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STATE OF ALABAMA)

JEFFERSON COUNTY)

Before me, the undersigned, a Notary Public, in and for said County and State, personally appeared, Shuford B. Smyer, who is known to me, and who being by me duly sworn, deposes and says on oath that he has been a practicing attorney in the City of Birmingham, Alabama, for more than 48 years, and that he was acquainted with W. S. Brown, who was a resident of said City, and who this affiant is informed, was the grantee in that certain deed from Henry Thomas Hayes, and wife, bearing date, January 4, 1913, and being recorded in Deed Book 49, Page 544, of the records in the Probate Office of Shelby County, Alabama.

Affiant further says that the said W. S. Brown, died on or about March 23, 1919, leaving a last will and testament which was duly admitted to probate and record in the Probate Court of Jefferson County, Alabama, in Will Record S, Page 264. By the terms of this will, the testator made certain specific devises not including this property, and all of the rest and residue of his property was devised to Bret R. Brown, and Samuel Y. Caldwell, as Trustees, to hold his real estate for a period of five years from the date of his death, and at the expiration of said five years, to divide the same, share and share alike, between his wife, Mary S. Brown, his daughter, Lura Brown Fowlkes, his daughter, Bessie Brown Caldwell, and son, Bret R. Brown, with the further provision that in the event either of his said three children is dead when the time for division arrives, leaving a child or children surviving, then the child or children shall take the share which the parent would have taken if living.

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Affiant further says that the said Bret R. Brown, died

May 5, 1922, before the expiration of said five year period, leaving only one child, Flora Thompson Brown, and he did not leave any other child or any descendants of a deceased child. His estate was also administered in Jefferson County, Alabama, and he left a will by which he left all of his property in trust for his said daughter, with the provision that when she became 30 years of age the trust should terminate and all of the trust property should turned over to her. Affiant was also acquainted with said Flora Thompson Brown, and knows that she attained the age of 30 years, and that said trust terminated and the trust property was turned over to her.

Affiant further says that he knows that the grantors in that certain deed to Edward Daniel Holliday bearing date February 27, 1928, and recorded in Deed Book 86, Page 45 of the records in said Probate Office of Shelby County, Alabama, constituted all of the heirs at law and distributees under the will of said W. S. Brown, deceased, at the date of said deed.

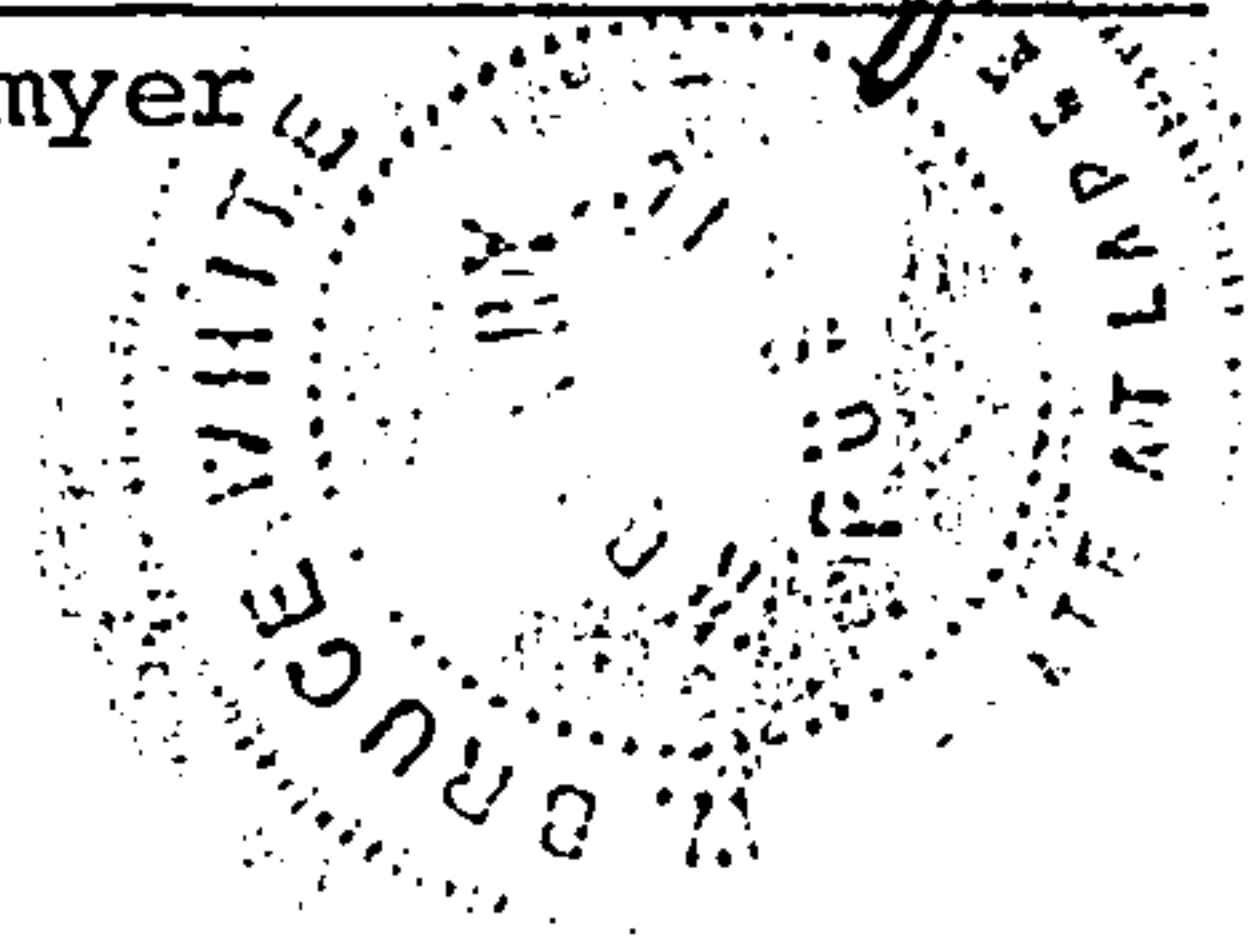
Affiant further says that at the time of the execution of said deed last mentioned, Lura Brown Fowlkes, was a widow.

Affiant further says that the administration of the estates of W. S. Brown and Bret R. Brown, were handled by members of what was then affiants firm, and that this affiant has continued to represent the two daughters of the said W. S. Brown, who are still living, and this affiant is very familiar with said estates, and the members of said family.

Sworn to and subscribed before me on this 29 day of June, 1960.

M. Bruce White
Notary Public

Shuford B. Smyer
Shuford B. Smyer



FILED 23 JULY 1960

STATE OF ALABAMA, SHELBY COUNTY

I, Conrad M. Fowler, Judge of Probate, hereby certify that the within affidavit filed for record in this office on the 23 day of July, 1960 at 1:15 M. o'clock PM recorded in Deed Book 210 at page 207 on the 24 day of July, 1960. Mortgage Tax Deed Tax has been paid.

Conrad M. Fowler
Judge of Probate

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