

2854

STATE OF ALABAMA)
SHELBY COUNTY)

Before me, the undersigned authority, in and for said County and State, personally appeared ANDREW JOHNSON, who, after being duly sworn to Speak the truth, deposes and says as follows:

My name is Andrew Johnson, and I reside at Wilsonville, Alabama. I am 60 years old and will soon be 61. I have been familiar with the occupation, use and possession of the hereinafter described tract of land for a period in excess of 40 years, to-wit:

Lot 12 of the Jackson Brothers Lumber Company Survey, beginning at the SW corner of Lot No. 6 and extends South 386 feet to Railroad right of way; thence in a Westerly direction along the Railroad right of way 521 feet; thence North 334 feet; thence North 10 deg. East 240 feet to the NW corner of Lot 12; thence East 437 feet to point of beginning, on the East line of the NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 1, Township 21, Range 1 East, being in the NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 1, Township 21 South, Range 1 East, EXCEPTING HIGHWAY RIGHT OF WAY. Situated in Shelby County, Alabama.

I have read that certain affidavit of J. R. Ray, which affidavit is recorded in the Probate Office of Shelby County, Alabama in Deed Book 153, page 335, and I have personal knowledge that all of the facts contained therein are true and correct. In addition to the facts contained in that affidavit, I would add that in May of 1952 a mortgage on the above described property which has been signed by L. E. Pinkard and husband, Jim Pirkard was foreclosed and a deed given to Maggie Borden as purchasers at the foreclosure sale which deed is recorded in said Probate Office in Deed Book 153 at page 208. As stated, in J. R. Ray's affidavit, at the time of this foreclosure deed, the house on the above described property had burned and consequently, Maggie Borden never did reside on said property. Approximately ten days after Maggie Borden received the foreclosure deed, as aforesaid, she sold the above described property to Tint Merrell on May 29, 1952, which deed is recorded in Deed Book 153, page 337 in the Probate Office of Shelby County, Alabama. Immediately after Tint Merrell purchased the above described property from Maggie Borden, he immediately placed a fence around the entire said property for the purposes of provided pasture for cows and an occasional hog. As soon as the fence was completed in 1952 he, at once, put cows on said property and continued to raise cows and an occasional hog on said property each and every year up until the time of his death some eight years ago. Immediately after the death of Tint Merrell, as aforesaid, Tint Merrell's son-in-law, Virgil Fulmer,

moved into the residence which adjoins the above described property, and which belonged to Tint Merrell at the time of his death, and resided there with his wife and the widow of Tint Merrell.

For each and every year after the death of Tint Merrell, as aforesaid, Virgil Fulmer occupied and possessed the above described tract of land for each and every year up to the present time. Virgil Fulmer would raise cattle on said property and it was only approximately one week ago that he sold the last bunch of cattle which had been raised on the above described property. During the time that said Virgil Fulmer was farming and occupying the above described property, he was doing so as the representative of Mrs. Tint Merrell.

During the more than forty years that I have been familiar with and known the occupation, use and possession of the above described tract of land it has been in the actual, open, hostile, exclusive and notorious possession of either Tint Merrell, his widow, or their predecessors in title, or persons through whom they claim title. And since Tint Merrell purchased the above described land, as aforesaid, in 1952, he, and his wife and persons occupying the same for them have been in the actual, open, exclusive, hostile, adverse and notorious possession of the above described tract of land for each and every year since said 1952, and no other person, firm or corporation has been in possession of the above described tract of land or any part thereof at any time during such period of time since May of 1952. During the more than forty years that I have known said property I have not heard the title of Mrs. Tint Merrell or Tint Merrell or their predecessors in title questioned in any way.

In testimony whereof, I have hereunto set my hand and seal on this 9 day of February, 1965.

Andrew Johnson
Andrew Johnson

Sworn to and subscribed before
me this 9 day of FEBRUARY, 1965.

Frank Ellis
Notary Public

STATE OF ALA. SHELBY CO.
I CERTIFY THIS INSTRUMENT
WAS FILED ON 3/29 1965
RECORDED & \$.....INTG. TAX
& \$.....DEED TAX HAS BEEN
PD. ON THIS INSTRUMENT.
Conrad M. Joubert
JUDGE OF PROBATE