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STATE OF ALABAMA)
SHELBY COUNTY)

19810205000013130 1/2 \$.00
Shelby Cnty Judge of Probate, AL
02/05/1981 12:00:00 AM FILED/CERT

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

My name is Mrs. J. H. Kimbrough and I am one and the same person as Lula G. Kimbrough. I am 88 years of age and I have resided in the Harpersville community for approximately forty years. B. T. Kimbrough died on November 6, 1971 in Harpersville, Alabama. His Will was duly probated in Shelby County, Alabama, and his estate was left among his various heirs. I was appointed Executrix of his estate. In administering the assets of his estate, I was given power of sale by decree of the Probate Court of Shelby County, Alabama, and in that capacity I sold certain property, i.e., the Kimbrough store property and an adjoining parcel of land, i.e., to John W. Urquhart and his wife, Louise M. Urquhart, by deed dated November 16, 1972 and recorded in Deed Book 278, page 689. A deed of correction was subsequently executed by me as Executrix and individually to correct an erroneous survey description contained in the deed dated November 16, 1972. The curative deed is recorded in Deed Book 330, page 203 in said Probate Office.

My husband, J. H. Kimbrough, was a brother of Duncan Kimbrough, B. T. Kimbrough, and Carrie Kimbrough, and he died in June, 1957. Carrie Kimbrough, Duncan Kimbrough and B. T. Kimbrough resided in Harpersville. Neither Carrie Kimbrough, Duncan Kimbrough or B. T. Kimbrough ever married or had children. Carrie Kimbrough died on March 23, 1965. Duncan Kimbrough died on October 26, 1966. In April of 1964 by means of that certain deed recorded in Deed Book 230, page 372, Carrie Kimbrough intended to convey to her brothers all of her property in the Harpersville community, whether correctly described in the deed or not, including the Kimbrough store property located at the intersection of Highways 25 and 280, as well as the Kimbrough home place and adjoining property. I know this for a fact because my husband and I moved to Harpersville in 1941 and bought the Kimbrough family mercantile business from B. T. Kimbrough and Duncan Kimbrough. Duncan Kimbrough, B. T. Kimbrough and Carrie Kimbrough continuously resided in the Kimbrough home place until their

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respective deaths. My husband and I operated our mercantile business from 1941 until his death in 1957. Following my husband's death, I continued to operate the mercantile store for several years. The store property was then leased by Carrie Kimbrough, Duncan Kimbrough and B. T. Kimbrough to a gentleman whose name I do not recall for the operation of a drug store. The drug store continued in operation until shortly before the death of Duncan Kimbrough. The store property was then vacated. After the death of Duncan Kimbrough, B. T. Kimbrough rented the store property to Barney Miller and his wife of Vincent, Alabama, for the operation of a ready-to-wear clothing store. The Millers operated their business at the Kimbrough store for approximately five years. After B. T. Kimbrough's death in 1971 they moved their business to Childersburg. Duncan Kimbrough died testate and by the terms of his Will all of his property was left to B. T. Kimbrough. After Carrie Kimbrough's death, I cared daily for Duncan Kimbrough and B. T. Kimbrough and lived in the Kimbrough home place with them. In my conversations with Carrie Kimbrough, and in my discussions with Duncan Kimbrough and B. T. Kimbrough, it was a known fact that Carrie Kimbrough intended to convey all of her real property to Duncan Kimbrough and B. T. Kimbrough by that certain deed recorded in Deed Book 230, page 372, including the store property and adjoining land whether such property was correctly described in the deed, or not. After Duncan Kimbrough's death, B. T. Kimbrough considered the property subsequently sold to the Urquharts as his own. He maintained the store property and the home place and possessed the property openly, adversely, continuously, and exclusively. Duncan Kimbrough and B. T. Kimbrough assessed and paid taxes on the property formerly owned by their sister on a yearly basis until their deaths.

No other person, firm or corporation has ever been in possession of the property now owned by the Urquharts and no one to my knowledge has made any claim, whatsoever, to any part or portion of the property except Carrie Kimbrough, Duncan Kimbrough, B. T. Kimbrough, and the Urquhart interests.



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Sworn to and subscribed before me
this 5th day of February, 1981.

Conrad B. Foster, Jr.
Notary Public

Mrs. J. H. Kimbrough
(Mrs. J. H. Kimbrough)

STATE OF ALA. SHELBY CO.
CLERK OF PROBATE

1981 FEB -5 PM 2:17

William P. Shoultz, Jr.
CLERK OF PROBATE

Rec. 3.00
Ind. 1.00