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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 Alex Etrass, who is known to me and after first being duly sworn, deposes and says as follows:

My name is Alex Etrass. I am 74 years of age and reside in Shelby County, Alabama. I have been familiar with the land described hereinbelow and have known its possessors for more than 50 years. This land is best described as:

Southeast Quarter of Southwest Quarter (SE $\frac{1}{4}$  of SW $\frac{1}{4}$ ); Southwest Quarter of Southeast Quarter (SW $\frac{1}{4}$  of SE $\frac{1}{4}$ ); Northeast Quarter of Southwest Quarter (NE $\frac{1}{4}$  of SW $\frac{1}{4}$ ) less and except 8 acres in Northwest Corner. Eight acre strip on south end of Northwest Quarter of Southeast Quarter (NW $\frac{1}{4}$  of SE $\frac{1}{4}$ ), Section 11, Township 24 North, Range 15 East.

Northeast Quarter of Northwest Quarter (NE $\frac{1}{4}$  of NW $\frac{1}{4}$ ), Section 14, Township 24 North, Range 15 East.

Situated in Shelby County, Alabama, containing 160 acres, more or less.

I have been familiar with the above described land since prior to 1907-1908 when I was living on this land with my parents as tenants of my Uncle, G. W. Etrass, Mrs. Fannie and Liza Carden. I remember that my two sisters and myself were picking cotton on a portion of the above described land when we saw our first automobile. After about one year on this land as tenant farmers, my father bought a place of his own and we moved away. I have heard the land was sold on one or two occasions. My later knowledge of the above described land began in about 1932 when this land sold for 1931 taxes and was bought in at a tax sale by Elmer (Bud) Carden. I know that Elmer (Bud) Carden moved into immediate possession of this land after the said tax sale, claiming the land as his own and has continued as possessor and title claimant over all this land up until the present time with the exception, of course, of that parcel of this land conveyed by him to his daughter, Eleanor C. Glass, who has, during the last few years, constructed a dwelling house on about the exact spot that the house where we lived as tenants in 1907-1908 stood.

I know that Elmer Carden, Eleanor Glass and their predecessors in title and possession have been in the actual, continuous and exclusive possession of all the hereinabove described land for more than 60 years. Their possession has been visible, open, hostile and notorious. They have assessed this land for taxes and have paid the taxes due thereon. I more specifically know that Elmer Carden and his assigns have paid the taxes due on this land beginning with the tax year 1931 continuously up through the present tax year.

I know that all during the past 50 years or more, those persons in possession and claiming ownership over the above described land have been in uncontested control and authority and since 1931, Elmer Carden has been in exclusive possession under the claim of ownership.

I know that Elmer Carden, Eleanor Glass and their predecessors in title and possession have cultivated and harvested major crops of cotton and corn for market. They have fenced and cross-fenced portions of this land for the raising of livestock. Timber from other portions of this land has been cut and marketed. They have constructed several dwellings, barns, cribs, smoke houses and other necessary outbuildings on portions of this land and have used these structures and the land for the maintenance and support of a farm family homeplace. They have exercised every other act necessary to the peaceful use and enjoyment of this land that was consistent with the nature of the land.

I know of no person or persons, including heirs of Charles M. Carden, Sr., having ever claimed any right, title or interest in the above land adversely to Elmer Carden, Eleanor Glass and their predecessors in title during the past 35 years or more, nor have I known of any said heirs disputing the possession of this land under the claim of right, title, interest or ownership. I have known of no heir of the said Charles M. Carden, Sr., other than those persons in actual possession of this land, having ever provided, offered or extended any assistance, either manually or monetary toward the maintenance, improvement and beautification of the above described land during the past 35 years or more, nor have I known of anyone other than Elmer Carden actually assessing this land for taxes and/or paying the taxes due.

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I know that J. D. Carden, S. C. Merrell, Fannie Carden, J. W. Grimes, G. W. Etress, C. E. Thompson, their heirs and assigns have not been in possession of any portion of the above described land during the past 35 years or more, nor have they exercised any act of authority or control over any portion of this land. I have known of no dispute between adjoining land owners as to land lines and boundaries of the said lands.

I know that Fannie Carden was one and the same person as Frances Carden and was known to me as the widow of Charles M. Carden, Sr., who was deceased prior to the time of my recollection (before 1900).

I know that sometime after the death of Charles M. Carden, a homestead consisting of a six acre tract of land was set up for Fannie Carden, who also looked after other estate property. Through the years, Uncle Bill Carden (William M. Carden), Johnnie D. Carden and later Elmer Carden, assisted Fannie Carden in household chores, trips to town, plowing and planting gardens and other business such as assessing lands and paying the taxes at the Tax Collector's office in Columbiana. I know that William A. Carden, Johnnie D. Carden or Elmer Carden acted only in assistance to the said Fannie Carden in carrying on her business and at no time have either of them been duly authorized to act as an agent or create an agency by implication for the said Fannie Carden.

I more specifically know that the said Fannie Carden was deceased sometime prior to 1927 and that Elmer Carden was not an agent for the estate of Fannie Carden at the time taxes on the above described land became delinquent or at the time this land was sold for taxes to Elmer Carden in about 1932.

Alfred E. Cross

Sworn to and subscribed before me  
this 31st day of July, 1968.

Notary Public - State at Large

Tract No. 447  
Elmer Carden

STATE OF ALA. SHELBY CO.  
NOTARY PUBLIC  
INSTRUMENT WAS FILED  
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