

6-1-38
State of Alabama

Shelby County

Before me, the undersigned authority in and for said County, in said State, personally appeared J. T. Lovett, who, after being by me first duly sworn to speak the truth, deposes and says:

My name is J. T. Lovett. I am 89 years of age and have lived within a short distance of the hereinafter described land for the past 65 years or more. When I first remember the $SW\frac{1}{4}$ of $NW\frac{1}{4}$ of Section 32, Township 21, Range 1 East, Shelby County, Alabama, it was owned by John Cost and he lived there when I moved here 65 years ago. I did not know when the Germans owned the same, but do know that John Strain purchased the land and lived in the house situated thereon for a few years and he cultivated the land until he sold the same to R. T. Kirkland in the year 1913. R. T. Kirkland remodeled the house and moved on the land and continued to live in the house until his death. He was in the actual, open, notorious, uninterrupted and peaceable possession of the said forty acres and cultivated portions of it and obtained firewood and building timber from portions each and every year until his death. His widow continued to live in the dwelling house until her death and since that time, his heirs have been in possession of the same. I have never heard of anyone contesting their title or disputing their possession or that of their predecessors in title during all the time I have known the same.

I recall when E. D. W. Shirley owned the $SE\frac{1}{4}$ of $NE\frac{1}{4}$ of Section 31, Township 21, Range 1 East, and cultivated portions of it. He sold the same to Henry Carlton who lived only a short time after he purchased the land and I understand his widow then sold the forty acres to T. J. Womack and M. O. Womack. The Womacks went into immediate possession of the land and built a house on it and lived there and cultivated the same for several years. It is my recollection that J. T. Johnson was a merchant in Columbiana, but I do not remember the transaction when the Womacks sold the property to him; however, I do recall that Sam Blount purchased the land and moved into the dwelling house situated thereon and lived there and cultivated portions of the land and obtained firewood and building timber from portions of it each and every year until he let it sell at foreclosure and R. T. Kirkland bought it in. R. T. Kirkland owned the adjoining land on the west and he used this forty acres for cultivation and pasture purposes along with his other property. Throughout the years I have known this forty acres, I have never heard of anyone

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contesting the title or disputing the possession of the heirs of R. T. Kirkland or their predecessors in title.

J. T. Lovett
J. T. Lovett

Sworn to and subscribed to before me on
this the 30th day of May, 1966.

Martha B. Joiner
Notary Public

OF ALA. SHELBY CO.
THIS INSTRUMENT
WAS FILED ON 5/30/66

1966

RECORDED & \$ MTG. TAX

NOTARY PUBLIC
SHELBY COUNTY, ALA.

Conrad H. Stiles
JUDGE PROBATE

State of Alabama

Shelby County

Before me, the undersigned authority in and for said County, in said State, personally appeared Otis Cost, who, after being by me first duly sworn to speak the truth, deposes and says:

My name is Otis Cost. I am 78 years of age and have all along been well acquainted with the persons owning the hereinafter described land. I have read the above affidavit of J. T. Lovett and know the matters and things stated therein are true and correct. I might add that I recall when my father John W. Cost owned the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 32, Township 21, Range 1 East and he sold it in 1905 to Mrs. M. L. E. German. She kept the land for a few years and in 1910 sold the same to John Strain as mentioned in the above affidavit.

With reference to the SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 31, Township 21, Range 1 East, I recall when a negro preacher by the name of Davis McEldery owned said land. He cultivated the land as far back as I can remember. I recall when I was 7 or 8 years old my father and I stopped by his house while he was loading a bale of cotton and we carried his cotton to sale for him. He cultivated the land each and every year until he sold it to R. T. Kirkland in 1928 as shown by deed recorded in Deed Book 4 page 84 in the Probate Office of Shelby County, Alabama. R. T. Kirkland went into immediate possession of this forty and used it, along with adjoining land which he owned as a part of his farm and put part of it in pasture land and fenced the forty acres and it has been under fence continuously until this very day. I know of my own knowledge that the Kirklands have been in open, notorious, continuous and peaceable possession of this forty acres along with the other land described in the foregoing affidavit of J. T. Lovett since R. T. Kirkland purchased the same and I have never heard of anyone contesting their title or disputing their possession or that of their predecessors in title.

Sworn to and subscribed to before me
on this the 30th day of May, 1966.

Martha B. Joiner
Notary Public

Ot. Cost
Otis Cost

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