

J.E.Hamilton) Filed for record the 28th day of May A.D.1918, at 2:06 o'clock P.M.
to Jeannette E.Beck,Recorder.
The Public) Afft. Ethel Miller,Deputy. Fee, \$.80
#1841

State of Iowa, Madison County, SS: I, J.E.Hamilton of said County and State upon oath depose and say that I have been a resident of Madison County, Iowa, for more than 40 years last past; that I was well and personally acquainted with Hannah R.Cox named as one of the defendants in a Quiet Title Suit wherein S.M.Hamilton was Plaintiff and Charles Hollingsworth, et al, were defendants, being #8592, Equity of the District Court of said Madison County, Iowa, quieting the title to the E $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$; the SE $\frac{1}{4}$ SE $\frac{1}{4}$; and 6 $\frac{2}{3}$ acres off the South side of the NE $\frac{1}{2}$ SE $\frac{1}{4}$; and 3 $\frac{1}{3}$ acres off the South end of the E $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 19; and the S $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ and N $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 20 (except commencing at the Southeast corner of the NE $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 20, thence North 44 rods to the center of the Branch known as Boyles' Branch, thence up the center of said Branch to a point 9 rods West of the Place of Beginning, thence East to Beginning); also commencing at the Southwest corner of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 20, thence North 40 rods, thence East 28 rods, thence Southwest to a point 12 rods East of Place of Beginning, thence West 12 rods to beginning; also the SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 20, all of said land being in Township 76, Range 27, and know of my own personal knowledge that said Hannah R.Cox, one of the defendants, was the same and identical person as the Rebecca Cox, one of the grantors in a certain Quit Claim Deed recorded in Deed Record 34, page 402 of the records of Madison County, Iowa, conveying the above described land to S.M.Hamilton.

I further state that I am the same and identical person as the J.E.Hamilton one of the grantors in a certain Warranty Deed recorded in Deed Record 53, page 366 of said records to Francis M.Sheets wherein a recitation was inserted that the land therein conveyed being land above described but except $\frac{1}{2}$ acre for school in NW corner of 3 $\frac{1}{3}$ acres of NE $\frac{1}{2}$ SE $\frac{1}{4}$ Sec 19-76-27 being 10 rds E & W by 8 rds N & S was free and clear of encumbrance except a mortgage for \$6000.00; that there was no mortgage on said last mentioned land at the date of said deed of \$6000.00, but there was a mortgage of \$5000 to the German Savings Bank of Davenport, Iowa, made by J.F.Cleary and wife and recorded in Mortgage 49, page 156 of said records and one mortgage of \$1000.00 to J.J.Gaston made by J.F.Cleary and wife and recorded in Mortgage Record 46, page 392 of said records, and the recitation made in said deed should have recited except two certain mortgages one for \$5000.00 and once for \$1000.00 as above stated.

That I have been acquainted with the title and ownership of the N $\frac{1}{2}$ NW $\frac{1}{4}$; the W $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 20, and the South 21 acres of the E $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 19 and a tract described as follows: Commencing at the Northwest corner of the S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 19, running thence East

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4 rods, thence South 55 rods, thence East 8 rods, thence South 25 rods, thence West 72 rods, thence North to Place of Beginning, all in Twp .75, Range 26 for fifteen years last past; that I was familiar with the sale and transfer of said land by H.Z. Cross to C.W. Eastman, the deed of conveyance being recorded in Deed Record 53, page 92 of the records of Madison County Iowa; that the recital in said deed that same was made "subject to incumbrance of \$4000.00, which grantee assumes and agrees to pay as a part of the purchase price" was an error; that there was no mortgage on said land at the date of said deed of \$4000.00, but there was a mortgage of \$3000.00 to the Aetna Life Insurance Company made by T.J. Highly and wife and recorded in Mortgage Record 47, page 44 of said records and one mortgage of \$1000.00 made by said Highly to Thomas Husted and recorded in Mortgage Record 46, page 404 of said records, and the recitation in said deed should have recited subject to two certain mortgages one for \$3000.00 and one for \$1000.00 as above stated, that the same conditions as shown in the last described deed are also true in the deed made by C.W. Eastman recorded in Deed Rec. 53, page 259.

I further state that I have no interest in making this affidavit other than to establish of record the facts as herein stated at the request of the present owners of the land herein described.

J.E. Hamilton

Subscribed and sworn to before me by the above named J.E. Hamilton, this 13th day of May, A.D. 1918.

Harry P. Anderson

Notary Public in and for Madison County, Iowa.

NOTARIAL
SEAL