

STATE OF ALABAMA

AFFIDAVIT

1053

SHELBY COUNTY

Personally came and appeared before me, S. A. Lokey, a Notary Public for the State of Alabama at large, Kimble Fulton, who after being by me first duly sworn according to law to speak the truth deposeth and says:

My name is Kimble Fulton. I am a son of E. L. Fulton, deceased. At the time of my father's death he owned the following described property:

All that part of the South Half of the Southeast quarter of Section 12, Township 21, Range 3 West, described as follows, to-wit: Beginning at an iron stob marking the intersection of the Elliottsville and Saginaw Public Road with the South right of way line of the Louisville and Nashville Railroad Company, and running thence North 85 degrees West a distance of 105 feet; run thence South 7 degrees West and 53 minutes West, a distance of 420 feet to a post; run thence South 89 degrees and 13 minutes East a distance of 105 feet to a post on the edge of the right of way of said Elliottsville and Saginaw public road; run thence South 16 degrees and 35 minutes West a distance of 80.2 feet; run thence South 34 degrees and 35 minutes West 492 feet; run thence South 87 degrees and .05 minutes West a distance of 44.7 feet to a pipe; run thence South 84 degrees and 35 minutes West along a fence a distance of 531.2 feet to a pipe; run thence South 3 degrees and 35 minutes East along a fence a distance of 160 feet, more or less, to the South line of said Section 12; run

thence West to the Southwest corner of the Southwest Quarter of the Southeast Quarter of said Section 12; run thence along the West line of said last named forty to the Northwest corner of said forty acres; run thence East along the North line of said South Half of the Southeast Quarter of said Section to where the same intersects the South right of way line of said Louisville and Nashville Railroad Company's right of way line and run thence in a Easterly direction along the South right of way line of said Railroad to the point of beginning, all situated in Section 12, Township 21, Range 3 West, and lying West of the Elliottsville and Saginaw public road, and situated in Shelby County, Alabama.

My father the said E. L. Fulton bought the above described property from W. L. Fulton about January 1923 and went into immediate possession of it. He rented part of it to tenants, cultivated parts and pastured parts and rented the houses on said property to tenants from whom he collected rent and he stayed in actual and continuous possessions of said property until about the year 1926 when he bargained to sell said property to one, R. E. Radney. It is my understanding that the deed was never made, and Radney never paid for the property. He stayed in possession about one year and then deeded it back to my father the said E. L. Fulton. Radney left the community and I have not seen nor heard from him since. My father went back into possession in 1928 and continued to cultivate a part of said land, pasture a part and rent the house and collect rent from same. He stayed in actual, active and exclusive possession until his death on January 21, 1937. My father was known as Elijah L. Fulton and also E. L. Fulton. The above described property was left by my father to my five sisters. It is no part of the homeplace which was willed to me.

My mother stayed in possession of the above described property until her death about November of 1942. My sisters, Mrs. Bessie Willis, Mrs. Pauline Tucker, Mrs. Luda Johnson, Mrs. Mattie Murrah and Mrs. Grace Schomburge have been in possession of said property and are now in possession of it, renting it to tenants from whom they collect rent. After my father died I as agent for my mother rented out the above described property and collected rents for her.

The possession of my father, my mother and my said sisters, since 1923, except for the one year that Radney had possession has been, actual, continuous, exclusive, open, Notorious, adverse, hostile and under color of title and claim of ownership and no persons have ever claimed any right, title or interest in or to said property adverse to said owners, nor have I ever known of any one disputing the title.

KIMBLE FULTON

Sworn to and subscribed before me this the 15th day of January, 1946.

S. A. Lokey,

Notary Public for State of Ala. at large.

Filed in the Office of Judge of Probate Jan. 17, 1946 at 4 o'clock P. M. and recorded in Deed Record Book 123, pages 339 and 340 on Jan. 28, 1946.

L. C. WALKER,

JUDGE OF PROBATE.

NO TAX DUE ON THIS INSTRUMENT