

W. T. Guiher) Filed for record the 28th day of Feb. A. D. 1918 at 3:22 o'clock P. M.
to Jeannette E. Beck, Recorder.
The Public) Afft.

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#486

State of Iowa, Madison County, SS. I, W. T. Guiher, of said County and State, being first duly sworn, do, upon my oath, depose and say:- That I was one of the attorneys for Plaintiff in the case of T. F. Laughlin vs. Clifton M. Wheat and Dora E. Wheat, being No. 11504 Equity in the District Court of Madison County, Iowa; that original notice of said action was sent to the Sheriff of Wayne County, Iowa, for service on both of the Defendants, and was returned served on Dora E. Wheat and with the statement that Clifton M. Wheat was in Nebraska; that thereafter, and prior to the May Term, A. D. 1916 of said Court, the said Clifton M. Wheat and his attorney, A. M. Jackley, were in Winterset, Iowa, and had a conversation with the Plaintiff, T. F. Laughlin, and myself looking to a settlement of said action that at that time it was agreed by and between the said Clifton M. Wheat, A. M. Jackley and T. F. Laughlin and myself that, to save the expense of serving notice on the said Clifton M. Wheat, the said A. M. Jackley should enter his appearance in said cause for the said Clifton M. Wheat, which he did by writing on the docket where said cause is docketed in said Court and opposite the names of the Defendants, "A. M. Jackley for Wheat"; that thereafter, and immediately prior to the May Term of said Court the said A. M. Jackley, as attorney for the said Clifton M. Wheat, wrote to the Judge of said District Court and to myself and asked and was granted, time to plead in said cause; that on account of the negotiations for settlement and in the hope that such could be effected by the next term of said Court, the said cause was, by consent and agreement, allowed to stand open without any default or judgment until the October Term, A. D. 1916 of said Court when, with the full knowledge and consent of the said Clifton M. Wheat and of the said A. M. Jackley, his attorney, a decree of foreclosure was entered in said cause as against both the said Dora E. Wheat and the said Clifton M. Wheat, which appears of record at Page 476 of District Court Record "S" of the records of said Court; that the said Clifton M. Wheat had actual knowledge of the pendency of said action and authorized and directed the said A. M. Jackley to enter an appearance for him in the said action and that entry of the appearance of A. M. Jackley "for Wheat", in said docket of said Court was, in truth and in fact, an appearance for the said Defendant, Clifton M. Wheat.

W. T. Guiher

Subscribed in my presence and sworn to before me by the above named affiant this 31st day of January, A. D. 1918.

J. E. Tidrick,

Notary Public in and for
said County.

