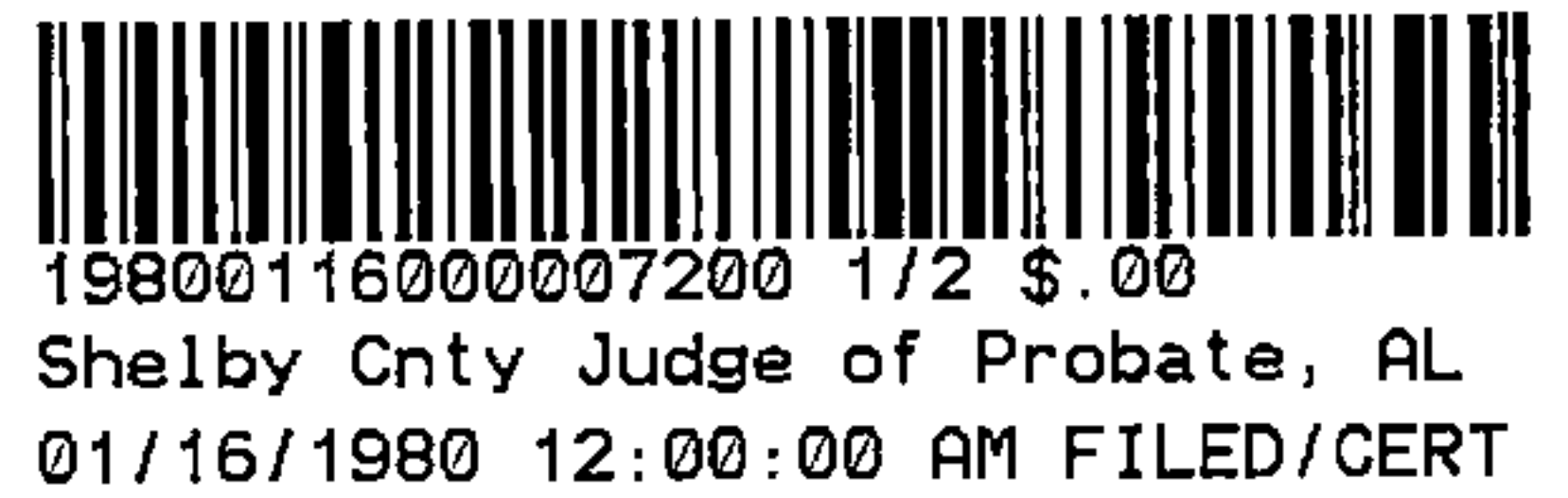


STATE OF ALABAMA)
SHELBY COUNTY)



572

Before me, the undersigned authority, in and for said County and State, personally appeared JAMES A. HORTON, who, being known to me and being by me first duly sworn, deposes and says as follows:

My name is James A. Horton. I am the owner of the following described property

A lot in the SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 23, Township 21 South, Range 1 West, Huntsville Meridian, Shelby County, Alabama, described as follows: Commence at the SW corner of SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 23, Township 21 South, Range 1 West; thence run North along the West line of said $\frac{1}{4}$ $\frac{1}{4}$ Section a distance of 447.08 feet, to the SE right of way line of the Southern Railroad; thence turn an angle of 55 deg. 51' 00" to the right and run along said right of way a distance of 525.40 feet, to the centerline of a drainage ditch, and the point of beginning; thence continue in the same direction along said right of way line a distance of 268.10 feet; thence turn an angle of 114 deg. 57' 50" to the right and run a distance of 199.40 feet; thence turn an angle of 07 deg. 40' 50" to the right and run a distance of 125.20 feet, to the NW right of way line of Alabama State Hwy. No. 25; thence turn an angle of 43 deg. 53' 26" to the right (to the chord of a right of way curve) and run along said right of way line a chord distance of 114.00 feet, to the center line of a drainage ditch; thence turn an angle of 92 deg. 14' 38" to the right and run along the centerline of said ditch, a distance of 162.54 feet; thence turn an angle of 20 deg. 51' 45" to the right and continue along the centerline of said ditch, a distance of 155.51 feet, to the point of beginning. Situated in the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 23, Township 21 South, Range 1 West, Shelby County, Alabama, and containing 1.42 acres.

The above described property was deeded to my mother, Eva Horton, otherwise known as Era Horton, by deed from Sallie Moore dated December 10, 1914 recorded in Deed Book 50, page 167. Actually, the deed to my mother was to her, individually, and "as natural guardian" and "in trust" for undersigned affiant, Geneva Horton, Alberta Horton, Erma Horton and Gertice Horton. My mother, Era or Eva Horton died in May of 1966 without leaving a last will and testament and never had any children other than the aforesaid named children. My sister, Geneva, and my sister, Erma, died before my mother did and neither of my aforesaid sisters, Erma or Geneva, ever had any children and died without leaving a last will and testament. Neither of my said sisters had any brothers and sisters other than affiant and affiant's aforesaid sisters, Gertice and Alberta.

It has been called to my attention that the aforesaid deed from Sallie Moore to my mother which is recorded in Deed Book 50, page 167 does not correctly describe the entire 1.42 acres first described above. Nevertheless, the 1.42 acres first described above is the property which was purchased by my mother from Sallie Moore and is the property which she went into possession of pursuant to and under the aforesaid deed from Sallie Moore.

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I was only approximately 4 years old when my mother first purchased this property in 1914. My father was killed in 1914 while we were living in Shelby, and my mother and father where already purchasing the first above described property and building a house on it in 1914. I first moved into the house located on the above described property in 1916 and at that time we began living in the house located on said above property and possessing all of said property to the outer limits of each and every boundary of the 1.42 acres described above. We continued to reside on said property from 1916 for each and every year up until my mother's death in 1966. Actually, there were periods of time when affiant would be away from the property but during all of this period of time my mother continued to reside on said property without interruption up until the time of her death. After my mother died in 1966, affiant continued to reside in the house on said above property continuously up to and including the present time. The boundaries of the above 1.42 acres first above described has never been disputed or questioned, and no other person, firm or corporation has been in possession of said 1.42 acres first above described, or any part thereof, other than affiant and his family since 1916. We have lived on the property for each and every year since 1916, raised gardens on part of it, maintained part as a yard, and corn fields, we had portions of it fenced for many years and kept a cow or two o the property from time to time, and maintained the entire property as first above described.

It has been called to my attention that Tom Baker executed a transmission line permit to Alabama Power Company in 1947. Tom Baker was my step-father, having married my mother at some time after she received title to said property. Tom Baker never owned any of said property or any part or any interest therein. Taom Baker has been dead for several years, having died in 1952 or 1953.



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Shelby Cnty Judge of Probate, AL
01/16/1980 12:00:00 AM FILED/CERT

James A. Horton
James Horton

Sworn to and subscribed before me
this 30th day of October, 1979.

Nancy K. Farmer
Notary Public

STATE OF ALA. SHELBY CO.
I CERTIFY THIS
1980 JAN 16 AM 10:50

Thomas P. Shaw, Jr.
JUDGE OF PROBATE

Rec. 3.00
Dut. 1.00
4.00