

Henry H. Griffiths  
To  
The Public

# 1023  
Fee \$.50



Filed for record the 26 day of  
March A.D. 1935 at 10:00 o'clock A.M.  
Valda G. Bishop, Recorder  
Pearl E. Shetterly, Deputy

A F F I D A V I T

STATE OF IOWA, POLK COUNTY, SS:

I, Henry H. Griffiths, resident of said county and state, being sworn, depose and say as follows:

That I am a practicing attorney, and as such, was consulted and employed to prepare and did prepare that certain trust agreement between Amos P. Diggs and Anna J. Diggs, dated Apr. 29, 1927, appearing of record at page 34 of Miscellaneous Record 21, of the records of Madison County, Iowa, which vested title in the NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 5, in Township 77 North, of Range 28 West of the 5th P.M. for the purposes therein set forth, in the said Anna J. Diggs, as Trustee, and the deed executed by Amos P. Diggs, concurrently with said agreement on Apr. 29 1927, appearing of record in Deed Record 57, at page 514, of said records, and conveying to Anna J. Diggs, Trustee, said NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 5, in Township 77 North, of Range 28 West of the 5th P.M.

That it was the intention of the said Amos P. Diggs to describe in said trust agreement and in said deed all real estate then owned by him, and that the describing of the N $\frac{1}{2}$  of the E $\frac{1}{2}$  of the NW $\frac{1}{4}$  of said section 5, in Township 77 North, of Range 28 West of the 5th P.M. then owned by Amos P. Diggs, in said agreement and in said deed, as the NE $\frac{1}{4}$  of the NW $\frac{1}{4}$  of said section, township and range, was an entirely innocent error. That the said Amos P. Diggs when furnishing this affiant with a description of his real estate no doubt thought that the NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 5-77-28 meant the same as the N $\frac{1}{2}$  E $\frac{1}{2}$  NW $\frac{1}{4}$  of Sec 5-77-28 and contained the same acreage, and it was distinctly not the intention of the said Amos P. Diggs to withhold from said agreement or said deed any part of the N $\frac{1}{2}$  E $\frac{1}{2}$  NW $\frac{1}{4}$  of Section 5, in Township 77 North, of Range 28 West of the 5th P.M., all of which he intended to describe in both instruments.

That I am in no way interested, and this affidavit is made for the sole purpose of explaining apparent defects in the chain of title to the real estate last herein described.

Henry H. Griffiths.

NOTARIAL  
SEAL

Subscribed in my presence and sworn to before me by the said Henry H. Griffiths, affiant,  
this 13<sup>th</sup> day of March, A.D. 1935.

Geo. Harnagel

Notary Public in and for Polk County, Iowa.

Filed for record the 26 day of March