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STATE OF ALABAMA)

SHELBY COUNTY)

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

My name is Lizzie Bell Martin and I am 68 years of age. I have been familiar with the occupation, use and possession of the hereinafter described property for a period in excess of fifty-two (52) years, said property is situated in Shelby County, Alabama, and is more particularly described as follows, to-wit:

A part of the NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 7 Township 20 South, Range 2 West, described as follows: Commencing at the NE corner of Section 7 and run Westerly along North boundary of said Section, 568 feet to point of beginning; thence Southerly parallel with East boundary of said Section to the South boundary line of said NE $\frac{1}{4}$ of NE $\frac{1}{4}$; thence run Westerly along South boundary 191 feet; thence Northerly parallel with East boundary 330 feet; thence Easterly parallel with North boundary 100 feet; thence Northerly parallel with East boundary and along East line of land belonging to Oak Mountain Park a distance of 300 feet more or less to NE corner of Park lands; thence West along North line of Park lands 50 feet; thence Northerly parallel with East boundary of said Section 660 feet to North boundary of said Section; thence in an Easterly direction along North boundary of said Section to point of beginning, EXCEPTING right of way of Oak Mountain Park Road.

I am the unremarried widow of P. R. Martin, deceased, who was a son of and one of the heirs in the J. H. Martin Estate. The above described property is a part of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 7, Township 20 South, Range 2 West. When I first knew the above described property it was a part of a 35-acre tract in said quarter-quarter which was owned by L. S. Elliott. L. S. Elliott owned the entire quarter-quarter section with the exception of five (5) acres which had been sold to Isham Johnson. The Isham Johnson five acres is the five acres located in the Northwest corner of said quarter quarter section which is 110 yards wide East and West and 220 yards long North and South, located in the Northwest corner of said quarter quarter section. L. S. Elliott conveyed all of the above described property as well as the other property which he owned in said quarter quarter section to Ida Scheinert about the year 1918 and Ida Scheinert in turn conveyed the property to C. J. Bigmon at about the same time or shortly after he received the deed to the same. There were several rather quick transfers in or about the year 1918. C. J. Bigmon conveyed to E. C. Collum the entire quarter quarter section with the exception of the five acres which had been previously sold to Isham Johnson and had by that time already come into the hands of E. C. Collum. Thus in or about the year 1918 E. C. Collum was the owner of the entire quarter quarter section. On September 22, 1919, E. C. Collum and his wife conveyed the entire quarter quarter section to P. R. Martin, my former

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husband, with the exception of the five acres above described in the Northwest corner thereof. Immediately after the execution of this deed in September of 1919 the said P. R. Martin went into actual open, notorious, hostile, continuous, exclusive and adverse possession of the entire quarter quarter section with the exception of said five acres and remained in possession thereof up until September of 1920 when he sold or conveyed the property to his father, J. H. Martin. In September of 1920, or a few months thereafter, the said J. H. Martin moved into the residence situated in said quarter quarter section which was located on the strip of land adjoining and immediately East of the property first described above. Said J. H. Martin remained in said house on said land possessing the entire quarter quarter section with the exception of the five acres in the Northwest corner each and every year up until the time of the death of J. H. Martin in either 1926 or 1927. After the death of J. H. Martin his widow remained in the house located on said property and continued to possess said property for each and every year up until the time of her death which was about 1932. After the death of the widow J. H. Martin, Curtis Martin, one of his sons, continued to reside in the house formerly occupied by J. H. Martin and the said Curtis Martin has been in the continuous, exclusive, adverse, notorious, and hostile possession of the same for each and every year up until the property was divided among the heirs in 1944. After the property was divided, Curtis Martin's parcel of the property was the property upon which the old house had been situated which is described as 142 foot wide strip East and West adjoining the first above described property on its Eastern boundary. The first above described property was conveyed by all the heirs of J. H. Martin to Wilburn Edwards and Ila Edwards Scott, who were two of the children of Minnie Edwards. Actually, Minnie Edwards had three children, namely, Clyde Edwards, Wilburn Edwards and Ila Edwards Scott, and the said Minnie Edwards was also survived by her husband, Jesse Edwards. The said Minnie Edwards died without leaving a Last Will and Testament and was survived by the above indicated heirs. J. H. Martin, as aforesaid, died without leaving a Last Will and Testament and was survived by the following who constitute his sole heirs on May 23, 1944: Isaac N. Martin, Flim L. Martin, Mary Martin Bean, P. R. Martin, Mrs. Kester Dennis, Curtis Martin and Jimmy Martin, who were all his children, and by Wilburn Edwards and Ila Edwards Scott and Clyde Edwards, who were the children of a deceased daughter, Minnie Martin Edwards, as previously indicated.



After the first above described property was conveyed to Wilburn Edwards and Ila Edwards Scott on May 23, 1944, all remaining heirs of J. H. Martin recognized said property as the property of Wilburn Edwards and Ila Edwards Scott and Clyde Edwards. There were no disputes whatsoever concerning the same and the said Wilburn Edwards, Ila Edwards Scott and Clyde Edwards remained in the continuous, exclusive, adverse, notorious and hostile possession of said property for each and every year from May of 1944 up to and including March of 1968 when they conveyed the property to Roy Martin and wife, Charlotte Martin, the present owners.

I know that for more than the last fifty (50) years Ida Scheinert has not been in possession of any portion of the first above described property and has not asserted any claim, right or ownership thereto adversely to the said present owners. It has been called to my attention that there is a tax sale on the above described property from E. C. Collum for the taxes for 1921 which, I understand, is recorded in Tax Sale Record 7-A, page 504, in the Probate Records of Shelby County, Alabama. As stated aforesaid, E. C. Collum had already sold the property in question to my former husband, P. R. Martin, prior to 1921 and said P. R. Martin was in the possession of and assessing said property for taxes and paying taxes thereon at the time. I understand there is also a tax deed to Paul O. Luck and R. Brewer dated February 28, 1928, and which I understand is recorded in Deed Record 85, page 526, in the Probate Records of Shelby County. I understand that this tax sale was also made in the name of L. C. Collum who had sold the property several years prior thereto and was not in possession of the same or any part thereof, nor did he assert any right, title or interest in or to said property at the time of said tax sale. Neither the said Paul O. Luck or R. Brewer, or any person, firm or corporation claiming under them has had any possession of the first above described property nor any part thereof during the more than fifty-two (52) I have known the occupation, use, and possession of the same.

Mary Martin who appeared as the owner in that certain tax sale to the State of Alabama dated 1936 and which I understand is recorded in Tax Sale Records 12, page 267, in the Probate Records of Shelby County, Alabama, was the then deceased widow of J. H. Martin, Deceased. The only possession or claim of ownership ever made by Mary Martin in and to any portion of the property situated in this quarter-quarter section was as the widow of J. H. Martin, Deceased.

It has been called to my attention that there is a quitclaim deed of record in favor of Willie Brasher which describes the entire NE¹/₄ of the NE¹/₄ of said Section 7. The said Willie Brasher has never been in possession of or asserted any right, title, or interest in and to the first above described property or any part thereof and the property which is claimed and possessed by Willie Brasher or was at said time was located a considerable distance from this property. It has also been called to my attention that Gordon Abele and wife, Dorothy Abele executed a transmission line permit to Alabama Power Company which I understand is recorded in Deed Book 179, page 327, in the Probate Records of Shelby County, Alabama. I understand that this purported easement described the entire quarter-quarter Section in which the above described property is situated. This is an obvious mistake and Mr. and Mrs. Abele have never had possession or any part or portion of the first above described property and have never asserted any right, title, or interest to any part of the same. The Abele property is located some distance West of this particular quarter-quarter section and they do not own any property in the NE¹/₄ of the NE¹/₄ of said Section 7.

I understand that in or about the year 1918 L. S. Elliott obtained several quitclaim deeds from the heirs of J. M. Johnson. It has been called to my attention that one or more of these deeds referred to the property in question as homestead property. This must have been a typographical error because at the time of the execution of said deeds in 1918 the property was then owned and possessed by L. S. Elliott and none of the heirs of J. M. Johnson were in possession of any part of the NE¹/₄ of the NE¹/₄ of said Section 7, Township 20, Range 2 West, and they could not have been occupying the same as homestead.

Lizzell Bell Martin

Sworn to and subscribed before me
this 17th day of April, 1971.

J. L. Graham
Notary Public

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Shelby Cnty Judge of Probate, AL
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