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AFFIDAVIT

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STATE OF ALABAMA,

SHELBY COUNTY.

Before the undersigned authority personally appeared E.J. Gilbert, who is known to me and who being by me first duly sworn deposes and says:

I am seventy-nine years of age and am acquainted with the following described real estate situated in Shelby County, Alabama, viz:

Will of NWil of Section 2, Township 20, Range 1 West, Shelby County, Alabama, and 30 acres on the east side of the NEi of NEi of Section 3, and 10 acres on the east side of the SEi of NEi of Section 3, Township 20, Range 1 West, and 3 acres in the southwest corner of the Swi of Swi of Section 35, Township 19 South, Range 1 west, all in Shelby County, Alabama. Said 3 acres more particularly described as follows:

Begin where the section line crosses the township line at the point where the said lines between section 34 and section 35 crosses, thence 70 yards north, thence east along settlement road down the graveyard to where said road crosses township line and run thence west along said line to the starting point.

I have known this property as fer back as I can rember. I was born and reared where I now live and this is just a mile from this property. Jonathan Gilbert, one of the trustees named in the deed of Loftin Quinn to the trustees of Liberty Church, which is really Liberty Baptist Church, was my grandfather. This deed is dated June 2, 1849, and recorded in the Probate Office of Shelby County, Alabema, in deed book "J" at page 222. There has never been any church building on this property above described as far back as I can recollect, and I never heard of one being on it. The Liberty Baptist Church does have a church building about a quarter of a mile north of this property. It was put there before the war between the states, and as stated above, Liberty Baptist Church has never had a church building on the above described property which is now owned by Roland M. Lester, so far as I know and ever heard of, and certainly not as far back as I can remember. There is a graveyard partly on the said NWA of NWA of Section 2 and partly on the forty north of it, but it does not even touch the 3 acres strip above described as being in Section 35.

As far back as I canremember, Loftin Quinn was in possession of this property and resided on it as a homestead. I was acquainted with J.L. Gardner and wife, Sara C. Gardner and remember when they lived on this property as a home, and they were on the property twenty years or more, claiming to own it, cultivating and living on it, when said J.L. Gardner and wife, Sara C. Gardner deeded it to G.W. Weldon by deed dated December 12, 1913, as shown by deed of that date recorded in the Probate Office of Shelby

County, Alabama, in deed book 59 at page 113. Said G.W. Weldon went into immediate possession of said property after the aforementioned deed, and lived on it and had it in cultivation each and every year until he sold and deeded it to T.A. Eubanks on September 10, 1919. During all of that time he was in the actual, open, notorious, continuous, exclusive, adverse possession of the property hereinabove described, claiming to own it and living upon it as aforesaid.

Immediately after the execution of the deed of G.W. Weldon to T.A. Eubanks on the 10th day of September, 1919, said Eubanks went into possession of the above described property and other property included in his deed, residing on it, cultivating it or having portions of it cultivated each and every year, until Miss M.L. Lester acquired title thereto under foreclosure of mortgage executed by T.A. Eubanks. Said M.L. Lester acquired possession of said property under foreclosure proceedings in the latter part of 1928 or the early part of 1929, and she went into possession of said property immediately, and had tenants living on it and cultivating portions of it until she deeded it to Roland M. Lester. Said Roland M. Lester was living on this property from above the year 1936 until he procured a deed from said M.L. Lester, with the permission of said M.L. Lester. I understand he purchased the property about that time, although the deed was not made until sometime later. Said Roland M. Lester has been in possession of said property and living on it as a homestead since about the year 1936, and during all that time to the present he has cultivated portions of it each and every year, or had it in poasture, and his possession has been actual, open, notorious, continuous, exclusive, and adverse during said time. Said Roland M. Lester and others through whom he derives title have not been in possession, however, of the graveyard lot, a portion which is an part of the NM of NM of said Section 2 and a portion on the 40 north of it. The possession to which I refer in this affidavit related to all of the land except the graveyard lot.

When I refer to the church building built before the war between the states, I refer to the old church building, but it was not on this property above described. There is a new church building now used by Liberty Baptist Church, but it was built in 1910 and it is about half a mile north of the land hereinabove specifically described.

E.J. Gilbert

Sworn and subscribed to before me on this the 26th day of July, 1947.

Marie Collins Notary Public

Filed in the office of the Probate Judge the 26th day of July, 1947 at 4 o'clock P.M. and recorded in the Deed Record 130 on page 102 on this the 29th day of July, 1947.

L.C. Walker,

NO TAX DUE ON THIS INSTRUMENT

Judge of Probate