

## Miscellaneous Record, No. 17, Madison County.

E.J. Spurgin) Filed for Record March 11th A.D. 1910 at 11.50 o'clock A.M.

#579  
to )Affidavit(  
The Public )

March 11, 1910

George Hill Recorder.  
By Daisy Hill Deputy.

State of Iowa, Madison County SS:

I, E.J. Spurgin, now a resident of Clarke County Iowa, but for many years prior to the year 1909 a resident of Madison County, Iowa, being first duly sworn, on my oath depose and say that I am a son of Philip Spurgin, who died intestate in Madison County, Iowa, on or about June 1st 1873, That in the registry of heirs filed in connection with the settlement of the estate of said Philip Spurgin, my name was erroneously given as Joseph E. Spurgin. That the said Philip Spurgin died seized in fee simple of the following described tract of land to-wit: The Southwest Quarter ( $\frac{1}{4}$ ) of the Southeast Quarter ( $\frac{1}{4}$ ) of Section Sixteen (16) in Township Seventy four (74) North, of Range Twenty-seven (27) West of the 5th P.M. except Six (6) acres in the Southeast corner thereof, 24 rods North and South and 40 rods East and West. That the aforesaid real estate comprised a part of the farm on which my Father lived at the time of his death and for many years prior thereto, and was my home until I grew to manhood, and after my Father's death I bought out all of the other heirs of the estate and became the owner of the above described real estate and lived on it as my home from about 1891 to about 1900, and that I have been since boyhood familiar with the boundaries of said land and particularly with the size, shape and boundaries of the said six (6) acre tract excepted from the Southeast corner of said Forty acre tract, and that said six (6) acre tract has always been a tract in the Southeast corner of said Forty acre tract 24 rods North and South and 40 rods East and West, that being the tract sold out of the said Forty acres by my said father prior to his death. That in the petition of Margaret Spurgin for the admeasurement of her dower in the lands of which the said Philip Spurgin died seized, filed in the Circuit Court of Madison County, Iowa, on February 16th, 1874, it is alleged that the said Philip Spurgin died seized of the said SW $\frac{1}{4}$  SE $\frac{1}{4}$  of said section, township and range, except 6 acres in the Southeast corner thereof. That it was the intention of said petitioner to describe said Forty acre tract, with the exception of 6 acres in the Southeast corner thereof, 24 rods North and South and 40 rods East and West, that being the tract actually owned by the estate at that time to my personal knowledge, and that in any and all deeds made for said land by the heirs at law of the said Philip Spurgin in which the description of said land is given as the SW $\frac{1}{4}$  SE $\frac{1}{4}$  of said section, township and range, except 6 acres in the South East corner thereof, it was, to my personal knowledge, the intention of any and all such heirs to describe and convey said forty acre tract, except 6 acres in the Southeast corner thereof 24 rods North and South and 40 rods East and West, and in no case was it the intention of any of said heirs to convey said forty acre tract except 6 acres in the Southeast corner thereof in a square form. That Margaret Spurgin, or Margarette Spurgin as named in the registry of heirs filed in the estate of said Philip Spurgin, deceased, the widow of said Philip Spurgin, died, intestate, on or about the -----day of April 5th A.D. 1903 having never re-married after the death of the said Philip Spurgin, and leaving as her heirs at law the children of herself and the said Philip Spurgin, as named in the registry of heirs filed in the estate of the said Philip Spurgin, deceased, That H.L. Fox, one of the grantors in a deed recorded in Deed Record No 13, page 43 of the records of Madison County, Iowa, is the same and identical person as Harriet L. Spurgin, who is named as one of the heirs at law in the registry of heirs filed in the said estate of Philip Spurgin, deceased. That David Spurgeon, grantee in a deed recorded in Deed Record No 13 page 43, above mentioned, and D.J. Spurgin, grantee in a deed recorded in Deed Record No 13, page 99, and D.J. Spurgin, judgment debtor in a judgment rendered in the Circuit Court of Madison County, Iowa, in favor of John Hancock, as shown by Judgment Docket No. 6, page 176, and David J. Spurgin, who is named as one of the heirs at law of the said Philip Spurgin, deceased, all refer to and are one and the same person. That W.S. Spurgin, one of the grantors in a deed recorded in Deed Record No 16, page 616, is one and the same person as William S. Spurgin, one of the heirs at law of the said Philip Spurgin, deceased, as shown by the registry of heirs filed in said estate. That Sarah A. Shelburn and William F. Shelburn, grantors in a deed recorded in Deed Record No 17 page 540, were husband and wife at the time of the execution of said conveyance, to-wit, March 7th 1882. That S.L. Spurgin, grantee in a deed recorded in Deed Record No 17, page 540, last above mentioned, is the same and identical person as Sinclair L. Spurgin, who is named as one of the heirs at law of Philip Spurgin in the registry of heirs filed in the estate of the said Philip Spurgin, deceased. That Martha L. Harrell, one of the grantors in a deed recorded in Deed Record No 25 page 254, is the same and identical person as Martha L. Spurgin, who is named as one of the heirs at law in the registry of heirs filed in the estate of said Philip Spurgin, deceased. That N.E. Spurgin, grantee in the deed recorded in Deed Record No 26, page 245, last above mentioned, and N.E. Spurgin, grantor in a deed recorded in Deed Record No 30 page 247, and Nancy E. Spurgin, who was a defendant and who was served with notice in an action brought by Margaret Spurgin, in the Circuit Court of Madison County, Iowa, at the March Term, A.D. 1874, for the admeasurement of her dower in the real estate owned by the said Philip Spurgin, deceased, and Ellen Spurgin, who is named as one of the heirs at law in the registry of heirs filed in the estate of Philip Spurgin, deceased, is one and the same identical person. That I.J. Turner, one of the grantors in a deed recorded in Deed Record No 30 page 273, and Isabella J. Turner, who is named as one of the heirs at law in the registry of heirs filed in the estate of said Philip Spurgin, deceased, is one and the same identical person. That Joseph E. Spurgin named as one of the heirs at law of Philip Spurgin, deceased, in the registry of heirs filed in said estate, and Elkanah J. Spurgin, named in the petition of said Margaret Spurgin in the proceedings for admeasurements of dower above mentioned, and Elkahalo J. Spurgin on whom notice of said dower proceedings was served, and this Affiant, E.J. Spurgin, all refers to one and is the same identical person, and the same person as the E.J. Spurgin, who is the grantee in the deeds recorded in the records of Madison County, Iowa, as follows: Sheriff's Deed Record No 251, Deed Record No 16 page 616, Deed Record No 28 page 318, Deed Record No 30, page 247, Deed Record No 30 page 272, and Deed Record No 30 page 273; also the same and identical person as E.J. Spurgin, plaintiff in the quiet title proceedings, in which H.B. Wells, et al were defendants, had at the May

Term A.D. 1891 of the District Court of Madison County, Iowa, and also the same and identical person as E.J. Spurgin, one of the grantors in a deed recorded in Deed Record No 32, page 586. That J.M. Osborn, grantee in the deed recorded in Deed Record No 32, page 586, last above mentioned, is the same and identical person as James M. Osborn, one of the grantors in a deed to Wilber Dawler, recorded in Deed Record No 35, page 483. That all of the records above referred to are of the records of Madison County, Iowa. That I have no interest of any character in the land described in this affidavit and these statements are made from personal knowledge of the facts herein stated and for the purpose of removing doubt from the title to said land. Further deponent saith not.

E.J. Spurgin.

Subscribed and sworn to by the said E.J. Spurgin this 20th day of November, A.D. 1909.

Lloyd Talley Notary Public  
in and for Madison County, Iowa.

NOTARIAL  
SEAL