

#34-61

STATE OF ALABAMA

SHELBY COUNTY

Personally came and appeared before me, S.A. Lokey, a notary public for State of Alabama at Large, Mrs. Emma Alpha Bearden, who after being first by me duly sworn according to law to speak the truth deposes and says:

My full name is Emma Alpha Bilbrey Bearden. I am 49 years of age. I am a daughter of G. M. Bilbrey, deceased and the wife of C. V. Bearden, I have known since I can remember, the following described property, to-wit:

Commencing at the Northeast corner of Section 16, Township 19, Range 2 East, and run thence South 87° 30' West, a distance of 261.4 feet to a point; run thence South 2° 30' East, a distance of 219 feet, more or less to the South margin of the right of way of the public road known as "The Old Vincent and Calcis Public Road", for a point of beginning of the lands herein described and conveyed; From said point of beginning run thence South 2° 30' East, a distance of 306 feet to a point; run thence South 8° 30' East, a distance of 1003 feet to a point; run thence South 13° 30' East, a distance of 253.7 feet to a point, run thence South 2° 30' East, a distance of 840 feet, more or less, to a point on the South line of the Southeast Quarter of the Northeast Quarter of said Section 16, which said point is 105 feet South 87° 30' West from the Southeast corner of said Southeast Quarter of the Northeast Quarter corner of said Southeast Quarter of the Northeast Quarter of said Section 16; run thence North 2° 30' West along the West line of the East half of the Northeast Quarter of said Section 16, to the point of intersection of said West line with the South right of way of the public road known as "The Old Vincent and Calcis Public Road"; run thence in a easterly direction along the South right of way line of said "Old Vincent and Calcis Public Road" to the point of beginning and all being in the East half of the Northeast Quarter of Section 16, Township 19, Range 2 East.

Except for a triangular plot East of Baker's Branch. My father acquired the above described property from T. E. Elliott and his wife, M. E. Elliott on about November 28, 1912, by deed, which is recorded in Deed Book 56 at page 75 in the Office of the Judge of Probate of Shelby County, Alabama. I am also acquainted with the surrounding territory and the lands adjacent to the above described land. The line that is referred to as the line between "T.E. Elliott and J. T. Davis" in the above mentioned deed is the West boundary of the East half of the Northeast Quarter of Section 16, Township 19, Range 2 East and the line that is referred to in said deed as the line between the lands of "T. E. Elliott and R. W. Denty" is the South boundary line of the East half of the Northeast Quarter of said section and the line referred to in said deed as the line formerly established between J. K. and T. E. Elliott is the East boundary line of said Section 16.

I was about 12 years of age when my father bought the abovesdescribed land from Mr. Elliott by aboverferred to deed My father moved his family into a house on the lot included in above referred to deed, but not included in this affidavit, but he went into possession of above described land except the small lot East of Baker's Branch, which is part of the lands described in this affidavit, but not a part of the lands described in above referred deed.

My father lived upon and cultivated this farm and used it in every way as a farm and homestead until his death in October, 1918. My mother, Mary J. Bilbrey remained in possession of the property described in above mentioned deed until herdeath in 1938, and some of the heirs of my father G. M. Bilbrey have since been in possession of said lands, living on, cultivating and using as a farm and homestead.

At my father's death, he left no will, but left surviving him, his widow, Mary J. Bilbrey and the following described children, who were his sole heirs at law: E. E. Bilbrey, who is one and the same person as Elbert E. Bilbrey, who executed deed to Mrs. Bessie Bilbrey Jones on May 28, 1941, which is recorded in Deed Book 126 at page 545 in the Office of the Judge of Probate of Shelby County, Alabama; Mrs. I. G. Jones, who is one and the same person as Bessie Bilbrey Jones, grantee in above mentioned deed; Mrs. E. E. English, who is one and the same person as Robbie Bilbrey English, grantor in that certain deed to Mrs. Bessie Bilbrey Jones dated May 10, 1941 and recorded in Deed Book 126 at page 546 in the Probate Office of Shelby County, Alabama;

Mrs. C. V. Bearden, who is affiant and one and the same person as Emma Alpha Bearden, grantor in deed to Bessie M. Bilbrey dated April 26, 1923 and recorded in Deed Book 78 at page 432 in said Probate Office; G. M. Bilbrey, Jr. who is one and the same person as George Marvin Bilbrey, grantor in deed to C. V. Bearden dated September 29, 1942 and recorded in said Probate Office in Deed Book 126 at page 547; J. N. Bilbrey, who departed this life in January, 1938, without ever having been married and without having made a will and leaving his mother and the above named brothers and sisters as his sole heirs at law and Vera E. Bilbrey, who died in 1921 without children and without having ever married and without a Will, leaving the above named Brothers and sisters as her sole heirs at law.

That part of above described land, which is described as follows:

Commencing at the Northeast corner of Section 16, Township 19, Range 2 East and run thence South  $87^{\circ} 30'$  West, a distance of 261.4 feet; run thence South  $2^{\circ} 30'$  East, a distance of 525 feet; run thence South  $87^{\circ} 30'$  West, a distance of 288 feet to the point of beginning on Spring Branch; run thence North  $87^{\circ} 30'$  East, a distance of 288 feet; run thence South  $8^{\circ} 30'$  East, a distance of 843 feet; more or less to the intersection with the center line of Baker's Spring Branch; ~~thence in a Northwesterly direction down the center line of said Branch;~~ thence in a Northwesterly direction down the center line of said Branch to the point of beginning and situated in Shelby County, Alabama, affiant's husband acquired from E. C. Elliott, W.P. Elliott and John H. Elliott.

*Janette F.*  
 Affiant has been acquainted with the Family of E. C. Elliott and his wife M. W. Elliott since she can remember. She also knew their son, T. E. Elliott and his family. She knows that E. C. Elliott one of the grantors in deed to her husband, C. V. Bearden, dated February 14, 1948, and recorded in the Office of the Judge of Probate in Deed Book 141 at page 23 is one and the same person as Eugene Elliott, son of T. E. Elliott named in Will of Mrs. M. W. Elliott and that John H. Elliott, one of the grantors in said deed, is one and the same person as John Elliott named in said Will and the son of T. E. Elliott and grandson of Mrs. M. W. Elliott, that W.P. Elliott, one of the grantors in said deed is one and the same person as Payton Elliott named in said Will and that he is the son of T. E. Elliott and the grandson of Mrs. M. W. Elliott, that they were in possession of said property described in said deed. They, their father and grandmother have been in possession of said property as long as affiant can remember and they placed affiant's husband in possession under said deed.

That on October 22, 1949, affiant's husband, C. V. Bearden, affiant joining with him, conveyed to Joseph B. Lowery and wife Odessa Lowery the property first above described, except for a 3 acre lot described as follows:

Beginning at a point on the South right of way line of the "Old Vincent and Calacis Public Road," at a point 72 yards West of where the South right of way line of said "Old Vincent and Calacis Public Road" crosses Baker Spring Branch; run thence in a westerly direction along the South right of way line of said public road a distance of 140 yards; run thence South 105 yards; run thence East 140 yards; run thence North 105 yards back to said public road and the point of beginning and being a part of the Northeast Quarter of the Northeast Quarter of Section 16, Township 19, Range 2 East. This last described lot, my husband and I conveyed to W.L. McManus on September 1, 1943 and placed him in possession and he has since been in possession and he was since been in possession of said three acres.

Affiant was well acquainted with John K. Elliott and his wife M.W. Elliott and W. R. Todd and knows the land that W. R. Todd purchased from John K. Elliott by deed of November 13, 1913, which is recorded in Deed Book 53 at page 456 and which the said W. R. Todd sold and conveyed the Mrs. M. W. Elliott by deed of February 14, 1918, which is recorded in Deed Book 62 at page 292 in said Probate Office and that that part of said land which is in Section 16, is described as follows:

Commencing at the Northeast corner of Section 16, Township 19, Range 2 East and run South  $87^{\circ} 30'$  West 261.4 feet; run thence South  $2^{\circ} 30'$  East 525 feet; run thence South  $87^{\circ} 30'$  West 288 feet to Baker's Spring Branch; run thence up said branch to its intersection with the East line of said Section 16, thence North  $2^{\circ} 30'$  East 225 feet; run thence South  $8^{\circ} 30'$  West 288 feet to intersection with the East line of said Section 16; thence North 2

West along section line 1511 feet, more or less to point of beginning.

There was never any dispute between the Todds and Elliotts, with G. M. Bilbrey as to boundary lines and the said Todds and Elliotts never claimed and were never in possession of any lands in the East half of the Northeast Quarter of Section 16, except as above described.

Affiant knows the land bought by William R. Todd from J. A. McCullers. These land lay West of caption lands and neither J. A. McCullers nor his wife M. E. McCullers nor Burrell McCullers nor William R. Todd were ever in possession of any part of caption land nor made any claim thereto.

The possession of the various owners as above outlined has been open, notorious, continuous, exclusive, peaceful, quite, direct, hostile, adverse and under color of title and claim of ownership.

Mrs. Emma Alpha Bearden

Sworn to and subscribed before me on this 3rd day of February, 1950.

S. A. Lokey

Notary Public

Filed in the office of the Probate Judge on the 3rd day of April, 1950 at 2 o'clock P.M. and recorded in the ~~Mortgage~~ DEED Book 141 on this ~~the 4th day~~ page 541-542-543-544 on this the 4th day of April, 1950.

L. C. Walker,

Judge of Probate

STATE OF ALABAMA  
SHELBY COUNTY  
I hereby certify that  
\$None  
has been paid in tax  
in payment as required  
by law.  
L. C. WALKER,  
JUDGE OF PROBATE