

STATE OF ALABAMA

SHELBY COUNTY

137

Before me, a Notary Public in and for said County and State, personally appeared H. M. Merrell, who is known to me, and who being by me first duly sworn, deposes and says as follows:

My name is H. M. Merrell. I am 58 years^{old} and reside at Route 1, Shelby, Shelby County, Alabama.

I have been familiar with the ownership and possession of the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 6, Township 24 North, Range 16 East, minerals and mining rights excepted, for the past 40 years or more years, having been the owner of said property since January, 1945, and having actually lived and resided on said property continuously since 1945 and until the present time.

I bought said property from Mr. E. S. Pearson in January, 1945, receiving a warranty deed, immediately taking possession of said property under said warranty deed. There was no house on said property when I bought it, but, within a year of the time when I bought said property and before 1946, I did construct a residence dwelling on said property, and my wife and I have resided in said residence dwelling on said property continuously since prior to 1946 and until the present date. During the course of our ownership of said property, we have constructed additional outbuildings on said property, including a barn, chickenhouse, garage, etc..

I remember when Mr. E. S. Pearson, while he owned said property, began clearing the same and cleared 20 or more acres prior to 1935. About this same time while he was clearing said property, Mr. Pearson built a fence around the entire property, that is, the entire quarter-quarter section, and began cultivating the portion thereof which he had cleared. Mr. Pearson,

during the time while he owned said property and subsequent to his clearing thereof, cultivated said cleared portions each and every year, and I have continued cultivating various portions of said property during the time when I have owned the same. I have also constructed cross fencing and have used part of the property for pasture purposes from time to time. I have cut a little bulowood from said property as I have cleared additional portions of said property, using some of the trees which I cut to make lumber which I used in building my barn.

The original fence constructed around said property has been repaired from time to time and is still standing and visible, except for about 200 yards on one side, which is not standing.

I do not know Mrs. W. A. Heck, but I do know that neither said Mrs. W. A. Heck, nor none of her heirs or devisees, nor anyone claiming title by or through her have owned, claimed, or possessed said property, nor any part thereof, since Mr. Pearson bought said property in 1932.

Neither have T. S. Mitchell, William E. Wald, N. C. Sudduth, John R. Crow, Planters Bank of Talladega Springs, Alabama, nor any other person (other than said E. S. Pearson and I) owned, claimed, or possessed said property, nor any part thereof, since 1932 and until the present date. I, and my predecessor in title, said E. S. Pearson, have been in the actual, open, continuous, notorious, undisturbed, peaceable, exclusive, hostile, actual adverse possession of all of said property since 1932 and until the present date, and during said period of time, I have never heard anyone question our title or right to possess said property.

H. M. Merrell
H. M. Merrell

Sworn to and subscribed before me
this 10th day of October, 1968.

[Signature]
Notary Public

STATE OF ALABAMA

SHELBY COUNTY

Before me, a Notary Public in and for said County and State, personally appeared E. S. Pearson, who is known to me, and who being by me first duly sworn, deposes and says as follows:

My name is E. S. Pearson. I am 80 years of age and reside at Route 1, Shelby, Alabama. I have read the above affidavit of H. M. Merrell, and I know of my own personal knowledge that the facts as stated in said affidavit are true and correct.

I have known the real estate described in the affidavit of said H. M. Merrell for the past 65 or more years. I remember, before 1910, when J. M. Duke owned 38 acres of said property, the other 2 acres being owned by C. C. Carden. Said J. M. Duke mortgaged his portion of said property, said mortgage was foreclosed, and W. H. Mitchell became the owner thereof after said mortgage foreclosure about 1916. Said W. H. Mitchell bought the portion of said property which was owned by said C. C. Carden about that same time, or a little later.

I have been told that the public records show that Jeanette H. Smith was the next owner of said property after said W. H. Mitchell, but I don't remember said Jeanette H. Smith or when she owned said property. The next owner of said property which I knew about was Mrs. W. A. Heck.

Said property sold to the State of Alabama for non-payment of ad valorem taxes assessed by Mrs. W. A. Heck, and I bought said property from the State of Alabama in 1932.

I don't know what became of Mrs. W. A. Heck. The last that I heard of her or of anyone in her family was about 2 years after I bought said property from the State--on this occasion Mrs. Heck's son-in-law came to me and asked me if he could redeem the property or buy it back from me. I told this man that I would sell the property, but I never heard from him again.

I conveyed said property to H. M. Merrell in 1945, as related in the above affidavit of said H. M. Merrell, and said H. M. Merrell has occupied said property continuously since then

as his homestead. I cleared at least 20 acres of said property and fenced all of said property before 1935, as related in my said affidavit of said H. M. Merrell.

To my own personal knowledge, said H. M. Merrell and his predecessors in title, as designated, have been in the actual, open, continuous, notorious, undisturbed, peaceable, exclusive, hostile, actual adverse possession of all of said property since 1932 and until the present date.

E. S. Pearson
E. S. Pearson

Sworn to and subscribed before me
this 10th day of October, 1968.

[Signature]
Notary Public

STATE OF ALABAMA

SHELBY COUNTY

Before me, a Notary Public in and for said County and State, personally appeared T. A. Weldon, who is known to me, and who being by me first duly sworn, deposes and says as follows:

My name is T. A. Weldon. I am 71 years of age and reside at Route 1, Shelby, Alabama. I have known the property described above in the affidavit of H. M. Merrell for the past 30 or more years. I remember when Mr. E. S. Pearson bought said property and when he later conveyed said property to H. M. Merrell.

I have read the above affidavit of H. M. Merrell and I know of my own personal knowledge that the statements of fact therein contained are true and correct.

T. A. Weldon
T. A. Weldon

Sworn to and subscribed before me

10th day of October, 1968.

[Signature]
Notary Public

STATE OF ALABAMA

SHELBY COUNTY

Before me, a Notary Public in and for said County and State, personally appeared L. P. Lovett, who is known to me, and who being by me first duly sworn, deposes and says as follows:

My name is L. P. Lovett. I am 73 years of age and reside at Route 1, Shelby, Alabama. I have known the property described above in the affidavit of H. M. Merrell for the past 30 years or more. I remember when Mr. E. S. Pearson bought said property and when he later conveyed said property to H. M. Merrell.

I have read the above affidavit of H. M. Merrell and I know of my own personal knowledge that the statements of fact therein contained are true and correct.

I worked for Mr. Pearson for a time cultivating a portion of the said property which Mr. Pearson had cleared--Mr. Pearson and I raised cotton, corn, watermelons and other crops on said cleared portion of said property about 1941 or 1942.

L. P. Lovett
L. P. Lovett

Sworn to and subscribed before me
this 10th day of October, 1968.

Mary D. Thompson
Notary Public

STATE OF ALA. SHELBY CO.
CERTIFY THIS
INSTRUMENT WAS FILED
1968 OCT 10 PM 4:04
U.C. FILE NUMBER OR
REC. BK. & PAGE AS SHOWN ABOVE
Conceded by State
JUDGE OF PROBATE