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STATE OF ALABAMA
SHELBY COUNTY

Before me, L. E. Parker, a Notary Public in and for the State of Alabama at Large, personally appeared E. L. Etress, who is known to me and after first being duly sworn, deposes and says as follows.

My name is E. L. Etress. I am 80 years of age and reside in Shelby County, Alabama, in the vicinity of the lands described hereinbelow. I have been familiar with this land and have known its possessors during the past 40 years. This land is best described as:

The Southeast Quarter of Northeast Quarter (SE¹ of NE¹), Section 13, Township 24 North, Range 15 East, except lot sold to Karl E. Hofmann as described in Deed Book 223, page 841 in the Probate Office of Shelby County, Alabama;

Also the Northeast Quarter of Southeast Quarter (NE¹ of SE¹), Section 13, Township 24 North, Range 15 East; except lot sold to William W. and Opal Herd as described in Deed Book 217, page 136; except lot sold to Earnest E. Powell and wife, Mary E. Powell as described in Deed Book 226, page 406; except lot sold to Virginia S. and Clifton E. Hitt as described in Deed Book 226, page 407; except lot sold to C. H. and Eva Merrell as described in Deed Book 226 on page 766.

Also excepting rights and interests of Alabama Power Company to all above described lands that lie below the 425 foot contour line established in survey of Coosa River made 2nd August, 1903 by the Corps of Engineers; situated in Shelby County, Alabama.

I know that in about 1925, the above described land was in the possession of E. L. Etress, under the claim of title. In about 1932 the said E. L. Etress conveyed this land by deed and relinquished his possession of J. S. Jones, who was in possession of this land as title claimant until his death in about 1948. Thereafter the heirs of J. S. Jones continued as title claimants and possessors of this land until in about 1954 when they conveyed this land and relinquished their possession to W. A. Henke and Ola Henke. W. A. Henke and Ola Henke have divided portions of this land into lots which they have sold as river cottage sites, and have continued in possession of their remaining land up until the present time. Charles A. Knight and Lacy B. Knight are in possession of one of said lots, Henry L. Beckman is in possession of another lot and all are claiming title to their respective lots through W. A. and Ola Henke.

I know that W. A. Henke, Ola Henke, Charles A. Knight, Lacy B. Knight, Henry L. Beckman and their predecessors in title have been in actual, continuous, and exclusive possession of the hereinabove described land for more than 40 years. Such possession has been open, visible, hostile and notorious. They have assessed this land for taxes and have paid the taxes due thereon.

I know that W. A. Henke, Ola Henke, Charles A. Knight, Lacy B. Knight, Henry L. Beckman and their predecessors in title during the past 40 years have constructed a dwelling house, barn, crib, sheds and other out buildings on the hereinabove described land. They have built fences and cross fences on this land and have used portions of this land for the planting and cultivating major crops of cotton and corn. They have built dog pens, planted gardens, trees, flowers and shrubbery on this land and they have granted a right-of-way and private roads accros portions of this land and they have exercised every other act necessary to the peaceful use and enjoyment of this land as was consistant with the nature of the land.

I know of no person or persons elaiming any right to this land or disputing the possession of this land by W. A. Henke, Ola Henke, Charles A. Knight, Lacy B. Knight, Henry L. Beckman and their predecessors in title during the past 40 years.

I more particularly know that George W. Busby, T. V. Shrader, Abe Maynard, Richard M. Nelson, Cornelia V. R. Dearth, John C. Farris, or their heirs have not been in possession of any portion of the hereinabove described land, nor have I known any of them exerting any act, claim, or interest to this land during the past 40 years.

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I know that there was some court action between Polly Bice and others - vs. William, Guy and Flora Etress, The Hopes and Morrisises concerning the ownership of some land and I know that the hereinabove described land was not in any way included in this law suit.

W. L. Etress ~~(X)~~ Mark

sworn to and subscribed before me
this 11th day of JANUARY, 1966.


Notary Public - State at Large

Tract No. 165-507-508
W. A. Henke

STATE OF ALA. SHELBY CO.
I CERTIFY THIS INSTRUMENT
WAS FILED ON 5 JAN
4-2 1966
RECORDED & S. H. T. T.
& S. D. T. T. T. T.
FD. CH. 1

JUDGE OF PROBATE

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