

STATE OF ALABAMA

SHELBY COUNTY

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Shelby Cnty Judge of Probate, AL  
10/17/1978 12:00:00 AM FILED/CERT

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Before me, the undersigned authority in and for said county and state, personally appeared D. H. Bentley, who, after being by me first duly sworn to speak the truth, deposes and says:

My name is D. H. Bentley. I am 77 years of age and have lived in the same general area of the following described land all of my life. I owned property within 1½ miles of said land for the past 40 years and have all along been familiar with the land and the persons in possession of it. Said property being described as follows:

S½ of NW¼ of SW¼ and S½ of NE¼ of SW¼,

all in Section 5, Township 21 South, Range 1 West, Shelby County, Alabama.

I recall when my brother E. W. Bentley purchased said land from Jurb G. Davis and wife in 1930. At that time, there were some old sawmill shacks on the land and he ran a sawmill on the property for a long time. Soon after he purchased the land, he built a log house on it and moved into the house and lived there continuously until the late 1940's when they moved to Columbiana. During the time they lived on the property, they cultivated most of the above described land, along with other property which they owned and obtained firewood and building timber from other portions and added on to the log house on one or two occasions during this time. When he and his wife and children moved away, they only moved to Columbiana, which was approximately 5 miles from the property and E. W. (Elbert Ward) Bentley continued to cultivate portions of the land, look after it and go upon the land at least once or twice a week. He built a rather large lake on the property and stocked it and it has been kept well-stocked and people go there to fish with permission from the owners. The said E. W. Bentley divided his lands sometime in the late 1960's and he conveyed to his son and his wife, Ray and Connie Bentley the above described land. They moved on the land and remodeled the dwelling house and lived there continuously, keeping the same in a good state of repair, keeping the lines marked, and cultivating portions of the land, obtained firewood and building timber from portions and claimed to own the same each and every year until this very day. Last year their house burned and they are now in the process of rebuilding the same.

During all the years I have known said land, I have never heard of anyone contesting the title or disputing the possession of Ray Bentley and Connie Bentley and their predecessors in title and they have owned, occupied and been in the actual, exclusive, hostile, and adverse possession of all of said above described land throughout the years I have known the same.

There has been called to my attention a mortgage executed by James R. Fuqua and wife to Domestic Loans of Sylacauga, Inc. which is recorded in Deed Book 285 page 722 in Probate Office, and which mortgage contained an erroneous description. The Fuquas owned and lived on adjoining property and I am familiar with the land they owned, but they never owned or made any claim to the above described land and I know the description in their mortgage was in error.

Sworn to and subscribed to before me this  
the 11<sup>th</sup> day of October, 1978.

D. H. Bentley  
D/ H. Bentley

Walter B. Ferguson  
Notary Public

NOTARY PUBLIC  
OCT 17 AM 8:14  
JUDGE OF PROBATE

Rec. 150  
Ind 100  
250

Cahaba Title