

BOOK 166 PAGE 438

STATE OF ALABAMA, X
SHELBY COUNTY.....X

Before me, L.C.Walker, Judge of Probate, in and for said County, in said State, personally appeared Vowell Hutton and wife, Velma Hutton, who, being first duly sworn depose and say that they were the mortgagors in that certain mortgage given to Joseph Etress on October 17, 1941, to secure the amount of \$70.00, being the balance due on the purchase price of the following described lands, which mortgage is recorded in Mortgage Book 185, on page 85, in the office of the Judge of Probate of Shelby County, Alabama, said lands being described as follows:

The Northwest Quarter of the Southeast Quarter, also, one acre on the settlement road near the Southwest corner of the South Half of the Northeast Quarter, and being the same one acre reserved in deed of J.T. Carden and Gussie Carden, his wife, to Hilary Jones under date of November 2, 1899, all of above described land being in Section 27, Township 24, North, Range 15 East, containing a total in both above described tracts of 40.87 acres, more or less, and all situated in Shelby County, Alabama.

Affiants further say that they paid the indebtedness secured by said mortgage during the lifetime of the said Joseph Etress; that they paid said mortgage by two separate payments by money order during the first part of the year of 1942, paying said mortgage in full, and that at the time of the last payment, as aforesaid, the above described mortgage and the note attached thereto were mailed to your affiants at 1114 Palmetto Street, Mobile, Alabama, being the residence of your affiants at that time; affiants further say the note evidencing the above described indebtedness has been destroyed, but that the original mortgage is now in the possession of your affiants, and has been since the date of said payment.

Affiants further say that they have been in the open, notorious, continuous, peaceable, and adverse possession of said lands claiming them as their own and regularly assessing and paying taxes thereon, and regularly exercising acts of ownership over said lands, and that the rights of possession and ownership of your affiants have never been questioned by anyone.

Affiant, Velma Hutton, being further sworn, deposes and says that Joseph Etress, now deceased, was a grandfather of your affiant, and that she can remember that for more than twenty-five years, last past, that he grandfather, Joseph Etress, was the owner and the party claiming to own the above described lands, and such ownership continued until your affiant and her husband purchased said lands from the said Joseph Etress.

Vowell Hutton
(Vowell Hutton)

Velma Hutton
(Velma Hutton).

Sworn to and subscribed before me, on this the 1st day of June, 1954.

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