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STATE OF ALABAMA

SHELBY COUNTY

Personally appeared before me, S. A. Lokey, a Notary Public in and for the State of Ala. at Large, Burney Lowery, who after being first by me duly sworn to speak the truth, deposes as follows:

My name is Burney Lowery. I am 62 years of age and have lived near the following described land for the past forty five years and on adjoining farm for thirty eight years, continuously, to wit:

The SE4 of SW4. E of SW4 of SW4 of SW4 of SE4 of SE4; She of SE4 of SE4

When I first beceme acquainted with said lands, J. H. Killingsworth and his wife Kittie L. Killingsworth were living on and cultivating said lands and claiming to own the same. The said J. H. Killingsworth was also known as Henry Killingsworth. J. H. Killingsworth and Kittie L. Killingsworth contained to live on and cultivate said lands until about the year 1908 or 1909 when they moved to Montevello. There after they rented to J. H. Crawford and other tenants who lived upon and cultivated said lands each year. Kittie L. Killingsworth died soon after they moved to Montevello and J.H. Killingsworth continued to rent said lands to tenants who lived upon and cultivated it each year until his death about the year 1915. After the death of Kittie L. Killingsworth, J. H. Killingsworth married Mamie Fancher, but they were divorced before his death and they had no children. She is now dead.

J. H. Killingsworth and Kittie L. Killingsworth had three children, Marvin, Norma and Callie who were their sole heirs at law. Norma married Jesse F. Kendrick, they had one child and Norma and the child both died about eight or nine years ago. Callie Killingsworth married a man by the name of Jackson that is she was reputed to have and went by the name of Jackson. I never did known him and he never lived here. She claims to have divorced him several years ago. In November 1944 the said Callie Killingsworth Tackson was not a resident citizen of Alabama, but livedin the State of Florida and had been for several years.

After the death of J. H. Killingsworth his said heirs rented said lands to tenants who lived on and cultivated it each year until they sold it in 1944 to M. Lee who has since rented it to a tenant who has cultivated it each year.

No one except the above named owners and their tenants have been in possession of any part of said lands at any time since I have known it.

When I first became acquainted with the SW_{4}^{1} of the NW_{4}^{1} of the SE_{4}^{1} of Sec. 13, Tp. 22, R 3 West, J. H. Killingsworth had it under fence with his other lands above described and had it in cultivation. He and his tenants continued to cultivate said ten acres for more than twenty years and kept it under fence as long as he lived and his heirs have since kept it under fence.

Mary J. Bailey was my wife's mother and Charles D. Bailey was my wife's brother. Neither of them were ever in possession of any of the above described lands nor made any claim to its they owned lands immediately and east north/of the above described lands but there was a fence between them and they never claimed any land south or west of the fence.

The possession of above named owners and their tenants for more than forty years, by living on said lands, cultivating parts, pasturing parts, cutting wood, and timber from parts and in every way, using said lands, as a farm and home, has been open, notorious, peaceful, quiet, continuous, exclusive, adverse, hostile, and under color of title except as to the SW₂ of NW₄ of SF₄ Sec. 13, Tp. 22, R 3 W. emd it has been under fence and was in cultivation for more than 20 yrs.

The Mortgage given by Charles D. Bailey, Mary J. Bailey and husband T. R. Bailey to W. P. Pollitzer on Feb. 27, 1918 and recorded in the office of the Judge of Probate for Shelby Co. Ala. in Mortgage Book 124, at page 244, was intended to convey the Swing of New 27 of Sei and Nwing of Nwing of Sei, Sec. 13, Tp. 22

R 3 W as that is the land they owned at that time and they wwre not then nor were they ever in possession of or

making claim to the SW4 of NW4 of SE4 of Sec. 13, Tp. 22, R 3 W.

Burnery Lowery

Sworn to and subscribed before me this the 6th day of June 1947.

S. A. Lokey Notary ^Public for State of ^Alabama at Large.

Filed in the office of the Judge of Probate June 10, 1947 at 2 p.m. and duly recorded in Deed Record 129, page 508 on June 11, 1947.

L. C. WALKER

JUDGE OF PROBATE

NO TAX DUE ON THIS INSTRUMENT