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STATE OF ALABAMA)
SHELBY COUNTY)

Before me, the undersigned authority, in and for said County and State, personally appeared TOM LEE of Pelham, Alabama, who, being known to me, and being by me first duly sworn, deposes and says as follows:

That I have been acquainted with the ownership, use, and possession of the SE $\frac{1}{4}$ of NE $\frac{1}{4}$, Sec. 12, Township 20, South, Range 3 West, Shelby County, Alabama, for more than 40 years, said property being the adjacent property of the property now owned by me.

When I first knew this property the same was owned by one Clem Dunaway; and I remember when Clem Dunaway and his wife sold the property to H. G. Kirkpatrick and E. J. Kirkpatrick, the deed of which transaction is recorded in the Probate Office of Shelby County, Alabama in Deed Book 43, page 114.

Further deposing, I remember when H. G. Kirkpatrick and his wife, E. G. Kirkpatrick conveyed the property to Hardenia Burnley Howie in 1910 which deed is recorded in the Probate Office of Shelby County, Alabama in Deed Book 43, page 575. I knew Mrs. Howie well, and when the property sold for its taxes on June 20, 1938 (Tax Sale Record 13, page 132); this land and other land was purchased by my son, R. E. Lee and W. R. Wellborn. Subsequent to this tax sale, my said son, R. E. Lee and W. R. Wellborn were given a tax deed which is recorded in the Probate Office of Shelby County, Alabama in Deed Book 111, page 648. Included in this tax sale was also the NE $\frac{1}{4}$ of SE $\frac{1}{4}$, Sec. 12, Township 20, Range 3 West, Shelby County, Alabama, which I now own. After the purchase of this land by R. E. Lee and W. R. Wellborn these parties divided the land, each person taking a 40 acre tract; the 40 acre tract by W. R. Wellborn was said SE $\frac{1}{4}$ of NE $\frac{1}{4}$, Sec. 12, Township 20, Range 3 West.

From the date that this land was first purchased by R. E. Lee and W. R. Wellborn in 1941, they regularly assessed the land for taxes and paid taxes on the same continuously until the same was sold to H. D. Osborn by deed recorded in the Probate Office of Shelby County, Alabama in Deed Book 182, page 469. The said H. E. Osborn and wife, Alene Osborn conveyed this

property to D. H. Holcombe on October 13, 1956 by deed recorded in the Probate Office of Shelby County, Alabama in Deed Book 182, page 469.

Since the time the land was purchased by R. E. Lee and W. R. Wellborn in 1941, the timber has been cut off the land at least two times by W. R. Wellborn and he and the subsequent owners, as stated, exercised all rights of possession over said property, assessing and paying taxes on the same, exclusively, up to and including this date.

On October 10, 1937, Mr. L. C. Abbott, Tax Collector of Shelby County, Alabama, received a letter from E. B. Powell, in words and figures as follows:

#20 Chapel Street
Brookline, Mass.
Oct. 10, 1937

"Mr. L. C. Abbott
Tax Collector Shelby County,

Dear Sir.

Your card addressed to my mother, Mrs. H. Burnley Howie, Birmingham, has been forwarded to me here. Mother died on March 26. I do not intend to continue the payment of taxes on the property. As I am Mother's sole heir, I suppose the property will revert to the county or state.

Yours very truly,

E. B. Powell

The card to which I refer is your notice of tax assessment which I return enclosed E.B.P."

Further deposing, affiant says that in 1938 after this property was sold to the State of Alabama, I wrote Mr. Powell and received a letter from him as follows:

April 27, 1938

"Mr. Tom Lee
Pelham, Alabama

Dear Sir:

Replying to your letter of April 25:

I have not taken steps to establish ownership of the property to which you refer and, in consequence, I do not myself have a deed which I could transfer to you. Under the circumstances, I do not see how I can be of help to you.

Yours very truly,

E. B. Powell"

I know of my own knowledge that neither Hardenia Burnley Howie, or anyone purporting to hold under her, have claimed any right, title, claim or interest in and to the property purchased by R. E. Lee and

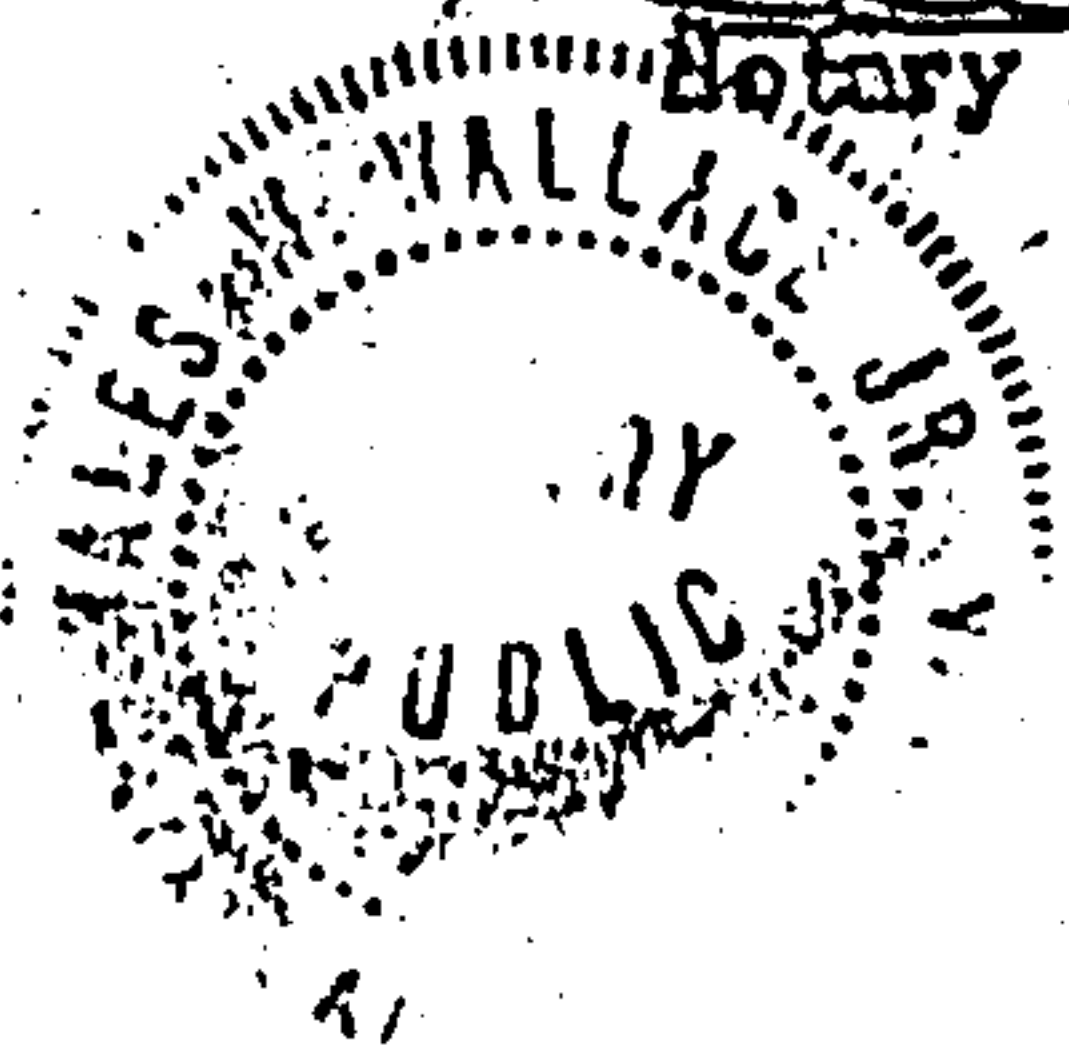
W. R. Wellborn since it was sold to the State of Alabama in 1938.

I further know that D. H. Holcombe and those through whom he holds title as set forth above, have been in the actual, exclusive, continuous, open, notorious, and adverse possession of such property since the purchase of the property by R. E. Lee and W. R. Wellborn on July 21, 1941, and I have never heard the title of D. H. Holcombe, and those through whom he holds title questioned in any way.

James Lee

Sworn to and subscribed before me
this the 29th day of August, 1963.

Robert S. Rogers
Notary Public



STATE OF ALA. SHELBY CO.
I CERTIFY THIS INSTRUMENT
WAS FILED ON 8/30
9/1/63 19 63
RECORDED & \$ MTG. TAX
& \$ DEED TAX HAS BEEN
PD. ON THIS INSTRUMENT.

Conrad M. Fowler
JUDGE OF PROBATE