

22-0 Miscellaneous Record, No. 19, Madison County

returned a Notary

J.E.Hamilton) Filed for record the 23 day of Nov A.D. at 2:55 o'clock P.M.
to
The Public) Afft Jeannette E. Beck, Recorder

Fee \$.70
3155

State of Iowa Madison County SS;- I, J.E. Hamilton, being first duly sworn upon my oath depose and say that I am now, and have been for more than ten years last past, actively engaged in the real estate business in the City of Winterset, in said County and State; that during the winter of 1915-1916, E.J. Bryant and wife, Mattie E. Bryant, became indebted to me in the sum of \$2,057.25 that to evidence such indebtedness they gave me their one promissory note for \$2,057.25 secured by Mortgage, which mortgage is recorded in Book 60 of Mortgages, page 57 of the records of Madison County, Iowa; that it was the intention of said mortgagors to mortgage the Southeast Quarter ($\frac{1}{4}$) of the Northeast Quarter ($\frac{1}{4}$) except 5 acres on the South side thereof and 5 acres on the North side thereof, and the North 35 acres of the Southwest Quarter ($\frac{1}{4}$) of the Northeast Quarter ($\frac{1}{4}$) and the South 5 acres of the Northwest Quarter ($\frac{1}{4}$) of the Northeast Quarter ($\frac{1}{4}$) all in Section 14, in Township 74^{North} of Range 26, West of the 5th P.M. Iowa, but by error on the part of the scrivener in drawing said mortgage the description of the real estate covered by said mortgage is described as the South Three-fourths ($\frac{3}{4}$) of the Southeast Quarter ($\frac{1}{4}$) of the Northeast Quarter ($\frac{1}{4}$) and the Southwest Quarter ($\frac{1}{4}$) of the Northeast Quarter ($\frac{1}{4}$) of said Section, Township, and Range, said Mortgagors not having title to either the South 5 acres of said Southeast Quarter ($\frac{1}{4}$) of the Northeast Quarter

($\frac{1}{2}$) or the South 5 acres of said Southwest Quarter ($\frac{1}{2}$) of the Northeast Quarter ($\frac{1}{2}$) of said Section, township, and range at the date of said Mortgage, to-wit: - January 31, 1916.

That by reason of my being engaged in the real estate business as aforesaid, I was instrumental in the sale of the said Southeast Quarter ($\frac{1}{2}$) of the Northeast Quarter ($\frac{1}{2}$), except 5 acres on the South side thereof and 5 acres on the North side thereof, and the North 35 acres of the Southwest Quarter ($\frac{1}{2}$) of the Northeast Quarter ($\frac{1}{2}$) and the South 5 acres of the Northwest Quarter ($\frac{1}{2}$) of the Northeast Quarter ($\frac{1}{2}$) in Section, Township, and Range aforesaid belonging to the said E.J. Bryant and Mattie E. Bryant to one Oliver James; that said sale culminated in a deed for said land to said Oliver James, which deed was drawn in my office, but by error on the part of the scrivener drawing the same said real estate was described therein as the South Three-fourths ($\frac{3}{4}$) of the Southeast Quarter ($\frac{1}{2}$) of the Northeast Quarter ($\frac{1}{2}$) and the Southwest Quarter ($\frac{1}{2}$) of the Northeast Quarter in the Section, Township, and Range aforesaid, when it was the intention of said E.J. Bryant and Mattie E. Bryant to convey to said Oliver James the real estate first herein described, said above described deed being recorded in Book 58 of Deeds, page 405 of said Records.

That I am the same and identical person as the J.E. Hamilton, the assignee in a certain Assignment of Mortgage executed by Oliver James, dated Mar. 22, 1917, and recorded in Book 64 of Mortgages, page 450 of said records, the Mortgage described in said Assignment being executed by Eugene Wilson and wife of date March 1, 1917 and recorded in Book 60 of Mortgages, page 158 of said records, and conveying the South Three-fourths ($\frac{3}{4}$) of the Southeast Quarter ($\frac{1}{2}$) of the Northeast Quarter ($\frac{1}{2}$) and the Southwest Quarter ($\frac{1}{2}$) of the Northeast Quarter ($\frac{1}{2}$) of said Section, Township, and Range, when same should have conveyed the real estate first herein described, and it was my understanding when I purchased said Mortgage and the note secured thereby and took the assignment of same that said Mortgage was a lien upon the Southeast Quarter ($\frac{1}{2}$) of the Northeast Quarter ($\frac{1}{2}$) except 5 acres on the South side thereof and 5 acres on the North side thereof, and the North 35 acres of the Southwest Quarter ($\frac{1}{2}$) of the Northeast Quarter ($\frac{1}{2}$) and the South 5 acres of the Northwest Quarter ($\frac{1}{2}$) of the Northeast Quarter ($\frac{1}{2}$) of Section 14, in Township 74, North, of Range 26, West of the 5th P.M. Madison County, Iowa, and I now claim no lien upon or interest in the South 5 acres of said Southeast Quarter ($\frac{1}{2}$) of the Northeast Quarter ($\frac{1}{2}$) and the South 5 acres of the said Southwest Quarter ($\frac{1}{2}$) of the Northeast Quarter ($\frac{1}{2}$) of Section 14, Township 74, Range 26, West of the 5th P.M. Iowa, by reason of the erroneous description contained in said mortgage

Further affiant saith not

J.E. Hamilton.

Subscribed in my presence and sworn to before me by the above named affiant this 24 day of October, A.D. 1917

Harry F. Anderson

Notary Public in and for Madison County, Iowa.

NOTARIAL
SEAL