,

Judge of Probate
Shelby County

PROBATE COURT Seal

Filed in the office of the Probate Judge the 15th day of June, 1943 at 8:30 o'clock A.M. and recorded in the Deed Record 117 on page 107 on this the 15th day of June, 1943.

L.C. Walker,

Judge of Probate.

NO TAX DUE ON THIS INSTRUMENT