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STATE OF ALABAMA )

SHELBY COUNTY )

Before me, the undersigned authority, a Notary Public in and for said County and State personally appeared B. E. McCLANNAHAN, who after being by me first duly sworn to speak the truth deposes and says as follows:

My name is B. E. McClannahan and I am 88 years of age. I presently reside at Route 2, Columbiana, Alabama, and I have been familiar with the occupation, use, and possession of the hereinafter described property for a period in excess of 66 years, to-wit:

A part of the SW $\frac{1}{4}$  of Section 36, Township 21 South, Range 1 West, described as follows: Begin at the SW corner of said Section 36 and run North along West boundary of said Section 1709 feet; thence run East and parallel with South line of said Section a distance of 1345 feet more or less to West right of way line of L & N Railroad; thence run in a Southeasterly direction along the West right of way line of said Railroad to the South line of said Section 36; thence run West along South line of said Section 36 to the point of beginning.

The above described property was purchased by A. D. Nelson in 1903. Said A. D. Nelson went into the immediate adverse, notorious, open, hostile, continuous, and exclusive possession of the above described property immediately upon his purchase thereof and so remained in possession up until the time of his death in 1910. Said A. D. Nelson died in 1910 and left surviving him as his heirs his widow, Pearl Nelson and the hereinafter named children: Eva Barnes, whose husband is Morris Barnes, Thomas J. Nelson, whose wife is Evelyn Nelson; Louise Thomas, whose husband is Jack Thomas, and A. D. Nelson, Jr. whose wife was Isabella Nelson. A. D. Nelson, Jr. died September 16, 1960 and left surviving him his widow, Isabella Nelson and one daughter, Doris Nelson Roberson, whose husband is Otto Roberson. From the time of the death of A. D. Nelson, Sr., in 1910 up until the death of his brother, Elisha Nelson, lived in the residence located on the above described property up until the death of said Elisha Nelson approximately 15 years ago. Said Elisha Nelson had deeded his interest in said property to A. D. Nelson, as aforesaid, in 1903 but remained in possession of said land up until his death with the consent of Pearl Nelson and the other heirs of said A. D. Nelson, Sr. It has been called to my attention that said Elisha Nelson paid taxes on the above described property up until the time of his death, and, after his death, taxes were still paid in his name by Pearl Nelson. This was done merely because of the fact that he was allowed to live on the property and he asserted no right, claim, or interest in said property. Immediately after the death of Elisha Nelson some 15 years ago, A. D. Nelson, Jr., who resided on property North

of the above described property, went into possession of the above described property with the permission of Pearl Nelson and the other aforesaid named heirs of A. D. Nelson, Sr. Said A. D. Nelson, Jr. remained in possession of the above described property for each and every after the death of Elisha Nelson up until said A. D. Nelson, Jr. died on September 16, 1960. During said period and up until his death, said A. D. Nelson, Jr. farmed and cultivated several parcels of the above described property and cut timber and fire wood from the remaining tract.

It has been called to my attention that during the period from 1954 up until the present time the heirs of A. D. Nelson, Sr. exchanged several quit claim deeds among themselves concerning and conveying the above described property. I am not familiar with these transactions, but know that the property is presently owned by Isabella Nelson and Doris Nelson Roberson by virtue of deed executed by Pearl Nelson and the other heirs of A. D. Nelson, Sr. in 1961. During the more than 66 years I have known the above described property, the same has been in the continuous, exclusive, notorious, open, hostile and adverse possession of said Isabella Nelson and Doris Nelson Roberson and their predecessors in title as aforesaid, and no other person, firm, or corporation has been in possession of said land or any part thereof during said period.

I know that G. C. McDonald does not claim any part of the above described property and has never been in possession of any part thereof. Actually the lands owned by said G. C. McDonald, now deceased, all lies East of the railroad which is the Eastern boundary of the above described property and does not overlap or touch the above described property at any point.

I am also familiar with the property conveyed to Arthur Neeley and wife, Pearl Neeley on September 16, 1961, by deed recorded in Deed Book 217, page 581 in the Probate Records of Shelby County, Alabama. Although said deed recites that the beginning point is the SE corner of the SW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 36, Township 21 South, Range 1 West, actually the beginning point was the SW corner of said forty. The property which Arthur Neeley and Pearl Neeley claim and went into possession of pursuant to said last mentioned deed lies West of the above described property and does not touch or overlap on said property at any point, and said Arthur Neeley and wife, Pearl Neeley claim no interest in the above described property or any part thereof.

Sworn to and subscribed before me  
this 10 day of August, 1966.

Frank Collins  
Notary Public

B. E. McPherson

538  
BOOK 259 PAGE