

STATE OF ALABAMA
SHELBY COUNTY

Before me, the undersigned authority in and for said County in said State, personally appeared Elbert Miller, who, after being by me first duly sworn to speak the truth, deposes and says:

My name is Elbert Miller. I am 71 years of age and have lived in and around the following described land and have been familiar with it and the persons in possession of the same all of my life. Said land being described as follows:

SE $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 4 and 10 acres on the south side of NE $\frac{1}{4}$ of SE $\frac{1}{4}$ lying west of creek and south of property formerly owner by Archer; all in Section 4, Township 20 South, Range 1 East;

Also all that part of the NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 9, Township 20 South, Range 1 East lying north of Yellow Leaf Creek;

All being situated in Shelby County, Alabama.

When I was first old enough to remember, which was at lease in the year 1908, I recall that J. R. G. Fancher owned all the above land, and he continued to own the same until he sold it to his son in 1947, as shown by deed to Otis H. Fancher recorded in Dadd Book 151 page 172 in the Probate Office of Shelby County, Alabama. Par of the land was fenced in during the years and I know the lines and corners were well marked. The dwelling house was near the center of the land, along with other outhouses. Approximately 15 acres of the land was in cultivation and approximately 10 acres was in pasture and the remainder of the land was wooded area. The 2 acres north of the creek was in woodland and was swampy, but it was always recognized as being a part of the Fancher place. J. R. G. Fancher occupied this land as his homestead throughout the years until he conveyed the same as mentioned above. Otis H. Fancher did not live on the land, but let his son-in-law, Jeff Holmes use the land for some 3 years and then O^l^{ds} H. Fancher set out pine trees on the portion that had been in cultivation. I recall that a Mr. Lybrand cut the timber from the land for Otis H. Fancher on one occasion. Otis H. Fancher lived near the land from several years and looked after it, but then he went to work as a forest ranger and has been moving from place to place and he has had some of his people living on the land and looking after it for him for the past few years and until this very day.

There has been called to my attention various parties beginning in 1907 through 1938 have been making deeds, affidavits and mortgages covering the 2 acres of land lying north of Yellow Leaf Creek and situated in NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 9, Township 20, Range 1 East; however, I know this was caused by errors in the deeds,

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as none of said parties have ever exercised any acts of ownership to said land nor have they been in possession of it at any time. I know of my own knowledge that Otis H. Fancher and prior to him J. R. G. Fancher has owned the same, been in the actual possession of it, paying taxes and I have never heard of anyone contesting their possession or disputing their title to this very day.

There has also been called to my attention a deed from Ruth T. McRee to A. M. Muncy dated June 23, 1955 covering 7 acres of land in the NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 4. I am familiar with this 7 acre parcel of land and know the same does not overlap on the above described property as the creek is the line between the Muncy land and the above described land which is situated in said NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 4.

X Elbert Miller
Elbert Miller

Sworn to and subscribed to before me on this

the 10th day of October, 1969.

Katherine Randle
Notary Public

State of Alabama
Shelby County

Before me, the undersigned authority in and for said County in said State, personally appeared David Miller, who, after being by me first duly sworn to speak the truth, deposes and says:

My name is David Miller. I am 66 years of age and have also lived near the above described land all of my life. I know the matters and things mentioned in the affidavit of Elbert Miller to be true and correct.

X David Miller
David Miller

Sworn to and subscribed to before me on

this the 10th day of October, 1969.

Katherine Randle
Notary Public

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