

4480

BOOK 168 PAGE 337

STATE OF New Jersey,
COUNTY OF Bergen

Before me, Gunn P. Jacobsen, a Notary Public, in and for said County, in said State, personally appeared Margaret Stevens Brown Broughton, who, being first duly sworn, deposes and says that she now resides in the Town of Hackensack, County of Bergen, State of New Jersey, but that she formerly resided in Columbiana, Shelby County, Alabama, and in the City of Montgomery, Alabama; that she is a great granddaughter of John W. Roper and wife, Elizabeth W. Roper, who later married Alphonso A. Sterrett; that for more than 50 years, last past, she has been acquainted with the location, ownership, use, owners, parties in possession of the following described lands situated in Shelby County, Alabama, to wit:

The East Half of the Southeast Quarter of Section 6; and the South Half of the Southwest Quarter of Section 5; and the West Half of the Northeast Quarter; and all of the Southeast Quarter of Section 7; and the East Half of the Northwest Quarter of Section 8; and the Northwest Quarter of the Southeast Quarter of Section 8; and the North Half of the Southwest Quarter, and the Southwest Quarter of the Southwest Quarter of Section 8; and the Northwest Quarter of Section 17; and the Northeast Quarter of the Northeast Quarter of Section 18; all in Township 21, South, Range 1 West, and containing 720 acres, and formerly known as the Roper Farm, and in later years known as the Brown lands, and all situated in Shelby County, Alabama.

Also, the South Half of the Northeast Quarter of the Northwest Quarter of Section 23, Township 21, Range 1 West; and the Northeast Quarter of the Northeast Quarter of Section 23, Township 21, Range 1 West; all of the Southeast Quarter of the Southwest Quarter North of the Railroad not sold off in lots, in Section 23, Township 21, Range 1 West, comprising about 20 acres; also, the Northeast Quarter of the Northwest Quarter, all of the Northwest Quarter of the Northeast Quarter, lying West of a ditch and South of Depot Street in Section 26, Township 21, Range 1 West, containing about 50 acres, and all being situated in Shelby County, Alabama.

Page 2.

Affiant further says that Nina Brown de Cottes was a fraternal aunt of your affiant, and that her husband, John MacMurphy de Cottes, was a fraternal uncle, by marriage, of your affiant, and that your affiant resided in their home for a number of years; that on August 24, 1916, your affiant conveyed to John MacMurphy (John M) de Cottes and his wife, Nina Brown de Cottes, an undivided 1/5th interest in and to the above described lands, upon the consideration of the sum of One Dollar and the love and affection she had for her Aunt, Nina Brown de Cottes, and her uncle by marriage, John MacMurphy de Cottes, with whom she resided at the time that said deed was made conveying said 1/5th. interest in said above described lands; that at the time of said conveyance your affiant and her uncle and aunt were residing in the City of Montgomery, Alabama.

Affiant further says that on or about the 19th. day of September, 1913, John MacMurphy de Cottes executed a Last Will and Testament giving, devising, and bequeathing to his beloved wife, Nina Brown de Cottes, all of the property of which he should die seized and possessed, including all real estate, personal, and mixed property; said Will containing a further provision that in the event that the said Nina Brown de Cottes should not survive the said testator, then said testator gave, devised, and bequeathed all of said property, personal, real, and mixed to Margaret Stevens Brown, your affiant, being now, Margaret Stevens Brown Broughton.

Affiant further says that on or about the 19th. day of September, 1913, Nina Brown de Cottes executed a Will giving and devising all of her real and personal property to her husband, John MacMurphy de Cottes, in the event that her said husband should survive her, but in the event that her said husband should not survive her, then the testator gave, devised, and bequeathed all of her property, real, personal, and mixed to your affiant, Margaret Stevens Brown (Broughton); affiant further says that on

Page 3.

the 17th. day of February, 1930, the said Nina Brown de Cottes executed a codicil to her said Last Will and Testament, reciting the decease of her husband, John MacMurphy de Cottes, and nominating and appointing Margaret Stevens Brown, (now Margaret Stevens Brown Broughton), your affiant, as sole Executrix. Affiant further says that the said John MacMurphy de Cottes departed this life on the _____ day of March, 1924, at Montgomery, Alabama, and being at the time a resident of Montgomery County, Alabama; affiant further says that said Will of the said John MacMurphy de Cottes was never probated, but was in the possession and under the control of Nina Brown de Cottes until the date of her death, on or about the 10th. day of July, 1936, at which time said Will of the said John MacMurphy de Cottes was delivered to your affiant, and has been in the possession of your affiant since the death of the said Nina Brown de Cottes; your affiant further says that the Last Will and Testament of Nina Brown de Cottes was probated in the Probate Court of Montgomery County, Alabama, on August 12, 1936.

Affiant further says that the said Nina Brown de Cottes, under and by virtue of the Will of her deceased husband, as aforesaid, and as a color of title, immediately entered upon and claimed under a bona fide claim to be the owner of the undivided 1/10th interest in said lands owned by the said John MacMurphy de Cottes, as if it had been her exclusive property and received the receipts of the rents and profits thereof without accounting to the heirs at law of said John MacMurphy de Cottes, deceased, for any part thereof nor was there any demand from said heirs to do so, and that said possession was peaceable, submissive, and exclusive of any occupancy of the heirs at law of the said John MacMurphy de Cottes, deceased, and that said possession was notorious, and that said Nina Brown de Cottes entered upon said lands claiming the exclusive rights to the same, and claiming her title to said lands by devise from John MacMurphy de Cottes, a predecessor in title, who was in possession of

an 1/10th. undivided interest in and to said land, under and by virtue of the Last Will and Testament of John MacMurphy de Cottes.

Affiant further says that from the date of the death of the said Nina Brown de Cottes and the probating of the Will of said decedent on August 12, 1936, your affiant went into the possession and claimed to own the 1/10th. undivided interest formerly owned by John MacMurphy de Cottes, and also, the 1/10th. interest formerly conveyed to Nina Brown de Cottes claiming to own the same under the Last Will and Testament of said Nina Brown de Cottes, and under the claim of the said Nina Brown de Cottes under the Last Will and Testament of John MacMurphy de Cottes, and claiming the exclusive right thereunder, and receiving the rents and profits therefrom without accounting to any heirs at law or next of kin of the said John MacMurphy de Cottes, or any part thereof, nor have any demands to do so been made by such heirs; affiant further says that since the date of the death of the said John MacMurphy de Cottes that the said Nina Brown de Cottes, and after her death, your affiant, has been, respectively, in the open, notorious, continuous, peaceable, and adverse possession of said undivided 1/5th. interest in said lands, and claiming the same as their own, respectively, against all the world, and regularly and continuously exercising acts of ownership over said lands, listing the same for taxation in Shelby County, Alabama, and using said lands for timber and agricultural purposes continuously, and that your affiant has never heard the title of the said Nina Brown de Cottes, and your affiant, or the right of possession thereof, to be disputed or questioned in any way.

Affiant further says that she is in the actual, peaceable possession of an undivided 1/5th. interest in said lands and has regularly and continuously assessed and paid taxes on said lands, and no other person or heirs of said John MacMurphy de Cottes has been in the possession, or paid taxes thereon, or claimed interest therein during any part of said period.

Page 5.

Affiant further says that the possession exercised by Nina Brown de Cottes, and after her by your affiant, has been so open, notorious in its hostility and exclusiveness, as aforesaid, as to put the heirs at law of John MacMurphy de Cottes on notice of its adverse character.

Margaret Stevens Brown Broughton

Swo'n to and subscribed before me, on this the 3rd day of September, 1954.

Gerald P. Jacobson
Notary Public

GERALD P. JACOBSON
NOTARY PUBLIC OF NEW JERSEY
MY COMMISSION EXPIRES MAY 8, 1957

STATE OF ALABAMA, SHELBY COUNTY

I, L.C. Walker, Judge of Probate, hereby certify that the within will was filed for record the 23 day of Sept, 1954, at 8 o'clock PM and recorded in Deed Record 168 Page 333 and the Mortgage Tax of Deed Deed Tax of 2 has been paid.

L.C. Walker Judge of Probate