

3658  
STATE OF ALABAMA

SHELBY COUNTY

Before me, a Notary Public in and for Shelby County, Alabama, personally appeared Emma Merrell, who is known to me, and who, being my first duly sworn, deposes and says as follows:

My name is Emma Merrell and I reside at Shelby, Shelby County, Alabama.

I have been familiar with the ownership and possession of the following described property since 1944, said property being described as follows:

Begin at the Northeast corner of Block Six (6) according to Safford's Survey of the Town of Shelby, Alabama, recorded in the Probate Office of Columbiana; thence West along the South boundary line of Parker Avenue 420 feet to a point of beginning; thence South parallel to Third Street 342.7 feet to North boundary line of Eighth Avenue; thence West along North boundary line of Eighth Avenue 379 feet to East boundary line of First Street; thence North along East boundary line of First Street 374.7 feet to South boundary line of Parker Avenue; thence East along South boundary line of Parker Avenue 351.0 feet to point of beginning, said lands being in Shelby County, Alabama.

In 1944, my husband, James W. Merrell (now deceased) and I bought the property lying adjacent to and East of the above described property from Shelby Iron Company. Mr. A.B. Bristow was the agent for Shelby Iron Company at that time, and there was a house on said property which we bought in 1944. My husband and I lived in said house continuously since 1944 until the death of my husband about eight years ago, and I have resided in said house continuously since that time until the present date.

The above described property, lying adjacent to and immediately West of said property which I now own and occupy, was bought by J.H. Hamilton and/or wife, G.C. Hamilton, about the same time when my husband and I bought our said property; I believe that said property was bought by J.H. Hamilton and wife within a year after the time when my said husband and I bought our property. There was a house situated on said property which said J.H. Hamilton and wife occupied as their homestead during the time while they owned said property. Said J.H. Hamilton and wife conveyed said property to Sam Ellison about 1947, and said Sam Ellison and his family moved into said house at that time. Said Sam Ellison was the father of Jessie M. Carden, and said Jessie Mae Carden is the mother of Mark Jones's wife, Era Jones. Said Sam Ellison conveyed said property, according to my information, to said Mark Jones in 1954, although he continued to live and reside in said house until his death, in 1964. At his death, said Jessie Mae Carden continued to live in said house until it burned, in December, 1968. Said Era Jones and husband, Mark Jones, conveyed said property to Walter E. Carden and wife, Ruth E. Carden, about a year ago. It is my understanding that said Walter E. Carden and, Ruth E. Carden have conveyed a portion of same to Weaver's Homes, Inc.

The owner of said property before said J.H. Hamilton and wife was Shelby Iron Company, which conveyed said property to said J.H. Hamilton and wife.

As stated above, said above described property was occupied continuously, for residence purposes by said J.H. Hamilton and/or wife, G.C. Hamilton and their successors in title, as designated



above, since 1944 and until the present date, said J.H. Hamilton and wife, G.C. Hamilton, and after them, said Sam Ellison, and his successors in title, as designated above, having been in the actual, open, peaceable, continuous, notorious, hostile, undisturbed, adverse, exclusive, possession of said property since 1944 and until the present date. I have never heard any one question the ownership or possession, of the right thereto, of said J.H. Hamilton and wife, and their successors in title, as designated above.

Emma Merrell  
Emma Merrell

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Sworn to and subscribed before me on this 23<sup>rd</sup> day of June,  
1970.

[Signature]  
Notary Public

STATE OF ALABAMA  
SHELBY COUNTY

Before me, a Notary Public in and for Shelby County, Alabama, personally appeared Bernard Rummel, who is known to me, and who, being by me first duly sworn, deposes and says as follows:

My name is Bernard Rummel. I have read the above affidavit of Emma Merrell, and I know, and I hereby state and certify, that the statements of facts as set forth in said affidavit of Emma Merrell are true and correct.

I have been familiar with the ownership and possession of said property described in said affidavit for the past 47 years, I having lived about a quarter of a mile from said property during most of said past 47 years.

I was present when said property was surveyed by Mr. McMillan, the land surveyor, and others prior to the sale thereof by Shelby Iron Company to J. H. Hamilton, and I was present when said J. H. Hamilton agreed to purchase said property from said Shelby Iron Company. Said J. H. Hamilton, who was known as "Uncle Bud" Hamilton, and his wife are both deceased and have been deceased for a good many years.

I have never heard anyone question the title or ownership of said Walter E. Carden and wife, Ruth E. Carden, and their predecessors and successors in title to said property, said Walter E. Carden and wife, Ruth E. Carden, and their predecessors in title as set forth in the above affidavit of Emma Merrell, having been in the actual, open, peaceable, continuous, notorious, hostile, undisturbed, exclusive, adverse possession of all of said property for the past 47 years, to my personal knowledge (of course said Walter E. and Ruth Carden have conveyed a portion of said property, as set forth in the above affidavit).

[Signature]  
Notary Public

Sworn to and subscribed to before me on this 30th day of June, 1970.