

Miscellaneous Record, No. 21, Madison County, Iowa.

L. E. Smith, et al.,

to

The Public

#772
Fee \$1.70 ✓Filed for record the 9 day of March,
A. D., 1928, at 2:08 o'clock P. M.Gladys B. Devault, Recorder,
Ercell M. Knott, Deputy.

AFFIDAVIT

STATE OF IOWA) ss:
Madison County

We, L. E. Smith, W. E. Smith, Earl Smith, Frank Smith and W. L. Smith, sons and heirs at law of Hyampul Smith, late of Madison County, Iowa, deceased, and residents of said county and state, being first duly sworn, each, upon our individual oaths depose and say as follows:

That the judgment against Frank Smith in favor of Wm. Blair, dated Nov. 7, 1917, transcribed from Warren County, Iowa, and filed in the office of the Clerk of the District Court of Madison County, Iowa, on Aug. 29, 1918, and entered at page 256 of Judgment Docket K, of the records of said Court, being for \$5.00, interest and costs, is not a judgment against the Frank Smith affiant herein, but is a debt due and owing from and by some person other than said affiant and to these affiants unknown.

That the judgment against Ernest Smith and Mrs. Ernest Smith in favor of Dr. Wilton McCarthy, dated Feb. 9, 1922, and entered at page 212 of Judgment Docket Z, of the records of the Clerk of said District Court, being for \$51.62 with interest, and costs, is a judgment against one Ernest Smith, a resident of Lincoln Township, Madison County, Iowa, and is not a debt due from or owing by L. E. Smith or W. E. Smith, affiants, nor against any other heir at law of the said Hyampul Smith, deceased. That the said Ernest Smith, judgment debtor, is not a son of the said Hyampul Smith, nor in any way related to him or to these affiants and said judgment is not now and never has been a lien against any real estate of which the said Hyampul Smith died seized.

That the judgment in favor of E. J. Morris and against Frank S. Smith, et al, dated Feb. 13, 1922, and entered at page 213 of Judgment Docket Z, of the records of said District Court, being a deficiency judgment for \$225.00 and costs, is not against Frank Smith, affiant and son of Hyampul Smith, deceased. That the said Frank Smith, affiant, has no middle initial. That said deficiency judgment is a debt due and owing from and by some person by the name of Frank S. Smith to these affiants unknown.

That the judgment in favor of John V. McLaughlin and against Earl Smith, dated Feb. 22, 1924, entered at page 99 of Judgment Docket 25, of the records of said District Court, being for costs in the amount of \$68.25, is a judgment against some person by the name of Earl Smith who is unknown to these affiants, and that said judgment is not a debt due and owing from or to the said Earl Herbert Smith, affiant herein and an heir at law of the said Hyampul Smith, deceased.

That the full name of the L. E. Smith named in the registry of heirs filed in the estate of the said Hyampul Smith, deceased, on Mar. 1, 1926, is Lonnie Ellsworth Smith; that the full name of the W. E. Smith named in said registry is Wilbur Ernest Smith; that the full name of the W. L. Smith named in said registry is Walter Lee Smith; that the full name of the Ellis G. Smith named in said registry is Ellis Clair Smith; that the full name of the Earl H. Smith named in said registry is Earl Herbert Smith.

That these affiants are informed that the Delinquent Personal Tax Record in the office of the Treasurer of Madison County, Iowa, shows numerous delinquent personal taxes assessed against Ernest Smith, Glenn F. Smith, Clark Smith, F. W. Smith, Smith & Kephart, L. E. Smith, Emmett Smith, Frank Smith, Claude Smith, Jas. F. Smith, W. F. Smith, Earnest Smith, F. R. Smith, Chas. Smith, J. G. Smith, D. F. Smith, J. G. Smith & J. R. Gressford, Smith & Pehre Dell, G. F. Smith and F. A. Smith.

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That the said Wilbur Ernest Smith and the said Lonnie Ellsworth Smith, sons and heirs at law of Hyampul Smith, deceased, never have lived in nor had personal property subject to taxation located in Scott Township, Penn Township, and that any delinquent personal taxes or delinquent dog taxes appearing of record against Ernest Smith, Scott Township, L. E. Smith, Penn Township, Emmett Smith, Scott Township Earnest Smith, Scott Township, are due and owing from some person or persons other than these affiants, W. E. (or Wilbur Ernest Smith) and L. E. (or Lonnie Ellsworth) Smith.

That the said Frank Smith, son and heir at law of the said Hyampul Smith, deceased, never lived in or had personal property subject to taxation located in any of the following named townships and towns, to-wit: Winterset, East Peru, Crawford Township, South Township, Union Township, Jackson Township, Douglas Township, Walnut Township, Madison Township, Macksburg or Earham, and that any delinquent personal tax appearing of record in the office of said County Treasurer against Glenn F. Smith, Jackson Township; F. M. Smith, South Township, Crawford Township, Union Township and Winterset; or against Frank Smith, Winterset, East Peru, Peru, or Crawford Township; Jas. F. Smith, Winterset; or against Frank Smith, Jackson Township; or against W. F. Smith, Douglas Township; or against Frank Smith, Walnut Township; or against F. B. Smith, Earham; or against Glen F. Smith, Jackson Township, Webster Township; or against D. F. Smith, Madison Township; or against G. F. Smith, Monroe Township; or against F. A. Smith, Macksburg; or against Frank Smith, Crawford Township, are personal taxes due and owing by some person or persons other than the said Frank Smith, son and heir at law of the said Hyampul Smith, deceased, and to these affiants unknown.

That the said Ellis Clair Smith, son and heir at law of the said Hyampul Smith, deceased, never lived in or had personal property located subject to taxation in Winterset or Penn Township, and that any personal tax assessed, now appearing of record in said County Treasurer's office against Clark Smith for the year 1919, 1920 and 1921, the place of assessment not being shown of record; or against Claude Smith, Winterset; or against Clark Smith, Winterset; or against Chas. Smith, Penn Township, are personal taxes assessed against and due and owing from and by some person or persons other than the said Ellis Clair Smith, and who is to these affiants unknown.

That the said Walter Lee Smith, son and heir at law of the said Hyampul Smith, never lived in or had personal property located subject to taxation in Jackson Township or in the town of Winterset, and that any personal tax appearing assessed and now delinquent against Walter Smith in either said town of Winterset or in Jackson Township, are personal taxes assessed against and due and owing from and by some person other than the said Walter Lee Smith, and to these affiants unknown.

That the Galen Smith named in said registry of heirs as an heir at law of the said Hyampul Smith never lived in the town of St. Charles nor did he ever have personal property located in said town subject to taxation and that any personal tax assessed and appearing of record as now delinquent against J. G. Smith in said town of St. Charles, is a personal tax due and owing by and from some person other than the said Galen Smith, and who is to these affiants unknown. That the said Galen Smith is not the J. G. Smith named with J. R. Guessford as having a delinquent personal tax of \$166.57 for the year 1919, the place of assessment not being shown of record and that said tax is not due from or owing by the said Galen Smith.

That none of these affiants nor any of the heirs at law of the said Hyampul Smith, deceased, were ever in any manner connected with the firm of Smith & Kephart against whom personal taxes appear unpaid for the year 1902, in Grand River Township, nor in any manner connected with the firm of Smith & Pahre Deal against whom personal taxes appear unpaid for the year 1923, in South Township, and that such taxes are due and owing from and by some person by the name of Smith who is unknown to these affiants.

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That the said Hyampul Smith died, intestate, on or about Feb. 10, 1926, seized of the E $\frac{1}{2}$ NW $\frac{1}{4}$ of Sec. 33 and SW $\frac{1}{4}$ SW $\frac{1}{4}$ & E $\frac{1}{2}$ SW $\frac{1}{4}$ of Sec. 28, in Township 74 North, of Range 26 West of the 5th P. M., and that none of the judgments or personal taxes hereinbefore referred to are due from or owing by any of the heirs at law of the said Hyampul Smith, deceased, and are not now and never have been in any manner or description a lien upon or against said real estate.

That the Galen Smith, grandson, and Arvetta M. Light, granddaughter, named in the registry of heirs filed in the estate of the said Hyampul Smith, deceased, are the son and daughter of one Chester H. Smith, a son of the said Hyampul Smith, deceased, who died prior to the death of the said Hyampul Smith, and in the year 1906. That the said Chester H. Smith left surviving him no other child or children, adopted child or children, nor child or children of any deceased child or children, and that the said Galen Smith and Arvetta M. Light, are each the owner of an undivided one-half of the $\frac{1}{9}$ share that the said Chester H. Smith, their father, would have been entitled to in the estate of the said Hyampul Smith, deceased, his father, had he been living.

That the said Arvetta M. Light was intermarried with one W. Manu Light, but that in the month of January, A. D., 1926, she obtained a decree of divorce from the said W. Manu Light in the District Court of Polk County, Iowa; that she was restored to all the rights and immunities of an unmarried person and to her maiden name, and that she is now known as Arvetta M. Smith, and by said decree, the said W. Manu Light, her husband acquired no right, title, or interest in any property which the said Arvetta M. Light might have and that he now has no interest in any property which the said Arvetta M. Light might have and that he now has no interest of any kind therein.

All of which is true as we verily believe.

W. E. Smith	Earl Smith
Frank Smith	L. E. Smith
W. L. Smith	

Subscribed in my presence and sworn to before me by the said L. E. Smith, W. E. Smith, Earl Smith, Frank Smith and W. L. Smith, this 5th day of March, A. D., 1926.

NOTARIAL
SEAL

Will H. Henry
Notary Public in and for Madison
Co. Iowa.