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STATE OF ALABAMA

SHELBY COUNTY

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

My name is Earlene Smith. I am 65 years of age. I have lived in the area between Columbiana and Shelby all my life and have been familiar with the hereinafter described land all my life:

The SE $\frac{1}{4}$ of SE $\frac{1}{4}$ Section 2, Township 22 South, Range 1 West; situated in Shelby County, Alabama.

I am a niece of William Tyes, who is one and the same person as William Tyce and W. M. Tyce. From the time when I can first remember when I was a little girl, my Uncle W. M. Tyce, who we called Uncle Willie, lived on said 40 acres of land. It is my recollection it was not a new house when I first remember it. I do recall that my said uncle had all of said 40 acres under fence and cultivated portions of it and raised cotton and corn and had cows, horses, and hogs and parts of the remainder of the land were in timber and he lived on it and cultivated it each and every year until March of 1940 when he sold one acre, in a square, off the Southeast corner of said 40 acres to Paralee Davis which one acre is more particularly described in a deed recorded in Deed Book 108, page 94 in the Probate Office of Shelby County, Alabama. The said Paralee Davis built a house on her said one acre and lived there for many years. My uncle, the said William Tyes, lived on the remainder of said land and continued to cultivate and pay the taxes on it each and every year until his death when he willed that part of said 40 acres he continued to own to his son, Eddie Tyce. It is called to my attention that the Will of William Tyes is shown as W. M. Tyce in his Will. I know that it was his Will and he is one and the same person as William Tyes. In fact, I am one and the same person as Earlene Smith and I was one of the witnesses of his Will. The said Eddie Tyce went into immediate possession of said land after the death of his father and lived on it along with his wife, Ethel Tyce, each and every year and lived in the same house as had William Tyes before them. The said Eddie Tyce cultivated said land each and every year as his father had before him until a few years before his death when he and his said wife moved away but continued in the actual possession of said land and he cared for it and looked after it but the house got in bad repair. Affiant knows of her own knowledge that the said William Tyce and son Eddie Tyce were in the actual possession of said land and lived on it and cultivated it and had it under fence for more than 40 years.

Affiant says that through some mistake in the person writing the deed conveying this property to W. M. Tyes, she understands that said deed described said land as the SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 2, Township 22 South, Range 1 West, Shelby County, Alabama, but that the said Ethel Tyce and her predecessors in title claimed to own the SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 2, Township 22 South, Range 1 West, Shelby County, Alabama.

Affiant says that the said Eddie Tyce and his wife, Ethel Tyce, had no children and Eddie Tyce had no brothers and sisters and his father and mother both died many years before his death so his widow, Ethel Tyce, inherited said property from the said Eddie Tyce and she went into immediate possession of it after his death and paid taxes on it and it has been known throughout the community that the said property belongs to her and she sold the timber off it. Affiant further says that throughout all the years that she has known said land that she has never heard of anyone contesting the title or disputing the possession of said Ethel Tyce or the persons through whom she claims title.

Earlen Smith
Earlen Smith

Sworn to and subscribed to before me on
this the 2 day of April, 1970.

Martha B. Garner
Notary Public

U.C. FILE NO. 70-9
REC. BR. 2 FILE AS SUBJECT ALREADY
Covered by memo
DATE OF REPORT