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STATE OF ALABAMA

SHELBY COUNTY

19720306000011800 1/3 \$.00
Shelby Cnty Judge of Probate, AL
03/06/1972 12:00:00 AM FILED/CERT

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

My name is Ernest C. Merrell. I am 45 years of age. I am a son of R. L. Merrell, deceased, and his wife, Willard Merrell. I have read that certain affidavit made by R. L. Merrell in December, 1966, and ratified and confirmed by Ben Rustin on December 1, 1966, although I understand that R. L. Merrell died before he signed the affidavit and I know the same is true and correct as far back as I can remember except as follows:

I notice that said affiant states the heirs of Fannie B. Seale conveyed the property mentioned therein to Mary Ella Merrell. The persons named are all heirs except as follows: J. R. Arnett, Sr. was a nephew of the said Fannie B. Seale and he died some 30 years later, leaving a widow, Florence Arnett, who since said time, has married _____ and he is now dead. Estes, / The following names persons were great nephews of Fannie B. Seale: J. R. Arnett, Jr. whose wife is Mildred Eaves Arnett, Charles W. Arnett whose wife is Jonnie / Thomas Arnett, Isac T. Arnett, whose wife is Irma Arnett, Walter L. Arnett, whose wife is Trula Arnett. Nannie Lou Arnett Talmalge whose husband is R. H. Talmalge is a great neice of Fannie B. Seale. In addition to the above mentioned heirs, there is another heir I know of to the said Fannie B. Seale who was Ethel Arnett Jackson whose husband was Paul Jackson. The said Ethel Arnett Jackson was a niece of Fannie B. Seale. She died and left the following heirs who were great nephews and neices of Fannie B. Seale: Margaret Bilnoski whose husband is W. M. Bilnoski, William M. Jackson, whose wife is Alice Kate Jackson, E. L. Jackson whose wife is Marie Jackson, Fred R. Jackson whose wife is Julia Jackson, and J. F. Jackson, Sr. whose wife is Mabelle Jackson. All of the above heirs that I have named in this affidavit are still living and over the age of 21 years and are of sound mind.

I remember the land described in said affidavit by R. L. Merrell since I was a very small boy some 6 or 7 years old and I know that my father, R. L. Merrell, and his predecessors in title have been in the actual possession of said land as the owners thereof. There is still a fence around the West boundary of the said 80 acres. The said fence along the West boundary has been there continuously ever since I remember the land. Said fence appeared to have

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been there a long time, some 20 years or more, when I first remember it. There are the markings and remains of an old fence along the South line of said land and it has been there as long as I can remember and it also appeared to have been there 20 years or more when I first remember it. There is a marker known as the Shelby Iron Company Marker in the Northwest corner of said 80 acres. There is a concrete $\frac{1}{4}$ marker which marks the Northeast corner of said 80 acres. Also, the Shelby-Wilsonville paved road runs along the easterly portion of the South boundary of said 80 acres. There was an old dwelling house situated in the South 40 and it is still there and it was there when I first remember the land and it appeared to have been there some 20 years or more, and in the last few years, has been used to store furniture. My father, R. L. Merrell, moved on said land in July, 1967, and lived in the said house situated in the South 40 of said 80 acres. He cultivated a garden East of the house and there was also a smoke house and small chicken house. During all the time he lived there, he was in actual possession of all of said land. Prior to the time my father lived on said land, Mary Ella Merrell Lived in said dwelling house part of the time and rented said dwelling house part of the time to tenants from the time she obtained a deed to it in 1951 until she conveyed same to my father in 1959 as shown by deed recorded in Deed Book 203, page 62 in the Probate Office of Shelby County, Alabama. Said tenants of the said Mary Ella Merrell lived in the house and cultivated small portions of the land and were in actual possession of all of it each and every year during the time mentioned. Prior to the time of Fannie B. Seale's death in 1949, she lived in said dwelling house and was in possession of all of said land from as far back as I can remember and it is common knowledge of my family that it was conveyed to Fannie B. Seale in 1894 as shown by Deed Book 118, page 416 in the Probate Office of Shelby County, Alabama, by the heirs of Robert Seale, deceased. It is my understanding that from family history, that the heirs of Robert Seale divided his estate and that said deed to Fannie B. Seale was her share of said estate conveyed to her by the other heirs. The said Fannie B. Seale lived in said house and at that time, there was a barn. She had portions of the land cultivated. She occupied the same and had possession of all of it each and every year from as far back as I can remember, which is some 35 or 40 years, until after her death and the same was sold by her heirs to Mary Ella Merrell as mentioned above.

Regarding the parcel of land being 590 ft. square off the Northeast corner of the NE $\frac{1}{4}$ of NW $\frac{1}{4}$, Section 7, Township 22, Range 1 East, I remember colored

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folks used to live in the house situated on this land when I was a very small boy but the house has been rotted down for some 20 years and noone has been in possession of same except the persons who claim to own the remainder of said 80 acres. They are the only persons I know of that claim to own it or that have been in possession of it. I know that my father got a deed from Therman Jusand in March of 1961 as shown by Deed Book 214, page 622 in the Probate Office of Shelby County, Alabama.

I understand Mr. Jusand bought the land in 1959 at a tax sale and that he was in possession and he claimed ^{it and obtained a} deed covering the same under said tax sale, being recorded in Deed Book 206, page 108. My father claimed it from the time he purchased it until August of 1965, when he conveyed same to my mother and my sister, Celia A. Merrell Stevens, as shown by Deed Book 255, page 907, and they have been in possession of and claimed it since that time.

Ernest C. Merrell
Ernest C. Merrell

Sworn to and subscribed to before me on
this the 11th day of April, 1970.

Martha B. Joiner
Notary Public



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STATE OF ALA. SHELBY CO.
I CERTIFY THIS
INSTRUMENT WAS FILED
1972 MAR - 6 AM 10:14
U.C. FILE NUMBER OF
REC. BK. & PAGE AS SHOWN ABOVE
Cornel H. H. H.
JUDGE OF PROBATE

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