

1137  
STATE OF ALABAMA

SHELBY COUNTY

BOOK 197 PAGE 505

Before the undersigned authority personally appeared C. H. Fulton, who is known to me, and who being by me first duly sworn, deposes and says:

I am acquainted with the Murrah property which he acquired from Saginaw Lime and Lumber Company in 1907. The 20 foot strip of land between the old homeplace of said C. C. Murrah and the land conveyed in the last mentioned deed is the old Elliottsville Road which leads to Fulton Springs. Said Deed to Murrah is recorded in the Probate Office of Shelby County, Alabama, in Deed Book 42, at page 528. Said Elliottsville Road is now a public road and has been for many, many years.

I am acquainted with the property conveyed by deed from K. E. Fulton and wife, to J. M. Phillips and wife, bearing date of January 3, 1956, and recorded in the Probate Office of Shelby County, Alabama, in Deed Book 177, at page 396. The land conveyed in this deed lies West of the county road, known as the Elliottsville-Saginaw public road, also called the Elliottsville road.

The S. W. Pardue property lies East of this Elliottsville Road and adjacent thereto.

Said Elliottsville Road separates the Pardue property from the Phillips property conveyed in deed of K. E. Fulton and wife to J. M. Phillips and wife, as above noted.

I am acquainted with the following tract of land formerly owned by S. W. Pardue, and now owned by his heirs at law and the heirs at law and devisees under the Will of Mrs. Lula Payne Pardue, namely:

A part of the SE $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 12, Township 21, South, Range 3 West, described as follows: Commence at the Southeast corner of said SE $\frac{1}{4}$  of SE $\frac{1}{4}$  of said Section 12; thence North 89 deg. 05' West along the South line of said Section, 840.2 feet; thence North 25 deg. 25' West 368.2 feet to the center of Elliottsville Road; thence North 34 deg. 05' East 285 feet along the center of Elliottsville Road; thence along the center of the Elliottsville Road North 26 deg. 25' East 82 feet; thence continue along the middle of Elliottsville Road North 10 deg. 35' East 434 feet to the South right of way line of L & N Railroad; thence along the South right of way line of L & N Railroad South 85 deg. 20' East 553.7 feet; thence South 2 deg. East 483.4 feet; thence North 89 deg. East 120 feet; thence South 2 deg. East 538.8 feet to the point of beginning, containing 19.5 acres, more or less. Public road rights of way are Excepted.

I have known this land for many years and know that Mr.

Pardue was in possession of it, as well as other property, for probably 30 years <sup>or more</sup> prior to his death and had his home on it and resided upon it and had the actual, open, notorious, continuous, exclusive, adverse possession of same up to the time of his death, and that after his death his wife, said Lula Payne Pardue to whom he devised it or willed it, was in actual possession of it, occupying it as her home until her death, and since her death the devisees under her will and her sole heirs at law, namely, Jewel Pardue Hammond, Maurice Wilkes Hammond, Jr. and Ruth Pardue Lee, have been in actual possession of said property to the present time. This property is bounded <sup>by</sup> on the West/the Elliottville and Saginaw Road.

Other than the Elliottsville-Saginaw Road there is not other road over the Pardue property or adjacent thereto and have never been, except a dirt road adjacent to and just South of the right of way of the Louisville & Nashville Railroad.

C. H. Fulton

Sworn to and subscribed to  
before me on this 4 day of  
May, 1956.

Handy Glen  
Notary Public

State of Alabama, Shelby County

I, L. C. Walker, Judge of Probate hereby certify that the within affidavit was filed in this office for record the 15 day of December 1958 at 10 o'clock P.M. and recorded in Deed 197 Page 505 & examined 12/17/58 and the Mortgage Tax of \$..... Deed Tax of \$..... has been paid.  
Fee \$ 1.35 L. C. Walker Judge of Probate