

312X  
STATE OF ALABAMA

180 Page 145

SHELBY COUNTY

Before me, *Martha B. Joiner*, the undersigned authority in and for said County, in said State, personally appeared Handy Ellis, who, after being by me first duly sworn to speak the truth, deposes and says:

My name is Handy Ellis. I am 75 years of age and have lived in Columbiana since 1909. When I first came to Columbiana, I rode in on the Southern Railway and rode a double-team hack to the Smith Hotel here. I have practiced law in Columbiana continuously from that time to the present date. I formerly owned land adjoining the hereinafter described land and part of which I still own but I deeded my son that portion of the land adjacent to the following described land about which I am making this affidavit. Said land being as follows:

$E\frac{1}{2}$  of  $S\frac{1}{4}$  of Section 25, Township 21, Range 1 West;  
 $NE\frac{1}{4}$  of  $NE\frac{1}{4}$  of Section 36, Township 21, Range 1 West;  
 $W\frac{1}{2}$  of  $SW\frac{1}{4}$  of Section 30, Township 21, Range 1 East;  
Shelby County, Alabama.

Affiant further says he recalls when Sam Hester purchased and lived on the above described land. Affiant does not remember the exact date, but it has been called to affiant's attention that Sam Hester obtained a deed from E. E. Smith and wife on August 29, 1928, as shown by deed recorded in Deed Book 83 Page 239 in the Probate Office of Shelby County, Alabama, and this deed is consistent with affiant's remembrance of the land. Affiant does remember Sam Hester and remembers that he and his wife lived on said land and cultivated portions of it, had part of it fenced in and obtained fire wood and building timber from parts of it during the time Sam Hester owned the same. Affiant lived within one-half mile of said land; in fact, affiant says he hunted birds on the Hester land many many times and knows that Mr. Hester had beagle hounds with which he ran rabbits, but affiant was not a rabbit hunter. Affiant further says he continued to live near said property and recalls when W. A. Reynolds purchased the same about the year 1933 and it has been called to affiant's attention that a deed was made to W. A. Reynolds by Sam Hester and wife, Mabel Irene Hester, on March 14, 1933, as shown by deed recorded in Deed Book 94 Page 472 in the Probate Office of said County. Affiant knew W. A. Reynolds well and knows he did not live on said land, but rented it out to tenants each and every year during the time he owned it. Affiant further recalls when B. J. Owen and his wife, Ida Owen purchased said land from W. A. Reynolds and wife, Sudie L. Reynolds and it has been called to affiant's attention that the deed was made on August 7, 1939, as shown by deed recorded in Deed Book 106

Page 533 in said Probate Office. Affiant does recall that Mr. & Mrs. Owen did not live on said land, but rented it out to tenants each and every year during the time they owned it and affiant recalls when Mr. & Mrs. Owen conveyed said property to T. H. Holman, a colored man who lives near Calera, Alabama. It has been called to affiant's attention that the deed was dated April 1, 1946, and is recorded in Deed Book 122 Page 509 in said Probate Office. Affiant knows that T. H. Holman did not live on said land, but he sold the timber to M. L. Cannady and he has rented the place to tenants each and every year and he has owned it and been in possession of it from the time he purchased it up until this present date. Affiant further says he has never heard of anyone contesting the possession or disputing the title of T. H. Holman or his predecessors in title during all the time he has known said land. Affiant further says that he frequently hunted birds on this land and has had occasions to be on the land many many times since he ceased to hunt birds and he is very familiar with the ownership of the property.

Handy Ellis  
Handy Ellis

State of Alabama

Shelby County

Sworn to and subscribed to before me this the 10<sup>th</sup> day of May, 1956

Martha B. Joiner  
Notary Public

STATE OF ALABAMA, SHELBY COUNTY

I, L.C. Walker, Judge of Probate, hereby certify that the within Deed was filed for record the 10 day of May 1956, at 4 o'clock P.M. and recorded in Deed Record 180 Page 146, and the Mortgage Tax of \_\_\_\_\_ Deed Tax of \_\_\_\_\_ has been paid.

L.C. Walker Judge of Probate