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STATE OF ALABAMA,)

JEFFERSON COUNTY.)

Before me, the undersigned authority, in and for said County in said State, personally appeared John L. Kidd, who, being by me first duly sworn, deposes and says:

I am 66 years of age and was born and reared on the farm of my parents, D. W. Kidd and Lilla M. Kidd, such farm being a tract of land of more than 300 acres, situated in Shelby County, Alabama, and described as follows: SE $\frac{1}{4}$; E $\frac{1}{2}$ of NE $\frac{1}{4}$ of SW $\frac{1}{4}$; E $\frac{1}{2}$ of SE $\frac{1}{4}$ of SW $\frac{1}{4}$; East 1 $\frac{1}{2}$ chains of W $\frac{1}{2}$ of SE $\frac{1}{4}$ of SW $\frac{1}{4}$; all that part of NE $\frac{1}{4}$ that lies South of F. Jackson lands; all that part of SE $\frac{1}{4}$ of NW $\frac{1}{4}$ lying East of James M. Kidd property and North of Morgan Mill Road; that part of NE $\frac{1}{4}$ of NW $\frac{1}{4}$ that lies east of James M. Kidd land, South of Gallups land and Elliott Lot and West of Elliott Lot, all in Section 33, Township 19, South of Range 2 East, in Shelby County, Alabama; there being excepted from above lands the Harpersville Methodist Church land being 6 $\frac{1}{3}$ acres, more or less, in E $\frac{1}{2}$ of NW $\frac{1}{4}$ as described in deed recorded in Volume 216 on page 569 of Record of Deeds in office of Probate Judge of Shelby County, Alabama.

Included in the farm aforesaid of my parents is the Harpersville Cemetery as now laid out and established in the form of a semi-circle on the easterly line of Highway Number 25, being approximately opposite the said Harpersville Methodist Church and containing approximately 5 acres; to which said cemetery the facts hereinafter stated are fully applicable, except that rights in some small burial plots have been heretofore granted by me and the other members of my family to other persons for use by them as grave sites for their respective families and not otherwise; possession and ownership of said cemetery having been in my parents myself and my brother and now being in me and my niece and nephew as hereinafter set out with respect to the remainder of said lands,

subject to burial rights granted to others as aforesaid. The deed executed by my Mother, Lilla M. Kidd, my brother, J. C. Kidd, and his wife, Lois Kidd and by me to B. F. Day and wife, dated September 21, 1929, conveying 261 square feet, recorded in Volume 84, page 181 of Record of Deeds in office of Probate Judge of Jefferson County, Alabama, does not accurately locate the said burial plot except as being in Harpersville Cemetery in Section 33, Township 19, Range 2 East. The burial plot conveyed by said deed is in the cemetery on the easterly line of ^{said} Highway No. 25 across from Harpersville Methodist Church.

My grandfather, John W. Kidd, was, according to family records in my possession, born January 19, 1782 and died July 17, 1865, leaving surviving him his widow, Mary Georgiana Kidd (who signed her name as M. G. Kidd) and three sons, Douglas W. Kidd, John M. Kidd and James W. Kidd, being their only children other than a daughter, Annie Kidd, who died in her infancy. My uncle, James W. Kidd, died before the death of my grandmother. He and his descendants have claimed and owned some lands in the neighborhood of my parents' aforesaid farm and, in some places, adjoining land of my parents. Neither the said James W. Kidd, nor any of his descendants has ever during period of more than fifty (50) years that I can remember, ever had possession of any part of above described farm of my parents or asserted any right, title or interest thereto. As far back as I can remember, my father, Douglas W. Kidd, and my mother, Lilla M. Kidd, either or both, owned the land above described and were in open, notorious possession thereof, occupying it as their homestead and being recognized as such owners. My father, Douglas W. Kidd, died November 5, 1923, and thereafter, my mother, Lilla M. Kidd, together with me and my brother, James C. Kidd, were in actual, open, notorious possession of said lands, claiming to own same, annually paying taxes thereon and being recognized as such owners. My mother died December 11, 1947. During

entire period from death of my father in 1923 until death of my mother in 1947 no person other than my mother, my said brother, James C. Kidd, and myself was in possession of said farm or of any part thereof claiming adversely to the three of us as joint owners nor was any such adverse claim ever asserted by anyone.

Neither my father nor my mother left surviving him or her any child other than my brother, James C. Kidd, and myself, nor any child of a deceased child.

My brother, James C. Kidd, was born February 7, 1892, and died June 15, 1961. From the time of death of our mother, Lilla M. Kidd, in year 1947 until June 15, 1961, the said James C. Kidd and I were in actual, continuous, uninterrupted, hostile, open, notorious, exclusive possession of aforesaid farm of our parents, claiming to own the same, annually paying the taxes thereon assessed in name of Estate of our deceased mother, Lilla M. Kidd. No person whatsoever has held or asserted any right, title, interest or claim in or to any part of said lands adverse to our absolute ownership thereof during said entire period.

My brother, James C. Kidd, left two children, John D. Kidd and Virginia Kidd Burger, and no wife and no other child nor any child of a deceased child surviving him. Each of said children of James C. Kidd is over 21 years of age. The husband of said Virginia Kidd Burger is James E. Burger.

J. H. K.
The said two children of James C. Kidd and I have, *from June 15, 1961 to this time,* had actual, exclusive, open, notorious, hostile, continuous, uninterrupted possession of said farm of my parents claiming to own same and no person whatsoever has held or asserted any right, title, interest or claim in or to any part of said lands adverse to our absolute ownership thereof.

Neither my father, Douglas W. Kidd, nor my mother, Lilla M. Kidd, left any Will. There has never been any administration on estate of my father. There was administration on the estate of my mother in the Probate Court of Jefferson County, Ala-

bama, but no proceedings or transactions were had therein with reference to the above described lands and such administration was terminated more than ten (10) years ago.

My brother, James C. Kidd, left no Will and there has been no administration of his estate.

John C. Kidd

Sworn to and subscribed

before me this 29th day

of November, 1962.

Douglas P. Wingo
Notary Public

STATE OF ALA. SHELBY CO.
I CERTIFY THIS INSTRUMENT
WAS FILED ON 4/8/11
12/19 1962
RECORDED & \$2 MTG. TAX
& \$ DEED TAX HAS BEEN
PD. ON THIS INSTRUMENT.

Corra M. Fowler
JUDGE OF PROBATE