

STATE OF ALABAMA)

SHELBY COUNTY)

My name is E. L. Etress. I am sixty-eight years of age and reside at Shelby, Alabama, Route 1. I have been well acquainted with the ownership, use and possession of the following described real estate situated in Shelby County, Alabama, since I was a small boy:

SE $\frac{1}{4}$ of NE $\frac{1}{4}$, and fractional NE $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 13, Township 24 North, Range 15 East, except that 5.46 acres owned by the Alabama Power Company.

When I first knew the place, it was owned by Mr. W. H. Shrader. It is my recollection that this land was ^{not} farmed by Mr. Shrader but that he was in possession and had a small sawmill on the place. I remember when Mr. W. H. Shrader sold this property to A. Z. Merrell and William Hamilton in about the year 1902. It is my recollection that Mr. Merrell and Mr. Hamilton farmed a part of this land but I do not recall entirely all of the acts of ownership which they exercised on this land as I was living in Coosa County at this time.

I had returned to Shelby County, Alabama when the land was purchased by J. M. Ellison and J. H. Burnett from A. Z. Merrell and William Hamilton. I recall very well when the land was purchased by L. D. Hand from J. M. Ellison and J. H. Burnett by warranty deed in 1911. I know that upon the execution and delivery of this deed that L. D. Hand went into possession of the land, built him a small house on an adjoining forty and farmed small patches on the above described land.

Mr. L. D. Hand occupied this land until it was sold by foreclosure deed to W. E. Merrell in 1914. Mr. W. E. Merrell owned this land until November 20, 1916 when he conveyed this property to James Curtis, whom I know as Jim Curtis. Upon the execution and delivery of this deed, Jim Curtis went into the immediate possession of the land, farming parts of the land and claiming the same to be his own.

I purchased this property from Jim Curtis by warranty deed in 1920, and upon execution and delivery of this deed went into immediate possession of the land. At the time I bought this property, the land was partially under fence and I extended this fence almost to the river. During the time I owned the land, I farmed parts of it, used the spring which was on the land and exercised other acts of possession on said land. During the time I owned the land, my

wife and I mortgaged the property on the 9th day of October, 1928 to my first cousin, Alex Etress. This mortgage is recorded in the Probate Office of Shelby County, Alabama in Mortgage Book 141 at page 566. While this mortgage has my name in the body of the mortgage as Ed Etress, this mortgage was executed by me and my wife and the signatures appearing on the mortgage of E. L. Etress and F. L. Etress are true and correct.

In 1932, my wife and I conveyed the above property along with other property to J. S. Jones by warranty deed, which deed is recorded in the Probate Office of Shelby County, Alabama in Deed Book 166 at page 51. Upon the execution and delivery of this deed, J. S. Jones went into immediate possession of the land and extended the fence which was already there down to the river so that the above described land was entirely under fence. Some of this old fence is still standing and it can be easily seen. Upon the execution and delivery of this deed, J. S. Jones, who was known to me as Jess Jones, went into immediate possession and cleared and farmed portions of both of the forty acres described above, each and every year until he died. He had several boys and they would come down and farm this land each and every year. They also cut the timber from the land, used the spring on the land and exercised other acts of possession over said land.

Since I have known the land, the persons who have owned the land as shown above occupied the land continuously during their ownership and I have never heard the title of J. S. Jones and the persons under whom he holds title questioned in any way.

I was acquainted with John C. Farris during his lifetime and know that the land which he owned and claimed adjoined the land described above, that he was never in possession of any part of the land described above, and I have never heard that he or anyone from whom he holds title claimed to own any portion of the above described land.

This affidavit is given in connection with the sale of the above land from the heirs of J. S. Jones to W. A. Henke and wife, Ola Henke.

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W. A. Henke
maen

Sworn to and subscribed before

me this the 29th day of June, 1954.

Robert C. Etress
 Notary Public

STATE OF ALABAMA, SHELBY COUNTY	
I, L. C. Walker, Judge of Probate, hereby certify that the within	<i>affid</i>
was filed for record the <u>29</u> day of <u>June</u> 19 <u>54</u> at <u>6</u> o'clock <u>M.</u>	
and recorded in <u>Record 122</u>	
Deed Tax of <u> </u> has been paid.	Page and the Mortgage Tax of <u> </u>
Judge of Probate.	