

Notary Public in and for Madison County, Iowa.

SEAL

P. J. & Joseph Cunningham)
to
The Public

(Affidavit
#734

Filed for record the 12th day of March A.D.,
1925 at 10:38 o'clock A.M.
Fee \$.50/ Gladys B. DeVault, Recorder.
Paul Lucas, Deputy.

State of Iowa, Madison County, ss: We, P. J. Cunningham and Joseph Cunningham, each being first duly sworn, on our oaths depose and say that we are sons of John Cunningham, to whom was assigned a certain mortgage for \$5200.00 executed by George R. Richmond, widower, to E. E. Orris and E. S. Orris, covering the SW $\frac{1}{4}$ NE $\frac{1}{4}$ & N $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 25-75-29, and certain other real estate described in said mortgage, dated March 21st 1903 and recorded in Mortgage Record 42, page 292 of the records of Madison County, Iowa.

That the said John Cunningham died in Madison County, Iowa, about November 1st 1904, and that the above named Joseph Cunningham was appointed and duly qualified as administrator of his estate, and continued to act as such administrator until final settlement, of said estate and the discharge of administrator.

That in consideration of certain partial payments having been made on the note secured by said mortgage, the above named Joseph Cunningham as administrator released the other lands covered by said mortgage by two releases entered on the margin of the record thereof; and that in making distribution of the assets of said estate the unpaid balance due on said note was delivered to the above named P. J. Cunningham as part of his distributive share in said estate, but through oversight no assignment of the mortgage securing the same was made to the said P. J. Cunningham.

That full payment of the balance due on said note was made to the said P. J. Cunningham about March 1st 1909 by Elizabeth Eyerly, who had acquired title to an undivided interest in the above described SW $\frac{1}{4}$ NE $\frac{1}{4}$ & N $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 25-75-29, and the said note was cancelled and delivered to her by the said P. J. Cunningham, but no assignment of said mortgage having been made to him as above stated he had no authority to cancel the same.

Joseph Cunningham
P. J. Cunningham

Subscribed in my presence and sworn to by the above named affiants this 12th day of March, 1925.

A. B. Shriver
Notary Public, Madison Co. Iowa.

NOTARIAL
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