

4698

FILED 10 AUGUST 1959

State of Alabama, 1
 0
Shelby County. 0

Before me, L. H. Ellis, a Notary Public in and for said County, in said State, personally appeared John T. Horton, who is known to me and who, being by me first duly sworn, deposes and says as follows:

H. C. Horton was my grand-father, and he died in 1881; that at the time of his death said H. C. Horton was in possession of and claiming to own the following described real estate, situated in Shelby County, Alabama, viz:

The south east quarter of the south west quarter and the south one third of the south west quarter of the south west quarter of Section 33, Township 21, Range 1 East; also the south west quarter of the south west quarter and the north one third of the north west quarter of the north west quarter of Section 4, Township 22, Range 1 East; also, a part of the north east quarter of the south west quarter of Section 4, Township 22, Range 1 East, described as follows: Commence at the north east corner of said forty and run thence west 275 yards, thence south 140 yards, thence east 275 yards, thence north 140 yards to the point of beginning, containing 7 acres more or less;

that said H. C. Horton owned considerable other lands in Shelby County, Alabama, in addition to that above described and in 1902 the heirs divided said land and there fell to J. W. Horton, affiant's father, as his share of said real estate, the land described in the deed of S. A. Horton and others to J. W. Horton, dated April 18, 1902, and which deed is recorded in the Probate Office of Shelby County, Alabama, in deed book 35 at page 236; that S. A. Horton was the same as Saphronia Horton, and she was the widow of said H. C. Horton, deceased, and in said division there fell to the lot of S. E. Coston, also known as Sallie Coston, the wife of F. A. Coston, among other portions of land, the north east quarter of the south west quarter of Section 4, Township 22, Range 1 East; that immediately upon the execution of the aforementioned deed to J. W. Horton, he went in possession of the land described in said deed, which is recorded in the Probate Office of Shelby County, Alabama, in deed book 35 at page 236, and remained in the actual,

open, notorious, continuous, exclusive, adverse possession of same, until he died on the 31st day of December, 1932, at which time he left a last will and testament, by which he willed to affiant said land.

Further deposing affiant says that he went in possession of said land immediately after the probate of his father's will and has remained in the actual, open, notorious, continuous, exclusive, adverse possession of said land to the present time.

Further deposing affiant says that while his father owned said land he lived on it all the time and cultivated portions of it each and every year and used timber off of the other until the time he died and affiant's possession has been of the same character since he came in possession of it.

Further deposing affiant says that upon said division of said estate hereinabove referred to said S. E. Coston went in possession of the north east quarter of the south west quarter of Section 4, Township 22 Range 1 East and remained in the actual, open, notorious, continuous, exclusive, adverse possession of the 7 acre tract therein referred to in the deed of F. A. Coston and wife to J.W.Horton, which deed is dated April 30, 1902, and recorded in the Probate Office of Shelby County, Alabama, in deed book 35 at page 311, until she executed said last mentioned deed to J. W. Horton, the father of affiant, and that immediately upon the execution of said deed said J. W. Horton immediately went in possession of said 7 acre tract of land and remained in the actual, open, notorious, continuous, exclusive, adverse possession of said land until he deeded it to affiant by deed dated Dec. 3, 1907, and which deed is recorded in the Probate Office of Shelby County, Alabama, in deed book 62 at page 180, at which time said J.W.Horton was an unmarried man, and upon the execution of the last mentioned deed affiant went in possession of said 7 acre tract of land and has actually lived upon it, and has been in the actual, open, notorious, continuous, exclusive adverse possession of same down to the present time; that on the 18th day of April, 1902, N.O.Horton, who was one of the grantors in that certain deed wherein J. W. Horton is grantee, which deed is recorded in the Probate Office of Shelby County, Alabama, in deed book 35 at page 236, was an unmarried man, and on said date Saphronia Horton, also known as S. A. Horton, one of the grantors in said deed was a widow.

Further deposing affiant says that he and those through whom he has derived title to all the aforementioned property, now owned by him, have been in the actual, open, notorious, continuous, exclusive, peaceable, adverse possession of said land for more than thirty years prior to this time.

Further deposing affiant says that said H. C. Horton had another son whose name was Lum Horton, but whether said son died before or after his father, affiant does not know, but he does know that said Lum Horton was dead in 1902 when the division of the property was made, and his sole heirs at law and next of kin, at that time, entitled to share in the distribution of his estate, was Carl Horton and Louie Pearl Horton, against whom affiant recently filed and maintained a bill in equity in the Circuit Court of Shelby County, Alabama, for the purpose of quieting title to the aforementioned land now owned by affiant.

Further deposing affiant says in 1902 when the land of said H. C. Horton was divided said Lum Horton was dead and had no surviving widow.

Sworn and subscribed to before me
this the 30th day of November, 1934.

[Signature]
Notary Public

J. T. Horton

J. T. Horton

STATE OF ALABAMA }
SHELBY COUNTY }

I, Conrad M. Fowler, Judge of Probate hereby
certify that the within Deed was
filed in this office for record the 30 day
of Aug 1934 at 12 o'clock P. M.
and recorded in Deed Record 203
page 282 and examined 8-13-34
and the Mortgage Tax of \$
Deed Tax of \$ has been paid.

[Signature]
Judge of Probate

Fee \$

STATE OF ALABAMA, SHELBY COUNTY

I, Conrad M. Fowler, Judge of Probate, hereby certify that the within
was filed for record the day of 19 at o'clock M. and
recorded in Record at page and the Mortgage Tax
 Deed Tax has been paid.

Judge of Probate.