

F.C.Herren, et al

#5179

Filed for record the 2 day of
July A.D.1937 at 9:30 o'clock
A.M.

To

Fee \$ 1.00

The Public

Valda C. Bishop, Recorder

STATE OF IOWA

A F F I D A V I T

MADISON COUNTY

) SS.

I, F.C.Herren and F.N.Barker, each for himself and on his own be-

half, being first duly sworn upon my oath depose and say that I have been a resident of Madison County, Iowa, for more than fifty years last past. That I was well and personally acquainted with Elma J. Scott, whose full and correct name is Elma Jane Scott, during her lifetime, said acquaintance extending over a period of more than thirty years. That the said Elma Jane Scott died testate at Macksburg Madison County, Iowa, on the 12th day of March, 1934. That at the

Miscellaneous Record, No. 22, Madison County, Iowa

time of her death the said Elma Jane Scott was seized in fee simple of certain real estate, a part of which is described as follows, to-wit:

Lots 112, 113, 114, 115, 116 in Block 9; 98 feet by 36 feet South of the Southeast corner of Block 11; Lots 6 to 17 inclusive in Block 11, Lots 108 and tract south and east of Lot 108 in Block 11, all in Mack's Addition to the Town of Macksburg, Iowa,

3.62 acres West of Mack's Addition and tract 80 feet by 38 feet Central part of the West Half of the Northeast Quarter of the Northeast Quarter of Miscellaneous, Section 16, Township 74 North, Range 29, Madison County, Iowa.

And that a better, true and legal description of said real estate is as follows, to-wit:

Lots 112, 113, 114, 115 and 116 in Block 9, and Lots 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 108 in Block 11, of Mack's Addition to Macksburg, Iowa; and

a tract of land described as follows: Commencing at the Northeast corner of said Lot 108, in Block 11, running thence East 10 feet, thence South 70 feet, thence West 98 feet, thence North 38 feet, thence West 504 feet, thence North 10 feet to the Southwest corner of Lot 17 in said Block 11, thence East on the South line of said Block 11 to the Southeast corner thereof, thence North 22 feet to the place of beginning, excepting therefrom a tract commencing at the Northeast corner of said Lot 108, in Block 11, thence West 66 feet, thence South 2.5 feet, thence East 76 feet, thence North 2.5 feet, thence West to the place of beginning; and

a tract of land described as: Commencing at a point 394.5 feet West and 743 feet South of the Northeast corner of Section 16, in Township 74 North, of Range 29, West of the 5th P.M., (being a point 88.5 feet West and 48 feet South of the Southeast corner of said Lot 108 in Block 11), running thence North 38 feet, thence West 8 feet, thence South 38 feet, thence East 8 feet to the place of beginning; and

a tract of land described as follows: Commencing at the Northwest corner of Lot 116 in Block 9, of Mack's Addition to Macksburg, Iowa, running thence West 508 feet to a point 66 feet West of the West line of the Northeast Quarter of the Northeast Quarter of said Section 16, thence South 285 feet, thence East 508 feet to the Southwest corner of Lot 17, in Block 11, of said Mack's Addition, thence North 285 feet to the place of beginning, excepting therefrom a tract described as: Commencing at a point 356 feet West of the Southwest corner of said Lot 17, running thence West 152 feet, thence North 4 feet, thence Southeasterly, on a straight line to the place of beginning.

That I have been familiar with title, ownership, occupancy and control of said real estate for more than fifty years last past and was acquainted with said property at a time when it was owned by one J.H.Mack and know of my own personal knowledge that the said Elma J. Scott had and held the actual, open, continuous, notorious, ^{adverse} exclusive, uninterrupted and peaceable occupancy and control of all of said real estate and every part and parcel thereof under claim of right and color of title for more than ten years prior to her death, and that since her death her legal representative has been in possession and control thereof, until about the 13th day of October 1934, when the same was sold under an order of Court to H.C.Hilbery, and I know of my own personal knowledge that the said H.C.Hilbery and his grantors, including the said Elma Jane Scott, also known as Elma J. Scott, O.J.Scott, also known as Orange Johnson Scott, W.W.Walker and J.H.Mack have had and held actual, open, continuous, adverse, uninterrupted and peaceable occupancy and control of all of said real estate and every part and parcel thereof under a claim of right and color of title for more than thirty years last past and that no claim of any kind adverse to the title and possession of the said J.H.Mack, W.W.Walker, O.J.Scott, Elma Jane Scott or of the said H.C.Hilbery has been in any manner asserted to said real estate or any part or parcel thereof to our personal knowledge since prior to June 7, 1873, and that the said H.C.Hilbery now enjoys the quiet and peaceable possession and occupancy thereof.

That I am in no way interested in said real estate but simply make this affidavit for the purpose of establishing of record the facts as above set forth.

All of which is true as I verily believe.

F.C.Herren
P.N.Barker

Subscribed in my presence and sworn to before me by the said F.C.Herren and P.N.Barker this 29 day of June A.D.1937.

May Finckney
Notary Public in and for Madison County, Iowa.

NOTARIAL
SEAL

State of Iowa } ss.
Madison County }

I hereby certify that the annexed affidavit was filed by the owner in possession of the

Lands Mentioned therein. Dated July 2, 1937.

Recorder
May Finckney