

976 J.G. Shriver) Affidavit (Filed for Record May 2nd A.D. 1911 at 1.00 o'clock P.M.
to)
The Public)

George Hill Recorder.
By Daisy Hill Deputy.

State of Iowa, Madison County SS:

I, J.G. Shriver being first duly sworn on oath depose and say, that I am the identical J.G. Shriver, who prepared a certain warranty deed in which O.E. Ten Eyck and Mary B. Ten Eyck were grantors and Samuel H. Smith was, grantee conveying the following described real estate, to-wit:-
The west fractional half ($\frac{1}{2}$) of the Northwest Quarter ($\frac{1}{4}$) and East half ($\frac{1}{2}$) of the South West Quarter ($\frac{1}{4}$) of Section Three (3) and a strip $1\frac{1}{2}$ rods wide off the West side of SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section Three (3) and a part of the Northeast Fractional Quarter ($\frac{1}{4}$) of North West Quarter ($\frac{1}{4}$) of said Section Three (3) described as follows:- Commencing at the North-west corner of said last described 40 acre tract and running thence East to a point 22 rods west of the North East corner thereof, thence South 26 rods, thence west 26- $\frac{2}{3}$ rods thence South to the South line of said 40 acre tract thence West to the South-west corner thereof thence North to place of beginning all in Township Seventy Five (75) North Range Twenty Nine (29) West of the fifth P.M. Iowa, containing 181 acres more or less, and recorded in book 49 page 488 of Madison County, Iowa records in which deed it is stated "This deed covers and includes the water rights of grantors on the NE Fr. $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section Four (4), except west 4 rods thereof, of said Township and range reserved by them in a deed for last described tract to James W. Sawhill dated April 22, 1905 recorded in Madison County, Iowa in deed record 47 page 270 with all rights and privileges reserved in said deed by grantors herein, being the rights for themselves, their heirs or assigns, to have first water right to get water from the spring on said land for themselves of the farm adjoining on the East for farm purposes, with rights of grantors or assigns to enter upon said land for the purpose of fixing "Ram" or putting in windmill, of fixing arrangements for pumping and piping water to the farm across the road East". and I do state that while it was the intention in said deed by O.E. Ten Eyck and Mary B. Ten Eyck recorded in book 49 page 488 Madison County, Iowa records to convey above described water rights, said deed is in error in stating "Reserved by them in deed for last described tract to James W. Sawhill, dated Apr. 22, 1905 and recorded in book 47 page 270 Madison County, Iowa records" and that said error was made by this affiant in drawing of said deed, and that said grantors O.E. Ten Eyck and Mary B. Ten Eyck, do not now nor have they ever up to this date owned said NE. Fr. $\frac{1}{4}$ of NE $\frac{1}{4}$ Section 4, Township 75 North, Range 29, but that said deed in conveying said water right to said Samuel H. Smith should have read "Reserved by James E. Poland and wife in deed to James W. Sawhill for said NE. Fr. $\frac{1}{4}$ of NE $\frac{1}{4}$ Section 4, Township 75, North, Range 29 and recorded in book 47 page 270 Madison County, Iowa records, and conveyed to O.E. Ten Eyck by deed recorded in book 48 page 64 Madison County, Iowa records. That I have no interest whatever in making said affidavit, except to explain deed by O.E. Ten Eyck and wife to Samuel H. Smith, and recorded in book 49 page 488 Madison County, Iowa records, which deed conveys the land and water rights herein described, except the NE. Fr. $\frac{1}{4}$ of NE $\frac{1}{4}$ 4-74-29.

J.G. Shriver.

Subscribed in my presence and sworn to before me this 27th day of February A.D. 1911.

NOTARIAL
SEAL

W.O. Lucas.
Notary Public in and for Madison
County, Iowa.