

Miscellaneous Record, No. 22, Madison County, Iowa

H.A.Mueller

#4575

Filed for record the 27 day of
November A.D.1936 at 2:09 o'clock
P.M.

To

Fee.60 ✓

The Public

Valda C. Bishop, Recorder

A F F I D A V I T

State of Iowa, Madison County, ss.

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

That as shown by the records of Madison County, Iowa, I was the Notary Public who took the acknowledgment of one Edmund Simmons and wife, M.F.Simmons, as to the execution of their deed dated March 1, 1906, conveying to L.J.Allcock, certain real estate described in said deed as the West 4 acres of the East Half ($\frac{1}{2}$) of the Northeast Quarter ($\frac{1}{4}$) of the Southwest Quarter ($\frac{1}{4}$) of the Northeast Quarter ($\frac{1}{4}$) of Section 22, in Township 75 North, of Range 26 West of the 5th P.M., and Lot 14, Block 10, in the town of West St.Charles, now called Henley, in Madison County, Iowa said deed having been filed for record on March 7, 1906, and now appearing of record at page 504 of Deed Record 47, of Madison County, Iowa, records.

That to the best of my recollection, knowledge and belief, it must have been and was the intention of the said Edmund Simmons and his said wife to convey by said deed a tract containing four acres, more or less, more particularly described in their deed from Issiah Nixon and wife recorded in Deed Record 46, at page 43, as follows, to-wit: Commencing at a stone set by County Surveyor 85.36 feet West of a certain other stone set 1636.3 feet South of the Northeast corner of the Northwest Quarter ($\frac{1}{4}$) of the Northeast Quarter ($\frac{1}{4}$) of Section 22, in Township 75 North, of Range 26 West of the 5th P.M., said first mentioned stone being the Southwest corner of land deeded to E.E.Howard by G.F.Capron and M.C.Dakin on May 18, 1899, and running thence West 574.64 feet, thence North to the 40-acre line on the South side of the town of Henley (platted as West St.Charles), thence East to the West line of said land sold to E.E. Howard, thence South on the West side of said Howard land to the stone at place of beginning; also Lot 14, in Block 10, of the Town of Henley (platted as West St. Charles), in Madison County Iowa.

That the description of said four-acre tract in the deed above mentioned recorded in Deed Record 47, at page 504, as the West 4 acres of the E $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 22, in Township 75 North, of Range 26 West of the 5th P.M., was clearly an error on the part of the person who drew said instrument, and that it must have been the intention to describe said four acres last above described as the North 4 acres of the N $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 22, in Township 75 North, of Range 26 West of the 5th P.M., inasmuch as the said Edmund Simmons was not the owner of the West 4 acres of the E $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 22, but was the owner of a tract of four acres, more or less, in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 22, more particularly described in the deed above mentioned recorded in Deed Record 46, at page 43. which would approximate the North 4 acres of said ten-acre tract. That I am in no way interested.

H.A.Mueller

Subscribed in my presence and sworn to before me by the said H.A.Mueller, this 25th day of November, A.D.1936.

NOTARIAL
SEAL

C.C.Guilliams
Notary Public in and for Madison County, Iowa.