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STATE OF ALABAMA

SHELBY COUNTY

Personally came and appeared before the undersigned authority, a Notary Public in and for said County in said State, Elbert Miller, who, after being first by me duly sworn to speak the truth, deposeth and says:

My name is Elbert Miller, and I am 66 years of age and have lived in Shelby County all of my life time, and presently reside at Route 1, Sterrett, Alabama.

I am one and the same as the Elbert Miller named as the grantor in deed dated March 15, 1951 and recorded in Deed Book 144 at page 188 in the Probate office of Shelby County, Alabama that describes property which I conveyed to H. R. Evans and wife Ivy S. Evans, and the said property is involved in a line boundary/dispute between H. R. Evans and A. W. Nix.

I bought the property which is described in said deed from Colley Moore about the year 1941, and I lived on the property for about eight years.

At the time, I bought the property from Colley Moore, Mr. Colley Moore told me that he did not know exactly where the North boundary line of the NE^{1/4} of the SW^{1/4} of Section 33, Township 19, Range 1 East was, but to the best of his knowledge the line did not go above the dirt road and suggested that I ~~do~~ not claim any property North of the road unless the property was surveyed and it showed the line to be North of the road, and he told me that the school lot had five acres East of the Columbiana-Westover road and at that time the Columbiana-Westover road was unpaved, and after the school house was built, the road had been moved West even before they started paving said road; and when Mr. Moore sold me the property, he stepped off from a dirt road on the North side of the school house along the East side of the Columbiana-Westover road down to an old tree at the Southwest corner of the school lot and said that I shouldn't claim any property North of the tree and the old tree is now gone, but the tree was there when I sold to Evans. When I sold to Mr. Evans in 1951, I ~~sold~~ Mr. Evans the old tree that Colley Moore had pointed out to me.

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BLOCK

During the time I owned the SE₄ of NW₄, I cultivated a field on the South side of the school lot and there were pine trees growing on the East side of the school lot. After I sold to Mr. Evans, Mr. Evans cleared the field on the East side of the school house lot.

At the time I bought the property from Mr. Moore in 1941, there was no out house North of the Columbiana-Harpersville dirt road and while I owned the property Mr. Lonnig Tennyson was the owner of the SE₄ of the NW₄, Section 28 ~~corner of the NE₄~~, which is North of the NE₄ of SW₄ of Section 33, and Mr. Tennyson had Mr. McMillan to survey, and at that time Mr. McMillan said ~~the NE₄ of SW₄ of~~ ^{NE corner of the} Section 33, was down in the woods among the pines and ~~there~~ was some distance West of the old fence on the East side of the forty, and ~~there~~ was some distance South of the South side of the Columbiana-Harpersville dirt road.

When I bought the NE₄ of SW₄, Section 33, Township 19, Range 1 East from Mr. Colley Moore, he told me that he did not know where the East line of said forty was, but they had been using the fence on the East side as the line and during the time I owned said forty Mr. Carden owned the property on the East of the forty and we never had any conversation regarding the location of the line between us on the East line of said forty.

At the time Mr. Tennyson had his property surveyed North of the forty acres, the forty boundary of said forty was running through the school house, and before this line was run, I had cut some timber on the forty East of the school lot and South of the Columbiana-Harpersville road and at that time Mr. Dan Durham came down and told me that Mr. McMillan had run the North line of the NE₄ of SW₄, Section 33 owned by me and that the line was down in the field South of the Columbiana-Harpersville dirt road, and that I was cutting pine trees which he claimed to be on his property. Mr. Durham told me to go ahead and load all I had cut and that would be alright. I did not cut any more timber North of the line as surveyed by Mr. McMillan.

I have seen the fence on the East side and South side of the school house lot, and in my opinion the fence is constructed about where I had claimed the property the ten years I owned the NE₄ of SW₄, Section 33, Township 19, Range 1 East, except the five acres ~~from~~ the school lot.

Mr. Colley Moore, at the time he sold the property to me, did not show me any corners North of the old Columbiana-Harpersville dirt road which were recognized as the boundary line between him and the owners of the North forty.

Elbert Miller
Elbert Miller

Subscribed and sworn to before me this the 5th day of December, 1964.

W. M. John
Notary Public

STATE OF ALA. SHELBY CO.

I CERTIFY THIS INSTRUMENT

WAS FILED ON 8 AM

12/5/1964

RECORDED S. S. 1964 TAX

& \$ 0.00 DUE 12/15/1965

PD. C. 1 1964

C. W. Miller
JUDGE OF PROBATE

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