

Floreta A. Weaver)
to)
The Public) Afft.

Filed for record the 18 day of December A.D. 1920
at 9.47 o'clock A.M.

Nettie E. Winship, Recorder
Winifred Whedon, Deputy
Fee \$.70 # 3924

State of Iowa, Madison County SS: I, Floreta A. Weaver, of said state and county, being first duly sworn upon my oath depose and say:-

That I was, for many years acquainted with William Mabbitt and Samantha Mabbit, his wife, 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 their home farm.

That in the fall of 1885 or spring of 1886 my husband J.W. Weaver now deceased, purchased of the said William Mabbitt all that part of the said NW. NE $\frac{1}{4}$ 9-76-29 that lay south and west of North River and west of a line agreed upon by the vendor and vendee, which line was then definitely located, and they agreed upon the building of the partition fence.

That in the year of 1886 the said William Mabbitt with his wife joining executed a deed of warranty, the intention of which was to convey all the tract sold by them to J.W. Weaver which deed is entered of record on Page 109 of Deed Record 27 of the Records of Madison County, Iowa. That upon the purchase of said real estate by my husband from William Mabbitt said land, became a part of our home farm, and on this tract we had our truck path up to the time we sold the same.

That subsequent to the purchase of said land, the said William Mabbitt and my husband built the partition fence as agreed, upon the line agreed upon by them, and that the line upon which said partition fence was erected was recognized and treated by the said

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

William Mabbitt and my husband as the boundary line between their respective tracts of land, and each party kept this part of the partition fence in repair at all times from April 14, 1886 to March 1902, the last date being the date of the conveyance by my husband and I to W. S. Eppard and the intention of said conveyance to W. S. Eppard was to convey all that part of said land that lay west of said partition fence.

That the said William Mabbitt was the owner of 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 east of said partition fence from the time he acquired the same from Benjamin F. Allen to April 22, 1904 at which time he intended to convey said last described tract to W. S. Eppard by deed of warranty.

That to my personal knowledge the only parties ever in possession of that part of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ 9-76-29 that lay south and west of the river from the time of the purchase of said real estate from the said Benjamin F. Allen to the time of the conveyance by the said William Mabbitt to the said W. S. Eppard were the said William Mabbitt, W. S. Eppard, and my husband and to my personal knowledge the said W. S. Eppard and his heirs and devisees and their grantee have, at all times since April 22, 1904, been 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 the said William Mabbitt and the conveyance in which I joined as they relate to said land.

Floreta A. Weaver.

Subscribed and sworn to before me by Floreta A. Weaver on this 4th day of December A. D. 1920

W. T. Guiber
Notary Public.

NOTARIAL