

STATE OF ALABAMA )

SHELBY COUNTY )

2173

AFFIDAVIT

Before me, the undersigned authority, in and for said County and State, personally appeared Lillian Woods Ellis, who, being known to me and being by me first duly sworn, deposes and says as follows:

My name is Lillian Woods Ellis, and I own property on on the Egg and Butter Road in Columbiana, Alabama near that of John Will Battle and Mozell Battle. My parents, Jeannie Mae Battle and Ottis Battle, owned this property prior to me acquiring it in 1983 as shown in Deed Book 352, page 532, Probate Office of Shelby County, Alabama. My parents purchased the property in the early 1960's. I have had occasion to frequently be around the property since my parents purchased it. At present, my daughter and my brother live on the property.

As stated, I know John Will Battle and Mozell Battle, and have known them since the early 1960's. I am well acquainted with the Battle's and with their property located on the Egg and Butter Road in Columbiana, Shelby County, Alabama which said property is more particularly described as follows:

A one acre tract of land situated in the NE 1/4 of the SE 1/4 of Sec. 35, Tp. 21 South, Range 1 West, described as follows: Commence at the NW corner of the NE 1/4 of the SE 1/4 of Sec. 35, Tp. 21 South, Range 1 West, thence run East along the North line of said forty a distance of 178.20 feet to the East line of the Egg and Butter Road and the point of beginning, thence continue in the same direction along said forty line a distance of 242.05 feet; thence turn an angle of 59 deg. and 00 min. to the right and run South 31 deg. and 00 min. East, a distance of 210.00 feet, thence turn an angle of 121 deg. and 00 min. to the right and run West a distance of 242.05 feet to the East line of said road, thence turn an angle of 59 deg. 00 min. to the right and run North 31 deg. and 00 min. West along the East line of said road a distance of 210.00 feet to the point of beginning.  
Less and Except that certain parcel of property conveyed to Isabell Battle Burns as recorded in Deed Book 311, page 715, Probate Office of Shelby County, Alabama.

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W. E. H. F.

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I have been familiar with the use, occupancy and ownership of the above described lands for about 27 years, and know that John Will Battle and Mozell Battle have been in open, notorious, peaceful, adverse and undisputed possession of said lands for that period of time. I have never heard their title to said property or their possession of said lands to be disputed or questioned. I have personal knowledge that John Will Battle has raised gardens on his property since he has been living there, and I know that he has a house on said property and he and his wife have been living thereon since my mother and father purchased their property. I also know that various family members have lived with the Battles on their property. I am satisfied that the above described property accurately reflects that particular parcel owned by John Will Battle and Mozell Battle.

Also, I knew Ollis "Son" Lambs, and Rosa Lambs, both of whom are now deceased. They lived in a house up the road from the Battles, and the two parcels of property are separated by the house and property owned by Marvin Harwill and wife, Bernice Harwill, and a mobile home and lot owned by Isabell Battle Burns. I have never heard the Lambs or any of their children make claim to the property owned by the Battle's.

Lillian Woods Ellis  
Lillian Woods Ellis, Affiant

Sworn to and subscribed to before me on this 20<sup>th</sup> day of June, 1988.

Peggy J. Letson  
Notary Public

STATE OF ALABAMA  
I CERTIFY THIS INSTRUMENT WAS FILED  
88 JUL 29 PM 12:48

Thomas W. Jones, Jr.  
JUDGE OF PROBATE

RECORDING FEES  
Recording Fee \$ 5.00  
Index Fee 1.00  
TOTAL 6.00