

11215

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 76 years of age and have lived in or near Saginaw, Alabama, all of my life. I have generally been familiar with the hereinafter described land since I was a young man. Said land being described as follows:

The NE $\frac{1}{4}$ of SE $\frac{1}{4}$ and SW $\frac{1}{4}$ of SE $\frac{1}{4}$ and E $\frac{1}{2}$ of SW $\frac{1}{4}$ and SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 17, Township 20 South, Range 2 West;

The NW $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 19, Township 20 South, Range 2 West;

The SE $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 17, Township 20 South, Range 2 West;

The NW $\frac{1}{4}$ of Section 20, Township 20 South, Range 2 West;

Subject to easements and right-of-ways;
being situated in Shelby County, Alabama.

I recall that E. L. Bentley began purchasing the above described property as early as 1908 and possibly before. He had a program of systematically selling the timber off said land for bridge timbers and other purposes for many years and he was still in the timber business up to 1925. I recall E. L. Bentley moved from his home in Pelham about the year 1935 to an old house situated in NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section 20. He repaired the house and constructed a big barn on the land. There were some old fences, but when he moved on the land, he rebuilt and repaired these fences and completed the fencing of all of the land which he owned at that time, so that the entire tract was under fence except for the SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 17, which he did not purchase until 1931. He cultivated a greater portion of the above described land and used the remainder for pasture and timber purposes each and every year from the time he purchased each parcel until his death. The old house burned about 7 or 8 years after he moved into it and he immediately built another house in the same location. He lived there continuously until his death in 1955. His widow continued to live in the house until approximately six years ago when she went to live with one of her children. The house burned soon after then, but she continued to look after the land and rent it to tenants until her death on July 18, 1962. Since her death the heirs of E. L. Bentley, namely: C. Smith Bentley, Ruth Myrick, E. L. Bentley, Jr. and George W. Bentley have been in possession of the lands in their entirety, paying taxes and caring for the property. Said named persons are the sole and surviving heirs at law of E. L. Bentley, deceased, and they are each over the age of 21 years and of sound mind.

Affiant further says that the forty acres which does not adjoin the remainder of the property, being NW $\frac{1}{4}$ of SE $\frac{1}{4}$, of said Section 19 was used and occupied, along with the other land described above to grow timber and E. L. Bentley used the same in connection with his timber business as mentioned above. Then his widow and children have continued to use it in the same manner as they have the other lands.

In 1941 when W. S. Pritchard purchased land adjoining and lying north and east of the above lands, he employed me to cruise and check his lines. E. L. Bentley went with me and we checked the lines and corners along the north and east lines and I know where each of these corners are and the lines are well marked and painted. In 1942 or 1943 Colonel Pritchard sold the timber from his land to Brown Lumber Company and I went upon the land to show them the corners and lines separating this land from the Bentley land. Again in 1945 or 1946 when W. S. Pritchard sold said land to W. A. Belcher, I had an opportunity to view the lines and point out the corners to the purchaser. I am, therefore, very familiar with the north and east lines of the Bentley property.

Throughout all the years that I have known the above described land I have never heard of anyone contesting the title or disputing the possession of the heirs of E. L. Bentley, deceased or their predecessors in title.

C. H. Fulton
C. H. Fulton

Sworn to and subscribed to before me on
this the 23rd day of May, 1968.

PLACE

Harold A. Fubini

Notary Public

STATE OF ALA. SHELBY CO.
CERTIFY THIS
INSTRUMENT WAS FILED
1968 AUG 12 PM 4:51
U.C.C. FILE NUMBER OR
REC. EX. & PAGE AS SHOWN ABOVE
David McEwen
JUDGE OF PROBATE

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