

STATE OF ALABAMA

SHELBY COUNTY

Before me the undersigned authority in and for said State and County, personally appeared D. A. Thomas, who, being known to me and being first duly sworn, deposes and says as follows:

That he is 65 years of age and resides at Boothton, Shelby County, Alabama; that he is and will be at all times willing and available to testify to the following facts in the event the title to the hereinafter described real property shall at any time become involved in litigation.

That the affiant has been familiar and acquainted with the hereinafter described property since about the year 1905, at which time he was living in Shelby County, Alabama, near said property.

That on March 3, 1925, the Montevallo Coal Mining Company, an Alabama Corporation, was organized by the affiant, together with V. J. Nesbitt and W. H. Sadler.

That on August 11, 1925, David Roberts, Jr., as Trustee in Bankruptcy for the Montevallo Mining Company, conveyed certain parcels of land to the then newly formed Montevallo Coal Mining Company; that this deed of conveyance, which is now on record in Deed Book 78, page 369 in the Probate Court of Shelby County, Alabama, describes one of the said parcels of land as follows:

$W\frac{1}{2}$ and $W\frac{1}{2}$ of $E\frac{1}{2}$, except that part of Lot 48 in the Town of Aldrich lying therein, of fractional Section 30, Township 22 South, Range 4 West, Shelby County, Alabama.

That the affiant verily believes that the said deed was erroneously prepared or typed to this extent: that the land as is above described as being "Range 4 West", is actually located in "Range 3 West" and that such he believes, was the intention of said Trustee in so executing said deed; that the said Montevallo Coal Mining Company upon the execution and

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delivery of said deed, as aforesaid, went into possession of the $W\frac{1}{2}$ and $W\frac{1}{2}$ of $E\frac{1}{2}$ of fractional Section 30, Township 22 South, Range 3 West, except that part in Lot 48 in the Town of Aldrich, Shelby County, Alabama. That said Montevallo Coal Mining Co., as of said conveyance, assumed payment of the ad valorem taxes on said property and as of that date was in actual, open, continuous, exclusive, notorious, adverse possession of said property.

That the said Montevallo Coal Mining Company continued to so own and possess said property until August 31, 1943, when said Company was dissolved, at which time the said property was sold and transferred by the said company to the affiant and W. C. Scott, as trustees for the former stockholders of the Montevallo Coal Mining Company. That on June 30, 1944, the said trustees for said former stockholders sold and transferred said property to the affiant. That the affiant, on the same date, sold and transferred said property to the Boothton Coal Mining Company, a corporation, of which the affiant was president and a principal stockholder. That on November 9, 1950, following the dissolution of the Boothton Coal Mining Company, said property was transferred to the affiant, Ella Mae Thomas, Dorothy Thomas Morrow, Gardner Morrow Schneider, Hugh Morrow, Jr., Mary Elizabeth Stokes and H. W. Stokes, as joint owners.

That the ad valorem taxes on the said property have been assessed and paid in the names of the above named successive owners, in turn. That each named successive owner, in turn, claimed title and ownership to said property and each, in turn, was in actual, open, continuous, exclusive, notorious, adverse possession of said property.

That affiant has knowledge of the fact that mine timbers for use in the Aldrich mine and in the Boothton mine, were frequently cut from the said property since before the year 1925; that the Aldrich mine and Boothton mines were owned and operated

in turn by each of the above named successive owners to the said property; that the surface of said property is not suitable for any purpose other than plant life and that it has no value for agricultural or other purposes.

D. A. Thomas
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Sworn to and subscribed

before me this 29 day
of February, 1952.

Emory L. Shad
Notary Public

Filed in the office of the Probate Judge on the 1 day of March 1952 at 8 o'clock A M
and recorded in Deed Book 131 Page 416 this 5 day of March 1952
Deed Tax Mortgage Tax has been paid.

L.C. Walker, Judge of Probate.