

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

STATE OF ALABAMA)

SHELBY COUNTY)

2899
REAL ESTATE AFFIDAVIT

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 Browne Evans, an unmarried man. I am 71 years of age and a resident of Wilsonville, Shelby County, Alabama. I am the son of Hattie B. Heaton, deceased, who prior to her marriage to G. A. Heaton was Hattie B. Evans having been married to John Evans, now deceased, and who at the time of her death owned the following described land located in Shelby County, Alabama, under that certain deed from her brother J. C. Evans dated December 16, 1919 and recorded in Deed Book 69, at Page 64, in the Office of the Judge of Probate of Shelby County, Alabama, and those certain deeds from her sister Edith Evans Smith dated December 16, 1919 and recorded in Deed Book 65, at Page 561, and dated March 10, 1934 and recorded in Deed Book 94, at Page 288, in said Probate Records, to-wit:

All that part of the N $\frac{1}{2}$ of SW $\frac{1}{4}$ of Section 14, Township 21 South, Range 1 East, Shelby County, Alabama, lying West of the public road running from Wilsonville to Shelby EXCEPT a part described as beginning at the NW corner of the NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section 14 and run East 6 rods; thence South 35 rods; thence West 6 rods; thence North 35 rods to point of beginning. Also all that part of a strip 20 rods wide across the North side of the SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 14, Township 21 South, Range 1 East, Shelby County, Alabama, that lies West of the public road running from Wilsonville to Shelby.

Hattie B. Heaton departed this life intestate, that is, without leaving a Last Will and Testament, on February 19, 1963, as a resident of Shelby County, Alabama. At the time of her death she was the widow of G. A. Heaton, deceased, who predeceased her. The said Hattie B. Heaton had only 2 children born to her, both of whom were living at the time of her death, and she had no adopted children. The names of her said children are as follows: Browne Evans and Devota Evans Nash. At the time of her death, the said Hattie B. Heaton 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



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last illness and funeral. Further deposing, Affiant states under oath that the following named persons constituted all of the heirs and next of kin of Hattie B. Heaton, deceased, and marital status of each is as stated after their names: Browne Evans, an unmarried man; and, Devota Evans Nash and husband, Charlie Howard Nash, both of whom are now deceased.

Devota Evans Nash departed this life intestate, that is, without leaving a Last Will and Testament, on September 24, 1966 as a resident of Shelby County, Alabama. She was married but once and then to Charlie Howard Nash who is now deceased having died on June 23, 1974. The said Devota Evans Nash had no child or children born to her nor did she have any adopted children. At the time of her death, the said Devota Evans Nash 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 that Browne Evans constituted the only heir of Devota Evans Nash at the time of her death and now constitutes her only heir and next of kin, as she never had any children and her father and mother predeceased her and she never had any sister and she never had any brother other than Browne Evans.

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 10 years old. My mother has been the owner of this approximately 69 acres of land since 1919 under the above referred to deeds and she was in actual and exclusive possession of all of said land continuously from 1919 until the time of her death in 1963 and established our homeplace on it. I lived on said land until approximately January, 1949 when I built my home on the adjoining tract of land I had purchased on September 11, 1948, as shown by that certain deed recorded in Deed Book 132, at Page 433, in said Probate Records. From 1948 up to the present time I have used both tracts of land for farming type purposes and know of my own personal knowledge that no one else adverse to Hattie B. Heaton has

been in possession of any part of the above described land or used it or made any claim to it in any way. It has come to my attention that T. A. McLeod, Lena McLeod and Lizzie McLeod gave a transmission line permit to the Alabama Power Company which affects part of the above described land by that certain instrument dated September 22, 1939 and recorded in Deed Book 107, at Page 167 in said Probate Records; I know of my own personal knowledge that none of these individuals nor any one else by the name of McLeod has ever been in the possession of or made any claim to any part of the above described land.

Further deposing, Affiant says that from 1919 until her death in 1963 Hattie B. Heaton was in actual, exclusive, open, notorious, hostile and continuous possession of the above described land and from her death until the present time Browne Evans has been 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 Hattie B. Heaton has never been questioned or disputed in any way.

Browne Evans
Browne Evans

STATE OF ALABAMA)
SHELBY COUNTY)

Sworn to and subscribed before me on this the 11th day of January, 1977.

Margaret Newsome
Notary Public

STATE OF ALA. SHELBY CO.
NOTARY PUBLIC
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INSTRUMENT WAS FILED

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CLERK OF PROBATE

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