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This instrument was prepared by  
Wade H. Morton, Jr., Attorney at Law  
P O Box 1227, Columbiana, Alabama 35051

STATE OF ALABAMA )

REAL ESTATE AFFIDAVIT

SHELBY COUNTY )

Before me the undersigned authority, in and for said County and State personally appeared the undersigned Affiant, who, after being by me first duly sworn to speak the truth, deposes and says as follows:

My name is R. O. Bean. I am 59 years of age and a resident of Montevallo, Shelby County, Alabama. I am the son of R. M. Bean, deceased, and Eunice Bean, deceased, who at the time of their death each owned an undivided one-half interest in and to the following described land located in Shelby County, Alabama, under that certain deed from me and my wife, Audrey P. Bean, dated April 13, 1949 and recorded in Deed Book 192, at Page 222, in the Office of the Judge of Probate of Shelby County, Alabama, to-wit:

A part of the S $\frac{1}{2}$  of Fraction A of Fractional Section 12, Township 24 North, Range 12 East, Shelby County, Alabama, described as follows: Beginning at the Southwest corner of lot formerly belonging to Sessions Chapel Church and run in a Southerly direction 300 feet; thence in an Northeasterly direction 240 feet, more or less, to right of way of old Montgomery road; thence Northwesterly along old road 240 feet, more or less, to said Church lot; thence Southwesterly direction along South line of said Church lot 240 feet, more or less, to point of beginning. LESS AND EXCEPT highway right of way.

R. M. Bean departed this life intestate, that is, without leaving a Last Will and Testament, on February 22, 1965, as a resident of Shelby County, Alabama. He was married but once and then to Eunice Bean, who survived him and who is now deceased. The said R. M. Bean had only 3 children born of him, all of whom are still living, and had no adopted children. The names of said children are as follows: R. O. Bean a/k/a R. O. Bean, Sr., Pauline Bean Ellison a/k/a Pauline B. Ellison, and J. O. Bean a/k/a J. O. Beane. At the time of his death, the said R. M. Bean was solvent and following his death his estate was solvent and all debts against him and his estate have been paid in full, including the expense of his last illness and funeral.

Eunice Bean departed this life intestate, that is, without leaving a Last Will and Testament, on February 3, 1973 as a resident of Shelby County, Alabama. She was married but once and then to R. M. Bean who predeceased her. The said Eunice Bean had only 3 children born to her,





all of whom are still living, and had no adopted children. The names of said children are as follows: R. O. Bean a/k/a R. O. Bean, Sr., Pauline Bean Ellison a/k/a Pauline B. Ellison, and J. O. Bean a/k/a J. O. Beane. At the time of her death, the said Eunice Bean was solvent and following her death her estate was solvent and all debts against her and her estate have been paid in full, including the expense of her last illness and funeral.

Further deposing, Affiant states under oath that the following named persons constitute all of the heirs and next of kin of R. M. Bean, deceased, and Eunice Bean, deceased, and marital status of each is as stated after their names: R. O. Bean a/k/a R. O. Bean, Sr. and wife, Audrey P. Bean; Pauline Bean Ellison a/k/a Pauline B. Ellison and husband, R. J. Ellison, Sr.; and, J. O. Bean a/k/a J. O. Beane and wife, Louise E. Bean a/k/a Louise E. Beane.

Also Affiant states as follows: I am familiar with the use, occupation, possession and ownership of the above described land and have been since I was about 9 years old. My father purchased the larger tract of land of which this land is a part from his sister L. A. Robinson and her husband, N. B. Robinson, on April 14, 1925 by warranty deed recorded in Deed Book 75, at Page 559, in the Office of the Judge of Probate of Shelby County, Alabama, and immediately went into actual possession of all of the land described in said deed and established our homeplace on it. On January 14, 1943 my father and mother deeded the above described land to me, their warranty deed to me being recorded in Deed Book 115, at Page 541, in said Probate records and it describes this approximate one acre of land as follows, to-wit:

Beginning at the Southwest corner of the Sessions Chapel Church property in Fraction A, Section 12, Township 24, Range 12 East and running South a distance of 300 feet, thence East to the right of way of the Old Montgomery Highway a distance of 240 feet, thence North a distance of 240 feet, thence West a distance of 240 feet to point of beginning.

Immediately upon receipt of said deed I went into actual possession of the above described land and built my home on it and began living there with my family. On April 13, 1949 my wife and I deeded the above described land back to my father and mother, said deed being recorded in



Deed Book 192, at Page 222, in said Probate records, and they immediately went into actual possession and occupied the house I had built on it as their homeplace up to the time of their respective deaths. After this latter deed my father and mother gave a deed for a public road, the right of way of which included a substantial portion of the original lot, as described in the aforesaid Deed Book 115, at Page 541 and Deed Book 192, at Page 222. After my mother's death my brother, sister and I and our spouses deeded the above described land to Arthur Barker and wife by warranty deed dated August 13, 1974 and recorded in Deed Book 288, at Page 666, in said Probate Records.

Further deposing, Affiant says that from January 14, 1943 to April 13, 1949 he was in actual, exclusive, open, notorious, hostile and continuous possession of the above described land and from April 13, 1949 until the time of their respective deaths his father and mother, R. M. Bean and Eunice Bean, were in actual, exclusive, open, notorious, hostile and continuous possession of the above described land and that he knows of his own personal knowledge that his title and the title of said R. M. Bean and Eunice Bean has never been questioned or disputed in any way.

R. O. Bean  
R. O. Bean

STATE OF ALABAMA )

SHELBY COUNTY )

Sworn to and subscribed before me on this 8th day of July, 1976.

Sam C. Burt  
Notary Public

My Commission Expires October 4, 1976

Carole M. Burt  
JUDGE OF PROBATE

STATE OF ALA. SHELBY CO.  
I CERTIFY THIS  
INSTRUMENT WAS FILED  
1976 JUL 12 PM 2:35



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Shelby Cnty Judge of Probate, AL  
07/12/1976 12:00:00 AM FILED/CERT

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