

7895
STATE OF ALABAMA

SHELBY COUNTY

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

My name is K. E. Fulton. I am 72 years of age and live in and around the hereinafter described land which I have lived most of my life. Said land being described as follows:

A part of the NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 12, Township 21 South, Range 3 West described as beginning on the south side of Birmingham-Montgomery Highway 128 feet southeast from where said highway crosses west line of said $\frac{1}{4}$ - $\frac{1}{4}$ Section and run southerly along John A. Fulton land 103 feet to north right of way line of L & N Railroad; thence southeast along said right of way 340 feet; thence northwesterly along south side of Highway 357 feet to point of beginning, excepting highway right of way; situated in Shelby County, Alabama.

I purchased said land on December 14, 1925, from Will Welch in the name Kimble Fulton as shown by deed recorded in Deed Book 79 page 34 in the Probate Office of Shelby County, Alabama. Will Welch had owned the land some 2 years prior thereto and I remember when he purchased it from R. A. Garner, who was a widower at that time. The said Will Welch went into immediate possession of the same and occupied it and claimed to own it until he sold it to me as mentioned above. I went into immediate possession of the same and the lines were well established. The northeasterly line throughout the years has been marked by the west line of the old Birmingham-Montgomery Highway; the southerly line has been marked by the north line of L & N Railroad and the westerly line was marked by a hedgerow separating the above land and a small lot lying west of the above described land. I understand the deed from R. A. Garner to Will Welch has not been recorded, but I know Will Welch purchased the same as mentioned above, but the deed was probably misplaced. I sold the same to Mrs. K. O. Simms in December of 1925 and Mrs. Simms went into immediate possession of the lot and occupied it until she sold it to J. W. Cheney in March of 1926. He went into immediate possession of the land, owned and claimed it as his own until he sold it to John A. Fulton in 1929. Mr. John A. Fulton erected a store building and house on the lot shortly after he purchased it and lived in the house and operated the store until 1941 when he sold the same to B. Whittington and Justina Whittington. The said Whittingtons continued to occupy the property and rent out the store building each and every year until they sold it to C. F. Johnson and wife, Luda Johnson, the said Luda Johnson being my sister. B. Whittington is now dead, but his wife is still living. The said C. F. and Luda Johnson went into immediate possession of the land and lived in the dwelling house and operated the store until my sister died

about the year 1957 without having a Will probated and left surviving her as her sole and surviving heirs at law the following: K. E. Fulton and wife, Claudia; Mattie Murrah, whose husband is named Robert; Grace Shamburger, who is a widow; Pauline Tucker, whose husband is B. V. Tucker, and Bessie Willis and husband, J. W. Willis. After her death, the said C. F. Johnson has rented the property out to tenants each and every year until this very day. The store is no longer being operated, but the dwelling house is being rented to tenants at the present time.

With reference to an option given by Charles F. Johnson to James T. and Lou Nettie Cunningham in 1957, as shown by Deed Book 188 page 133 in the Probate Office, I know the Cunninghams sold their land or the State condemned it in 1957 and they did not elect to purchase the property described above from Charles F. Johnson.

Throughout the years I have known said land, I have never heard of anyone contesting the title or disputing the possession of Charles F. Johnson and Luda Johnson's heirs or their predecessors in title.

K. E. Fulton
K. E. Fulton

Sworn to and subscribed to before me on
this the 25th day of September, 1967.

[Signature]
Notary Public

STATE OF ALABAMA

SHELBY COUNTY

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

My name is C H FULTON. I am 75 years of age and have been familiar with the land described in the affidavit of K. E. Fulton for the past 60 years and throughout the years I have known the same, I know that the matters and things mentioned by K. E. Fulton are true and correct.

C. H. Fulton

Sworn to and subscribed to before me
on this the 21 day of September, 1967.

H. B. Murrell
Notary Public

STATE OF ALA. SHELBY CO.
I CERTIFY THIS
INSTRUMENT WAS FILED

1967 OCT 17 PM 10:26

U.C.C. FILE NUMBER OR
REC. DR. & PAGE AS SHOWN ABOVE

Donna J. Murrell
JUDGE OF PROBATE