

Miscellaneous Record, No. 22, Madison County, Iowa

H.C.Fosher

#2895

Filed for record the 13th day of
August A.D.1935 at 2:15 o'clock P.M.To
The Public

Fee\$.80

Valda C. Bishop, Recorder

A F F I D A V I T

State of Iowa, Madison County, ss.

I, H.C.Fosher, a resident of said state and county, being sworn, depose and say as follows:

That from Nov. 1, 1917 until the time of the death of E.E-McCall, I was in his employ in his office in Winterset, Iowa, and am and was acquainted with the circumstances relating to the conveyances to him in the years 1918 and 1919 of the SW $\frac{1}{4}$ of Section 8, in Township 75 North, of Range 29 West of the 5th P.M., by Henry Sweet, and with the circumstances relating to the conveyance to him in the year 1928 of the SW $\frac{1}{4}$ of Section 33 and the S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 32, in Township 76 North, of Range 29 West of the 5th P.M., by Ben Day.

That the said E.E.McCall held a mortgage for \$2000 made by Henry Sweet covering the SW $\frac{1}{4}$ Sec. 8-75-29, recorded in Mortgage Record 62 at page 108 of the records of Madison County, Iowa, at the time he received from said Henry Sweet, unmarried, a conveyance of said real estate evidences by the deed dated Nov. 12, 1918, filed Jan.20, 1919, appearing of record in Deed Record 60, at page 385, of said records, and that cancellation of said mortgage and the note secured thereby by said E.E-McCall, was part of the consideration for said conveyance to him by said Henry Sweet. That said Henry Sweet repurchased said real estate from E.E.McCall and as part of the consideration, made, executed and delivered to E.E-McCall a mortgage for \$5800.00 covering said real estate dated Nov.15, 1918, filed for record Jan. 21, 1919, which appears of record in Mortgage Record 62, at page 127, of Madison County, Iowa, records; that on Aug.5, 1919, said Henry Sweet conveyed said real estate to E.E-McCall by deed filed for record Apr. 2, 1920, and recorded in Deed Record 62, at page 599, of said records, and that the cancellation of said \$5800.00 mortgage and the notes secured thereby by the said E.E. McCall, was part of the consideration for said conveyance to him by the said Henry Sweet. That both of said mortgages and the notes thereby secured, were, so far as is known to this affiant, cancelled and delivered to the maker, Henry Sweet, by the said E.E.McCall. That the said E.E.McCall failed and neglected to cancel and release said mortgage of record, but that this affiant, who assisted in the preparation of the inventory filed Apr. 7, 1932, in the estate of E.E-McCall, deceased, knows that neither of said mortgages nor the notes described therein were with the papers of said deceased and were not listed with the assets of his estate.

That the said E.E.McCall held a mortgage for \$20900.00 made by Ben Day and wife, covering the SW $\frac{1}{4}$ Sec. 33 and S $\frac{1}{2}$ SE $\frac{1}{4}$ of Sec. 32-76-29, in Madison County, Iowa, at the time he received a conveyance of said real estate from Ben Day and wife, which said mortgage appears of record in Mortgage Record 71, at page 445, of the records of said county; and that cancellation of said mortgage and the note thereby secured was part of the consideration for said conveyance of said real estate to him by the said Ben Day and wife, which conveyance is evidenced by the deed dated July 30, 1928, filed for record Nov. 27, 1928, and recorded at page 54 of Deed Record 63 of said Madison County, Iowa, records. That so far as is known to this affiant, the cancelled note and mortgage were delivered to the said Ben Day by the said E.E-McCall, although he failed and neglected to cancel and release said mortgage of record. That no such note and mortgage were found with the papers of E.E-McCall, deceased, by his executrices, and were not listed in the inventory filed in his estate; and that the said Ben Day is now deceased.

That I am in no way interested, and make this affidavit for the purpose of establishing of record the facts herein set forth.

H.C.Fosher

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Subscribed in my presence and sworn to before me by the said H.C.Fosher, this 1st day of
April, A.D.1935.

NOTARIAL
SEAL

N.E.Hollen
Notary Public in and for Madison County, Iowa.