

7788  
STATE OF ALABAMA

SHELBY COUNTY

19720308000012330 1/3 \$.00  
Shelby Cnty Judge of Probate, AL  
03/08/1972 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 and am a son of Mary W. Merrell and her husband, R. L. Merrell, deceased. After the death of my said father, I purchased from my mother and my brothers and sisters certain lands owned by my said father or in which he had an interest at the time of his death. Said land purchased was the E $\frac{1}{2}$  of NW $\frac{1}{4}$  of Section 7, Township 22, Range 1 East and I purchased this from my mother as shown by deed dated May 27, 1969, and also the NE $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 7, Township 22 South, Range 1 East, and the other land described in a deed from Robert L. Merrell, Jr. and others to me dated April, 1969, and recorded in Deed Book 257 page 816 in the Probate Office of Shelby County, Alabama. In connection with the E $\frac{1}{2}$  of NW $\frac{1}{4}$  of Section 7, which formerly was conveyed to Fannie B. Seale in December of 1894, as shown by deed recorded in Deed Book 118 page 416 in the Probate Office, I have contacted the heirs of said Fannie B. Seale living at this time and obtained deeds from them covering said 80 acres. I have obtained several deeds in doing this and the same have or will be recorded in the Probate Office of Shelby County, Alabama. At the time said parties executed said deeds to me, they were all over the age of 21 years and of sound mind and where said parties were married, both their husband and/or wife joined in the execution of the deed to me.

With reference to the NE $\frac{1}{4}$  of SE $\frac{1}{4}$  of said Section 7, I have reviewed a deed made in 1893 by the Administrator of the Estate of Isaac Williams to Green A. Seale and eight other persons covering said land which deed was dated October 13, 1893, and recorded in Deed Book 21 page 302 in the Probate Office. I have reviewed a deed made August 17, 1903 by Larkin N. Curless and his wife, Madora Curlee to Thomas E. Armstrong, Ceilia A. Zimmerman, Emma E. McGiboney, Carolina Arnett, Madora Curlee, Fannie Belle Seale and Martha E. Seale dated August 17, 1903, and recorded in Deed Book 30 page 163 conveying a 7/8th interest in the above described land. I have also reviewed a deed made by W. G. Parker and wife, E. A. Parker to W. G. Arnett, G. F. McGiboney and Miss Belle Seale on January 2, 1915, covering all of the interests of the grantors in the above described land which constituted a 3/8th interest and which deed is recorded in the Probate Office of Shelby County, Alabama, and affiant says





19720308000012330 2/3 \$.00  
Shelby Cnty Judge of Probate, AL  
03/08/1972 12:00:00 AM FILED/CERT

W. T. Arnett mentioned in the last deed is the husband of Carolina Arnett mentioned in the first deed and that G. F. McGiboney mentioned in the last deed is the husband of Emma E. McGiboney mentioned in the first deed and that Belle Seale referred to in the last dated deed is one and the same person as Fannie Belle Seale as mentioned in the first dated deed. Affiant further says that Ceilia A. Zimmerman mentioned in the deed dated in 1903 was one and the same person as Ceilia A. Merrell and was affiant's grandmother. Affiant says that all of said persons named as the grantees in two said deeds owned all of the said two 40 acres of land. Affiant further says that he has thoroughly familiarized himself with the heirs and next of kin of said grantees in said deeds and that he has obtained deeds from all of the heirs and next of kin of said grantees in said deeds; that all of said persons are over the age of 21 years and are of sound mind.

Affiant referred to a deed from W. P. Thomas, Commissioner to Larkin N. Curless recorded in Deed Book 30 page 76 in which the interests of Thomas E. Armstrong, Celia A. Zimmerman, Emma E. McGiboney, Carline Arnett, Madora Curlee, Fannie Belle Seale, Martha E. Seale and including the Shelby Iron Company were sold and a deed from Larkin N. Curlee and Madora Curlee to George F. McGiboney and William T. Arnett as recorded in Deed Book 30 page 167 in said Probate Office, in which the NE $\frac{1}{4}$  of SE $\frac{1}{4}$  of said Section 7 was involved. Affiant says a good many years before the death of R. L. Merrell, who is affiant's father, he purchased the interest of several persons, as mentioned above, and my father went into possession of the land immediately and claimed it and looked after it and moved upon an 80 acres in sight of the above described 40 acres and was in the actual possession of the NE $\frac{1}{4}$  of SE $\frac{1}{4}$  of said Section 7 for many years and up until his death. After which, his heirs went into immediate possession of it. Really the adverse holdings of my father prior to the time I purchased the land would have defeated any rights of other parties, but I obtained certain quit claim deeds from all the heirs of the persons who had formerly owned it so there would not be any question regarding the same. The deeds my father obtained and I obtained since his death are from all the heirs of said persons mentioned in said 2 deeds, and the deed recorded in Deed Book 30 page 163.

Affiant further says that his father R. L. Merrell, purchased the E $\frac{1}{2}$  of the NW $\frac{1}{4}$  of said Section 7, less 8 acres in the northeast corner in 1959 from Ella Marrell and he went into immediate possession of the same as shown by deed recorded in Deed Book 203 page 62 and that on March 30, 1961, he purchased from Thurman Juzan and wife, Ella Juzan said 8 acre parcel of land as


shown by deed recorded in Deed Book 203 page 62 and that on March 30, 1961, he purchased from Thurman Juzan and wife, Ella Juzan said 8 acre parcel of land as shown by deed recorded in Deed Book 214 page 622 and affiant says that he went into immediate possession of said land at the time he purchased it.

It is called to affiant's attention that on the deed from Mary W. Merrell and others to me dated July 7, 1969, covering NE $\frac{1}{4}$  of SE $\frac{1}{4}$  of said Section 7, except for highway right-of-way and other land, there are certain names and initials written out to the right of each parcel of land. These names and initials have no bearing on the deed and were put there when I was showing the Tax Assessor how the land should be assessed and E. C. M. shown in parts 1 and 3 are affiant's initials and I own parcels 1 and 3 mentioned in said deed and David H. Hancock owns part 2 mentioned in said deed.

Ernest C. Merrell  
Ernest C. Merrell

Sworn to and subscribed to before me this  
the 5<sup>th</sup> day of March, 1971.

Martha B. Jones  
Notary Public

  
19720308000012330 3/3 \$.00  
Shelby Cnty Judge of Probate, AL  
03/08/1972 12:00:00 AM FILED/CERT

STATE OF ALA. SHELBY CO.  
NOTARY PUBLIC  
INSTRUMENT WAS FILED  
1972 MAR - 8 AM 10:32  
U.C. FILE NUMBER OR  
REC. BK. & PAGE AS SHOWN ABOVE  
Covered by  
DEPT OF PROBATE