

11493

STATE OF ALABAMA
SHELBY COUNTY

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

My name is E. L. Etress. I am 84 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 know that for several years prior to 1904, the above described land and adjacent lands were known and understood throughout this vicinity as lands belonging to Charles M. Carden, Sr. Estate and since his death had been in the possession of his widow and children who claimed ownership thereto. In 1904, an effort was made by the said widow and children to settle the Charles M. Carden, Sr. estate through the courts by sale of estate lands for division. Dr. John M. Grimes purchased a portion of these lands at the sale and later purchased several undivided interests in the remaining estate lands which included the lands described hereinabove. G. W. Etress who was my father purchased the rights, title and interests that the said Dr. John M. Grimes owned in the said Carden Estate lands and later purchased additional undivided interests from the Carden heirs. My family lived on adjoining land from about 1904 until about 1912 and it was during this time that my father bought the heirs' interests. By early 1910, my father's undivided interest in the above described land that was nearing a $1/2$ interest and later in the same year he conveyed this undivided interest in said lands to J. M. Willis, who in about 1912 deeded this undivided interest in captioned lands and relinquished his possession to Lucy K. Sawyer. Fannie Carden, the widow of the said Charles M. Carden, remained in possession of a six acre tract that had been set aside as her homestead and continued jointly in possession of the hereinabove described lands with the said Lucy K. Sawyer, et al until in 1926 when Fannie Carden conveyed her interest in all the above land to James Curtis.

The above land was sold for taxes due, for two or more years being redeemed, but in 1932, all of the above described land was sold for its unpaid 1931 taxes and was purchased by Elmer Carden who moved into immediate possession of all the above described land and has continued his possession up until the present time except for a parcel of this land subsequently conveyed by the said Elmer Carden to Eleanor Glass, his daughter.

I know that Elmer Carden, Eleanor Glass and there predecessors in title have been in the exclusive possession of all the hereinabove described land for more than 35 years. Their possession has been visible, open, hostile and notorious. They have assessed this land for taxes and have paid the taxes due thereon from 1931 up until the present tax year.

I know that during the time my father owned an undivided interest in the above described lands, he claimed this interest openly exercising every act necessary to the peaceful use and enjoyment of this land as co-owner and possessor, being consistent with the nature of the land. My family used portions of this land for farming. I personally helped clear portions of timber land for farming and have actually participated in planting, cultivating and harvesting of major crops of cotton and corn from this land. We built rail fences and kept livestock on portions of this land. My father granted my Uncle Joe Etress, Aunt Sally Etress and their family use of portions of this and other lands including a dwelling in which to live while they were supporting the family by farming a portion of the above described land. Uncle Joe rented this land subject to the undivided interest claimed by Fannie Carden and rent was paid to her.

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I know of no person or persons other than those named herein in the chain of title claiming any interest, right or title to any portion of the hereinabove described land during the past 50 years or more. I more especially know that no heirs of the said Charles M. Carden, Sr., other than those heretofore named have been in possession of any portions of the above described land nor have they paid any taxes, improvements or exercised any claims or acts of authority or ownership over any portion of this land. I know this to be the case most certainly and specifically during the Elmer Carden, tenure of this land.

I know that Earmon Connell is in possession of the North 32 acres of the Northwest Quarter of Southeast Quarter (NW $\frac{1}{4}$ of SE $\frac{1}{4}$), Section 11, Township 24 North, Range 15 East and has continued in this position for many years under uncontested ownership and has not been in possession of any part of the above described lands.

I know that J. W. Grimes, G. W. Etreas, J. M. Willis, Lucy K. Sawyer, Martha Sawyer, James Pearson, S. C. Merrell, J. W. Morgan, D. F. Steel, W. H. Hope, G. W. Pate, Velma Hope Benson, John Edgar Benson, James Curtis, J. D. Carden, their heirs and assigns have not been in possession of any portion of the above described land during the past 35 years or more.

The said Charles M. Carden, Sr., had been deceased several years prior to 1900.

G. W. Etreas

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

[Signature]
Notary Public - State at Large

Tract No. 447
Elmer Carden

STATE OF ALA. SHELBY CO.
RECORDS DEPARTMENT
INSTRUMENT WAS FILED
1968 SEP - 9 PM 10:19
U.C.C. FILE NUMBER OR
REC. BK. & PAGE AS SHOWN ABOVE
Conceded
JUDGE OF PROBATE