

2417
STATE OF ALABAMA
SHELBY COUNTY

Before me, a Notary Public in and for said County and State, personally appeared James Kirkland, who is known to me, and who, being by me first duly sworn *Edna M. Sutton* speaks the truth, poses and says as follows:

JUDGE OF PROBATE

My name is James Kirkland. I am sometimes known as James Kirkland, Jr. I am thirty-seven years of age and have lived in Shelby County, Alabama, all of my life.

My father was also named James Kirkland, and he was sometimes known as Jim Kirkland. My father has been dead since about 1946. My mother, Letha Kirkland, died about twenty-seven or twenty-eight years ago, and my father never remarried after her death. My father and mother were never married except to each other, and they had seven children, all of whom are still living, over twenty-one years of age, and of sound mind. The seven children, which were all of the children ever born of said James Kirkland and all of the children ever born of said Letha Kirkland, are listed as follows:

1. Myself, James Kirkland. My wife is named Dorothy Kirkland;
2. Robert Kirkland, who is presently married to Cindy Kirkland and lives in Birmingham. Robert's first wife, Queenie Kirkland, is now deceased;
3. Alice Kirkland Green, who is an unmarried woman, lives in Columbiana. Henry Green was the husband of Alice--he deserted her some twelve years ago, and I later learned that he had been killed in an automobile wreck about six years ago;
4. Helen Kirkland Robinson, who is sometimes known as Helen Kirkland Robertson. Helen is divorced from her former husband, George Robinson, and has not remarried. She lives in Oakridge, Tennessee. Her former husband, George Robinson, was never a resident of the State of Alabama for the past twelve or more years, Helen and George both being residents of Tennessee for the past twelve or more years;
5. Freddie Kirkland, who has never married, lives and resides at Oakridge, Tennessee;
6. Mary Kirkland Bowden, who is married to Andrew Bowden, lives and resides with her said husband in Cleveland, Ohio;
7. William Kirkland, who is married to Ollie Mae Kirkland, lives and resides with his said wife in San Diego, California.

My said father, James Kirkland, and my said mother, Letha Kirkland, were each residents of Shelby County, Alabama, at the time of their respective deaths and for many years prior thereto, and neither left a will. All of their debts have been paid.

I have been familiar with the location, ownership, and possession of the following described property for the past thirty or more years, and as far back as I can remember:

The West half of the SE $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 30, Township 21 South, Range 1 East.

When I first remember said property, it was owned by my father. There are several springs on said property, and my father farmed a portion of said property in the vicinity of said springs for a good number of years. I remember cultivating the portion which was farmed when I was a child, together with my father and brothers and sisters. We raised corn and peanuts and traveled to the field on a wagon over an old road from our home, which was located near the present Columbiana trash pile. We quit farmin' the field some years ago.

My father sold the timber from said property on occasions until his death, and my brothers and sisters and I again sold the timber shortly after his death.

I remember my father saying that he had sold an acre of said property to Julia and Judge Sutton but that he had bought said acre back himself. So far as I know, all of the heirs of Judge and Julia Sutton are dead or have moved away from Shelby County.

Neither Judge Sutton nor Julia Sutton nor their heirs or devisees have owned or possessed said property nor any part thereof since I can first remember said property when we used to farm it when I was a child. No such persons have made any claim whatsoever on said property since I was a child and until the present date.

My father's deed to said property, which was in his possession since I was a child and up until the time of his death and has remained in my possession since his death, is from A. P. Longshore and wife, F. T. Longshore, and is dated October 25, 1919.

Neither J. B. Pitts, Emma Pitts, R. A. O'Hara, J. S. O'Hara, W. G. Parker, J. F. R. Shuman, Henry Fomby, Judge or Julia Sutton, nor their heirs or devisees, nor any other person, has owned, claimed, or possessed said property, nor any part thereof, since I first became familiar with said property more than thirty years ago and until the present date, except my father and his family. My father, said James Kirkland, and his children after his death, have been and have remained in the continuous, actual, peaceable, exclusive, notorious, hostile, open, adverse possession of all of said property under my father's deed from Mr. and Mrs. Longshore and under claim of right for the past thirty or more years and until the present date, claiming to own the same against the world and against the claims of all persons whatsoever and paying taxes on said property under proper tax assessment each and every year for the past thirty or more years.

No person other than my family has used water from the springs on said property or has claimed any right to use said springs or the water therefrom for the past thirty or more years. There are no pipe lines nor rights of way leading from said springs or conveying water across said property, nor has there ever been, so far as I know.

I have never heard anyone question the title of my father, said James Kirkland, and his family to said property.

Witness my hand this 18th day of January, 1962.

Sworn to and subscribed before me this 7 day of February, 1962.

James Kirkland Jr.
Edna M. Sutton Notary Public