

STATE OF ALABAMA
SHELBY COUNTY

9103

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

My name is C. H. Nash. I am 81 years of age and reside in Shelby County, Alabama in the vicinity of the land described hereinbelow. I have been familiar with this land and have known its possessors during the past 40 years or more. This land is best described as:

Tract No. 477 - The Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ of SW $\frac{1}{4}$) of Section 23, Township 21 South, Range 1 East.

The Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ of NW $\frac{1}{4}$) of Section 26, Township 21 South, Range 1 East, except 5 acres on South side purchased by Alabama Power Company for water rights.

Also a parcel of land in the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ of NE $\frac{1}{4}$) of Section 27, Township 21 South, Range 1 East described as follows: Commence at the Northeast corner of said Section 27, thence South 2 degrees 2 minutes East along East boundary of said Section 27 for 427.7 feet more or less to point of beginning, thence South 87 degrees 58 minutes West 625 feet, thence South 2 degrees 2 minutes East 906.7 feet more or less to the center of Beeswax Creek, thence in an Easterly direction down center line of Beeswax Creek to a point of intersection on the East boundary of said Section 27 and center line of Beeswax Creek, thence North 2 degrees 2 minutes West along East boundary of said Section 27 for 517.3 feet more or less to point of beginning.

All of above situated in Shelby County, Alabama and owned by Earl M. Butler.

Tract No. 476 - The Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ of SE $\frac{1}{4}$) of Section 22, Township 21 South, Range 1 East.

Also all the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ of NE $\frac{1}{4}$) of Section 27, Township 21 South, Range 1 East, lying North of Beeswax Creek, less and except a parcel described as follows: Commence at the Northeast corner of said Section 27, Thence South along Section line 427.7 feet more or less to point of beginning of land herein excepted, thence South 87 degrees 58 minutes West along the R. E. Butler land 625 feet, thence South 2 degrees 2 minutes East 906.7 feet more or less to the center of Beeswax Creek, thence in a Northeasterly direction along said center line of said creek to its intersection with the East boundary of Section 27, thence North 2 degrees 2 minutes West along East boundary of said Section 27 for 517.3 feet more or less to point of beginning, and except also that portion of said forty acres heretofore deeded to Alabama Power Company by deed dated March 13, 1913 and recorded in the Probate Office of Shelby County, Alabama in deed book 52 at pages 91 and 92.

All of the above land situated in Shelby County, Alabama and owned by Walter J. Murphree.

I know that in about 1930 all of the above described land was in the possession of Charles W. Duncan who claimed title thereto. Later that same year the said Charles W. Duncan conveyed a portion of this land to R. E. Butler who moved into possession thereof. In about 1938, the said Charles W. Duncan deeded the remaining portion of this land to O. P. Jones who conveyed a portion of this land to R. E. Butler in about 1941. After the death of O. P. Jones, his heirs conveyed their remaining portion of this land to Walter J. Murphree in about 1952. All have been in possession of their respective lands during the time they held title thereto.

I know that R. E. Butler, his heirs, Walter J. Murphree and their predecessors in title during the past 35 years or more have been in the actual, continuous and exclusive possession of their respective lands. Their possession has been visible, open, hostile and notorious. They have assessed their respective lands for taxes and have paid the taxes due thereon.

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I know that R. E. Butler, his heirs, Walter J. Murphree and their predecessors in title have constructed dwelling houses, barns and other necessary outbuildings on their respective lands during the past 35 years. They have fenced and cross-fenced portions of their lands, and have kept livestock therein. They have leased portions of their lands and have exercised every other act necessary to the peaceful use and enjoyment of their respective lands as was consistent with the nature of the lands.

I know of no person or persons claiming any right to this land or disputing the possession of this land by R. E. Butler, his heirs, Walter J. Murphree and their predecessors in title during the past 35 years under the claim of ownership.

I know that R. E. Moore, D. D. Messer, W. B. Jones, J. H. Robertson, G. W. Merrell or their heirs have not been in possession of the hereinabove described land nor have they exercised any claim or authority over this land during the past 35 years or more.

I know that W. B. Jones was in possession of a portion of the above described land on about May 7, 1924 under the claim of title.

I know that Charles W. Duncan, the husband of Minerva Duncan has been dead for more than three years. The said Minerva Duncan, has not been in possession of any portion of the above described land nor has she exercised any claim over this land from about 1927 up until the present time.

I know that certain deed executed by G. W. Merrell to Paul S. Smith on May 7, 1927 inadvertently recited the word conveyed, when the word should have been excepted and it was his intention that the described 10 acres in the Northeast Quarter of Northeast Quarter, Section 27, Township 21, Range 1 East be excepted as he was not in possession of this 10 acres nor did he claim title to said 10 acres. This error in wording was also incorrectly carried on and recited in several subsequent deeds and mortgages.

C. F. Nash

Sworn to and subscribed before me
this 3rd day of January, 1968.

[Signature]
Notary Public - State at Large

Tract No. 477 - Earl M. Butler
Tract No. 476 - Walter J. Murphree

STATE OF ALA. SHELBY CO.
I CERTIFY THIS
INSTRUMENT WAS FILED
1968 FEB 13 PM 5:31
U.C.C. FILE NUMBER OR
REC. BK. & PAGE AS SHOWN ABOVE
JUDGE OF PROBATE
Conrad M. Johnson

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