

Miscellaneous Record, No. 19, Madison County

Samuel Gardner)
to)
The Public)

Afft.

Filed for record the 1st day of March A.D. 1920 at 9.45
o'clock A.M.

Nettie E. Winship, Recorder
Fee \$.70 ✓ 880

State of Iowa, Madison County SS: I, Samuel H. Gardner, aged Fifty seven (57) years
and a resident of Madison County, Iowa, first being duly sworn upon my oath depose
and say :

That Michael Gardner who acquired title to the Northeast Quarter (¼) of the Southwest
Quarter (¼) of Section Twelve (12) in Township Seventy-four (74) North of Range Twenty-
eight (28) West of the 5th P.M. was my grandfather and that my said grandfather, with his
wife Mahala Gardner resided on said land at all times from the time of purchase thereof
to the time of the death of each of them, and that Mahala Gardner survived the said Michael
Gardner and that subsequent to the death of Michael Gardner she resided upon said land
with my father as a member of his family until July 25th, 1896, said date being the date
of her death.

I further state that my father, H. H. Gardner, resided upon said land at all times from
about the spring of 1871 to March 1st, 1898 at which time my father with his family moved
on to an adjoining tract of land.

That this affiant resided with his father and mother and made their home his home at
all times until his marriage which was March 1st, 1894 and that I have at all times since
lived in the immediate vicinity of said land and seen said tract practically every day.

I further state that I was well and personally acquainted with the tract of land con-
veyed by P. H. Lillis to my said grandfather, which deed is entered of record on page 199
of record 11 of the records of Madison County, Iowa and the record purports to show that
said conveyance conveyed all that part of the Northwest corner of the SE¼ NW¼ 12-74-28
North of Clanton Creek except a strip Twenty five (25) feet in width between the land and
the Creek and that part between the land and the Creek being for a road or lane.

This affiant further states that there never was an open highway, land or passage way
between the said Creek and the land. It was in effect a reservation made by the grantor
with the thought that he might at some time desire to drive across the tract conveyed
for the purpose of removing timber on his land that lay on the South side of the Creek
and he might use an old time ford across the Creek.

That the tract conveyed was so small that the owner could not farm it. It lay in a
triangular form and contained at that time and at all times since less than one-half
of an acre.

This affiant further states that on the death of my grandfather my father used and
occupied said triangular strip and claimed to be the owner at all times from the death of
my grandfather until he sold said property to Ammon Lake.

That Ammon Lake claimed to be the owner of said Triangular tract and tilled it with the
adjoining field and that to this affiant's personal knowledge J. R. Jordan and Forest
Jordan have at all times since they purchased the adjoining lands used and occupied said
triangular strip and that to this affiant's personal knowledge that no one or more of
the heirs at law of my said grandfather ever claimed to have an interest in said tri-
angular strip adverse to my father.

Samuel H. Gardner

Subscribed and sworn to before me this 27th day of February A.D. 1920 by Samuel H.
Gardner.

W. T. Guiber
Notary Public in and for said County.

