AFFIDAVIT

#1698

STATE OF ALABAMA

SHELBY COUNTY

Personally came and appeared before me, Frances Elliott a Notary Public in and for said County in said State, T. C. Elliott, who after being by me first duly sworn according to law to speak the truth deposeth and says:

My name is T. C. Elliott. I am 73 years of age. I have lived near and been well acquainted with the hereinafter described property since I can remember.

A part of the NE₂ of NE₂, a part of the W_B of NE₂ and a part of the E_B of NW₂ of Section 9, Township 19, Range 2 East, described as follows:

Beginning at a point on the North line of said Section 240 feet West of the NE corner thereof and running South 1254 feet more or less to the North side of the Vincent road, thence Westerly and Southwesterly along the North side of said road 3333 feet more or less to the forks of said road with the Calcis road, thence Northeasterly along the East side of said Calcis road 2322 feet more or less to the North line of said Section 9, thence Eaxt along the North line of said Section 2400 feet more or less to the point of beginning, and situated in Shelby County, Alabema.

I am a son of Charles F. Elliott and a brother to S. E. Elliott. About the year 1893 my father, C. F. Elliott who was a widower at the time, sold the above described property to my brother S. E. Elliott. My brother went in possession under this deed and from that day on he cultivated the largest part of caption land, there being a small portion on the North which was not in cultivation. Neither my father, C. F. Elliott, nor any of his heirs have ever made any claim to this property since. About the year 1909 S. E. Elliott conveyed the above described property with other property to his wife Lyda M. Elliott. The family continued to live on the above described land and cultivated it for several years when they moved to Harpersville. After they moved to Harpersville my brother, S. E. Elliott as agent for his wife cultivated said lands by tennants until about the year 1915 when Lyda M. Elliott and husband S. E. Elliott sold said lands to Summers Brothers which was a partnership composed of W. K. Summers and O. B. Summers and no others. 0. B. Summers lived on the above described land and farmed it until the year 1925 when W. K. Summers and O. B. Summers, who were at that time all the members of the firm of Summers Brothers, reconveyed caption land to Lyda M. Elliott, S. E. Elliott husband of Lyda M. Elliott had the above described lands cultivated by tenants for about one or two years when Lyda M. Elliott and husband S. E: Elliott sold above described land to C. P. Davis. C. P. Davis went into immediate possession and lived on the above described land and cultivated it eacy year, cultivating practically all of the land each year until the fall of 1944 when I understand he sold it to Freeland D. Newman.

The possession of my father, Charles F. Elliott, my brother S. E. Elliott and his wife, Lyda M. Elliott, W. K. Summers and C. P. Davis, as above outlined has been continous, actual, open, notorious, adverse, peaceful, quit, exclusive and under Color of Title and claim of ownership. I have never in all of my life known any person to claim any right, title or interest in and to said lands adverse to them, nor has anyone at any time beevin possession of any part of the above described land

claiming adverse to said owners.

T.C. Elliott

Sworn to and subscribed before me this the 2nd day of May, 1945.

Frances Elliott

Notarial Seal

Filed for record in this office on the 16th day of May, 1945 at nine of clock. M. and duly recorded in Deed Record Vol. 121 on page 167 and examined.

L. C. Walker, Judge of Probate

No tax due on this instrument

1.17.01