

5594
STATE OF ALABAMA

SHELBY COUNTY

Before me, *Martha B. James*, the undersigned authority in and for said County, in said State, personally appeared Gertrude Elliott, who, after being by me first duly sworn to speak the truth, deposes and says:

My name is Gertrude Elliott. I have been familiar with the hereinafter described land and the persons in possession of it for the past 35 years.

Said land being described as follows:

A lot in Dogwood described as follows: Beginning at a point where the east line of Brierfield, Blocton & Birmingham, now Southern Railway crosses the Tuscaloosa road; thence north along the right of way of said railroad to the corner of the former W. E. Harrison lot; thence east to within 50 feet of the Dunnam lot; thence south to the said Tuscaloosa road; thence west along said road to the point of beginning. It being a part of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 5, Township 22, Range 3 West, Except highway right of way.

Also 1/4 acre lot north side of NE $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 5, Township 22, Range 3 West bounded north by Columbiana and Tuscaloosa Road; east by Southern Railway; south and southwest by Dr. W. H. Harrison and by S. A. Ryman's lot; west by Dogwood and Montevallo Road; All being situated in Shelby County, Alabama.

Affiant says she knows of her own knowledge the Heath family has been in the actual continuously possession of said land since several years prior to March 1930 and up to the present date. There has been called to my attention a Tax Sale in the year 1931 for non payment of 1930 tax in the name "Heath Brothers". These were my brothers, Eldo C. Heath and ~~Edna Heath~~ ^{Pete} Heath and they owned the above described land. The same was redeemed by my mother, Edna Heath. There was a house on the property for many years and the said Eldo C. Heath lived in the house early in the 1930's and ran a store in Dogwood, but since that time it has been rented out to tenants until a short time ago when the house became untenable and was torn down. I have been in charge of the property for the past few years and have been seeing that the taxes were paid and looking after the property. My mother, Edna Heath died approximately 6 years ago without leaving a Will, and left surviving her the following heirs: affiant, Gertrude Elliott; Kate H. Odell, whose husband is George Odell; Vivian H. Gunter, whose husband is Tom Gunter; Charlie Ernest Heath, who has died since Edna Heath's death, and who left no wife or children; Eldo C. Heath, who is dead, and left one child, Milurea Mann, whose husband is Joe Mann; and Pete Heath, who is dead and left no children, but his wife, Willie Gould who is now married to Al Bragg.

There has also been called to affiant's attention a Transmission Line Permit from Jessie Hood and Lexie Hood to Alabama Power Company dated October 12, 1950. Affiant says Jessie Hood rented the property at one time, but has never owned it and that he had no right to give said permit.

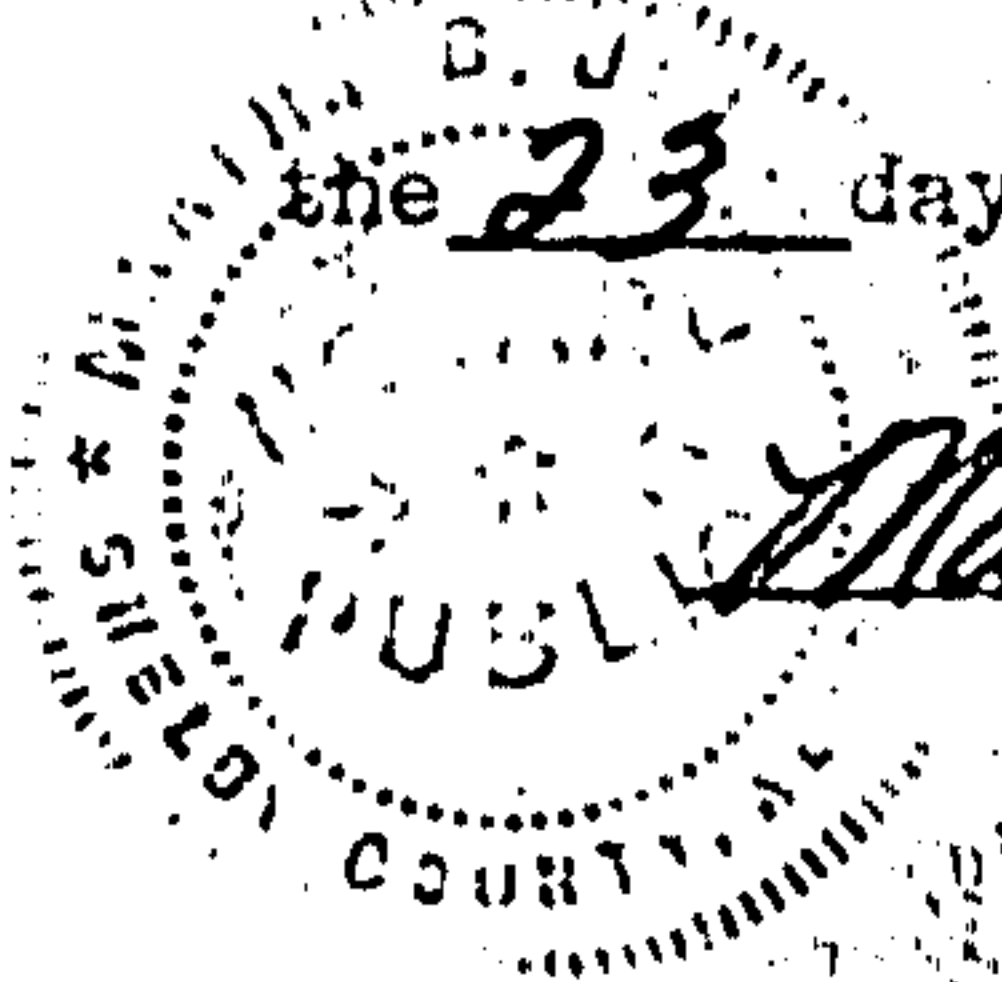
Affiant further says she has never heard of R. F. McKibbon, Peddie Lemley or Ollie Lemley or anyone else other than the Heaths mentioned above ever claiming any interest in the land or disputing the title of said persons throughout the years she has owned the same.

Gertrude Elliott

Gertrude Elliott

Sworn to and subscribed to before me this

the 23 day of February, 1963.



Martha B. Joiner
Notary Public

