STATE OF ALABAMA, I SHELBY COUNTY....

Before me, L. C. Walker, Judge of the Probate Court, in and for said County, in said State, personally appeared Paul O. Luck, who, being first duly sworn, deposes and says that he resides in Columbiana, in Shelby County, Alabama, where he has so resided for the past thirty-two years; that for a period of more than eighteen years, last past, he has been acquainted with the location, boundaries, use, possession, and claims in and to the surface rights of the Southeast Quarter of Section 12, Township 24, Range 11 East, situated in Shelby County, Alabama.

Affiant further says that he and R. Brewer purchased the surface rights in and to the above described lands from the State of Alabama on, to wit, April 20, and April 28, 1928, and paid to the State of Alabama the purchase price therefor, and received deeds properly executed by the State Auditor properly conveying to your affiant and R. Brewer the surface rights to the above described lands which deeds are shown of record in Deed Book 76, on pages 14 and in the office of the Judge of Probate of Shelby County, Alabama; that your affiant and R. Brewer were placed in the immediate possession of the surface rights to the above described lands and have remained in the open, notorious, continuous, peaceable, and adverse possession of the surface rights of said lands claiming said lands as their own, and have regularly assessed the surface rights therein and have paid the taxes thereon continuously to this date.

Affiant further says that he has examined the records in the office of the Tax assessor of Shelby County, Alabama, for a period covering the past forty-six years, insofar as the surface interest in the above described lands is concerned, and finds that the surface interest in the above described lands was not assessed from the year 1899 to the year 1913; that neither 0. E. Smith nor 0. E. Smith as Cashier of the First National Bank of Anniston, Alabama, nor The First National Bank of Anniston, Alabama, ever assessed said property at any time since the 17th day of November, 1890; affiant further says that the roords in the office of the Tax Assessor do not show that the Southern Mineral Land Company has ever assessed for taxes any part of the surface interest of the above described lands.

Affient further says that he has never heard of any claim being advanced by either 0. E. Smith, nor 0. E. Smith as Cashier of the First National Bank of Anniston, Alabama, or the Southern Mineral Land Company in and to the surface interest to the above described lands, and that affiant knows of his own personal knowledge that neither of the above named parties have been in the possession of any part of the surface interest of the above described lands at any time during the past eighteen years.

Affiant further says that he and R. Brewer, and later Lena Brewer have, for more than eighteen years, last past, been in the open, notorious, continuous, peaceable, and adverse possession of said lands, claiming them as their own, respectively, under deeds, or color of title, purporting to convey title to your affiant and R. Brewer from the State of Alabama, which have been duly recorded in the office of the Judge of Probate of Shelby County, Alabama, in which the land lies for a period of more than ten years prior to this date, and that such claim and holdings have been against all the world, and that your affiant and the said R. Brewer and Lena Brewer have for more than eighteen years, last past, regularly owned, and continuously exercised acts of possession and ownership of said lands, and that your affiant has never heard the title, as to the surface interest or your affiant and that of R. Brewer, and later, Lena Brewer, to be questioned in any way.

Paul O. Luck

Sworn to and subscribed before me on this the 14th day of June, 1946.

PROBATE COURT
SEAL

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

Filed in the office of Probate Judge on the 30th day of September 1946 at 1 o'clock P. M. and recorded in Deed Record 126 on page 409 on this the 9th day of October, 1946

L. C. Walker