

2747

STATE OF ALABAMA )

SHELBY COUNTY )

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

My name is C. H. Fulton and I am 79 years of age. I have been familiar with the occupation, use and possession of the hereinafter described property for a period in excess of 30 years. Said property is situated in Shelby County, Alabama, and is more particularly described as follows, to-wit:

The E<sup>1</sup>/<sub>2</sub> of the SE<sup>1</sup>/<sub>4</sub> of the SE<sup>1</sup>/<sub>4</sub> of Section 36, Township 20, Range 3 West.

I am at the present time the owner of the above described property having purchased the same from Joe Thomas and wife, Rosetta Thomas on February 3, 1941, by deed recorded in Deed Book 110, page 103, in the Probate Records of Shelby County, Alabama. The above described property was at one time owned by J. T. Thomas who died many years ago while owning the property. The said J. T. Thomas died without leaving a last will and testament and was survived by the following persons who constituted all of the children ever born to the said J. T. Thomas: Mack Thomas, Albert Thomas, Rosezilla Thomas, Charlie Thomas, Allen Thomas, and Joe Thomas. The said J. T. Thomas was also survived by his widow Mariah Thomas. These persons constituted the heirs of J. T. Thomas in January of 1941 when they executed that certain deed in favor of Joe Thomas conveying the above described property which deed is shown in Deed Book 111, page 257, in the Probate Records of Shelby County, Alabama. Since I purchased the above described property from Joe Thomas and his wife, Rosetta Thomas in February of 1941 as aforesaid, I have been in the actual, open, adverse, hostile, continuous, exclusive possession of the same for each and every year up to and including the date of this affidavit. I have managed and supervised the growing of timber on this property and have actually cut the timber on the property on two occasions since I purchased the same in 1941 as aforesaid. No other person, firm, or corporation has been in possession of said property or any part thereof during the more than 30 years I have owned the same. There has never been any dispute or question whatsoever concerning my ownership of the property or right of possession of the same. Actually, up until about three years ago about ten acres of the above described property was in cultivation and was farmed and cultivated each year by tenants of the undersigned including Shorty Oden otherwise known as Oscar Oden, and for 15 years prior to the time Oscar Oden cultivated said land the same was rented to a negro man who cultivated the same for about 15 years. His name was Mack Thomas.



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Shelby Cnty Judge of Probate, AL  
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Affiant also is the owner of the hereinafter described property situated in Shelby County, Alabama, more particularly described as follows, to-wit:

The N $\frac{1}{2}$  of the NE $\frac{1}{4}$  of the SE $\frac{1}{4}$  of Section 36, Township 20, Range 3 West, Shelby County, Alabama.

Affiant purchased the above described property from M. C. Wilson and wife, Delene Wilson on December 1, 1952.

It has been called to my attention that on September 7, 1931, there was a tax sale in the name of J. H. Wilson Estate to the State of Alabama which said tax sale is I understand, recorded in Tax Sale Record 10, page 447, in the Probate Records of Shelby County, Alabama, and which said tax sale described the entire NE $\frac{1}{4}$  of the SE $\frac{1}{4}$  of said Section 36, Township 20, Range 3 West. This must have been a mistake as the said J. H. Wilson has never been in possession of the property which I purchased from M. C. Wilson and Delene Wilson as aforesaid and neither has any person claiming through or under him. Actually, the J. H. Wilson property was located exactly one quarter of a mile from the property which is owned by affiant which he purchased from M. C. Wilson and wife as aforesaid. Affiant is further informed that there is a deed of record from Lela J. Finley, a widow, which is recorded in Deed Book 69, page 243, in favor of W. H. Cofer and a deed from W. H. Cofer to E. F. Sims recorded in Deed Book 73, page 246, all in the Probate Records of Shelby County, Alabama. Affiant further understand these last mentioned deeds incorrectly describe, in addition to other property, the property which affiant purchased from M. C. Wilson and Delene Wilson. I have known the occupation, use and possession of the property which I purchased from M. C. Wilson and wife as aforesaid for a period in excess of fifty years and know that neither E. F. Sims, W. H. Cofer, or Lela Finley, nor any of them, have ever had any possession of the property which I purchased from M. C. Wilson as aforesaid, or any part thereof and have never asserted any claim to the same.

It has been called to my attention that on October 21, 1911, the above described property was conveyed by A. L. Johnson to Lee Byers and wife, Louvenia Byers. I understand that the marital status of A. L. Johnson at said time was not shown on said deed. I remember A. L. Johnson as a child and know that he has been dead for many, many years. I do not know for sure whether or not he was married on October 21, 1911, but do know that his wife has now been dead for a period in excess of thirty years. Since I purchased the above described property from M. C. Wilson and wife, Delene Wilson as aforesaid in 1952, the same has been in my continuous, exclusive, adverse, hostile, notorious possession and no other person, firm, or corporation has been in possession of the same

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or any part thereof during said period. I have never heard my title questioned or disputed in any way. Since I purchased the property in 1952 from Mr. and Mrs. Wilson as aforesaid I have supervised the raising and growing of timber on said property, inspected the same on a periodic basis and have actually sold the timber from the property on two occasions.

*Chilton*

Sworn to and subscribed before me  
this 23 day of April, 1971.

*Harold A. Rubin*  
Notary Public



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Shelby Cnty Judge of Probate, AL  
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STATE OF ALA. SHELBY CO.  
I CERTIFY THIS  
INSTRUMENT WAS FILED  
1971 APR 27 AM 9:14  
U.C.C. FILE NUMBER ON  
REC. BK. & PAGE AS SHOWN ABOVE  
*Conrad H. Smith*  
JUDGE OF PROBATE

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