

J.W.Mabbitt)
 Charles Mabbitt) Afft.
 Anthony Mabbitt)
 to
 The Public)

Filed for record the 18 day of December A.D. 1920 at
 9.45 o'clock A.M.

Nettie E. Winship, Recorder
 Winifred Whedon, Deputy
 Fee \$.90 ✓ # 3923.

State of Iowa, Madison County SS: I, J.W.Mabbitt of said state and county, and we Charles Mabbitt and Anthony Mabbitt of Dallas County, Iowa, each being duly sworn upon our oath depose and say:-

That we are sons of William Mabbitt and Samantha Mabbitt, each of whom are now deceased.

That the Northwest Quarter (NW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section Nine (9) in Township Seventy six (76) North, of Range Twenty nine (29) West of the 5th P.M. Iowa, formed a part of our father's home farm.

That our father acquired title to said real estate under a deed of warranty from Benjamin F. Allen in 1865, which deed is recorded on Page 396 of Deed Record F of the Records of Madison County, Iowa.

That to our personal knowledge our father and mother sold all that part of the real estate above described, which lay south and west of North River in two tracts.

That they first sold a tract that lay south and west of the river, the east line of which was agreed upon between vendor and vendee at the time of the sale, and a partition fence was erected on the said east line agreed upon by the adjoining owners and upon which line there has at all times since and now is a fence, and that our father and mother executed a deed of warranty to J.W. Weaver, the intention of which was to convey all that part of said forty acre tract that lay west of said partition fence, and south and west of the river.

That the said J.W. Weaver sold the same tract which he purchased from our father and mother to W.S. Eppard and the said J.W. Weaver and his wife executed a deed of warranty, the intention of which was to convey all that part of the said NW $\frac{1}{4}$ NE $\frac{1}{4}$ 9-76-29 that lay south and west of the river, and west of said partition fence.

That our father and mother next sold to W.S. Eppard all that part of said NW $\frac{1}{4}$ NE $\frac{1}{4}$ 9-76-29 that lay south and west of the river, and east of said partition fence, and they executed a deed of warranty the intention of which was to convey the land they had sold to the said W.S. Eppard.

Miscellaneous Record, No. 20, Madison County, Iowa.

That the line upon which said partition fence was erected, was recognized and treated by each and all of the adjoining owners as the true boundary line of their respective tracts of land at all times from April 14, 1886, being the date of the conveyance from our father and mother to J.W. Weaver, to April 22, 1904, being the date of the conveyance from our father and mother to W.S. Eppard.

That all that part of the said forty acre tract that lay north and east of the river remained a part of the home farm of our father and mother to the time of the death of our father.

That to our personal knowledge the only parties in possession of the part of the NW 1/4 NE 1/4 9-76-29 that lay south and west of the river from the time of the purchase of said real estate by our father from the said Benjamin F. Allen to the time of the conveyance by our said father and mother to the said W.S. Eppard viz April 22, 1904, were the said J.W. Weaver, W.S. Eppard and our father, and to our personal knowledge the said W.S. Eppard and his heirs and devisees and their grantees have at all time since April 22, 1904, and now are, in actual, adverse and peaceable possession of the real estate last above described.

This affidavit is made for the purpose of explaining the intent of said conveyance executed by our father and mother, and the conveyance from the said J.W. Weaver to the said W.S. Eppard as they relate to said land.

J.W. Mabbitt
Charles Mabbitt
Anthony Mabbitt.

Subscribed and sworn to before me by J.W. Mabbitt on this 7th day of December A.D. 1920

NOTARIAL
SEAL

W.T. Guither,
Notary Public.

Subscribed and sworn to before me by Charles Mabbitt and Anthony Mabbitt on this 8 day of December, A.D. 1920.

NOTARIAL

Wm. Taylor Jr.

Notary Public in & for the State of Iowa