

STATE OF ALABAMA

SHELBY COUNTY

5177

Before me, a Notary Public in and for said County and State, personally Thomas Oberton Smith, Jr., who is known to me, and who being by me first duly sworn, deposes and says as follows:

My name is Thomas Oberton Smith, Jr.. I am 72 years of age and reside at Wilsonville, Shelby County, Alabama, where I have resided since 1914.

My father, Thomas Oberton Smith, Sr., who has been deceased for more than 30 years, was survived by my mother, Fannie Pratt Smith. My said father had only three children ever born of him, namely, Frances Smith Keeton, Elizabeth Smith Batson, and myself. My said mother, who died in 1952, had only four children ever born of her, namely, said Frances Smith Keeton, Elizabeth Smith Batson, myself, and Louise Thomas Lewis, said Louise Thomas Lewis being a child of a former marriage of my mother.

My said father was the owner of the following described real estate, situated in Shelby County, Alabama, at the time of his death, viz.:

The NW $\frac{1}{4}$ of the SW $\frac{1}{4}$; the West Half of NW $\frac{1}{4}$; the SE $\frac{1}{4}$ of NW $\frac{1}{4}$, Section 31, Township 20, Range 2 East; NE $\frac{1}{4}$ of SE $\frac{1}{4}$ and SE $\frac{1}{4}$ of NE $\frac{1}{4}$, Section 36, Township 20, Range 1 East.

After the death of my said father, said Frances Smith Keeton, Elizabeth Smith Batson, and I conveyed said real estate to our mother, Fannie Pratt Smith, and my said mother subsequently conveyed said property to me in 1947, as shown by deed recorded in Deed Book 164 at page 211, Office of Judge of Probate of Shelby County, Alabama (said deed containing a typographical error in the description of property by describing "the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ Section 31, Township 20, Range 2 East", whereas, said description should have been "the SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 31, Township 20, Range 2 East"). It has been pointed out to me that said deed was not recorded in the Office of the Judge of Probate of Shelby County, Alabama, until after my mother's death, but said deed was delivered to me in 1947 shortly after it was executed and was kept by me. My failure to have said deed recorded was inadvertent and due to a lack of knowledge on my part. It has also been pointed out to me that said property continued to be assessed in the name of my mother for

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ad valorem tax purposes in the Office of the Tax Assessor of Shelby County, Alabama, until after her death, but again, my failure to cause said property to be assessed for taxes in my name was inadvertent and due to a lack of knowledge on my part: I did pay taxes which were assessed on said property in my mother's name from the time when she conveyed said property to me, as aforesaid, and while it was still assessed in her name, until the assessment was changed to my name, and until the present date. There has never been any question among my brothers and sisters but that said property was my individual property, since 1947 when my mother conveyed it to me as aforesaid.

Said real estate, as described above, has been in the open, continuous, notorious, undisturbed, peaceable, exclusive, hostile, actual adverse possession of my said father, Dr. T. O. Smith, and his successors in title (as designated in this affidavit, and including persons to whom I have conveyed portions thereof) for more than the past fifty years and until the present date, during all of said period of time, I have never heard of any adverse claim being asserted to said property.

Thomas O. Smith, Jr.
Thomas Oberton Smith, Jr.

Sworn to and subscribed before me
this 24th day of January, 1977.

[Signature]
Notary Public

NOTARY PUBLIC
INSTRUMENT WAS FILED

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Thomas O. Smith, Jr.



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Shelby Cnty Judge of Probate, AL
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