

Miscellaneous Record, No. 22, Madison County, Iowa

John I. Crossley

#4296

Filed for record the 22 day of
September A.D.1927 at 3:30
o'clock P.M.

To

Fee \$ 1.30 ✓

Valda C. Bishop, Recorder
Pearl E. Shetterly, Deputy

The Public

A F F I D A V I T

STATE OF IOWA :

: SS

MADISON COUNTY :

I, John I. Crossley, a resident of Winterset, Madison County, Iowa, being first duly sworn on my oath depose and say:-

That I am a son of John W. Crossley, now deceased, and Cynthia J. Crossley, now deceased.

That the said John W. Crossley died seized in fee simple of the following described real estate, to-wit:-

Southeast Quarter (SE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section Thirty-four (34) Township Seventy-six (76) North, Range Twenty-six (26) West of the 5th P.M., And the Northeast Quarter (NE $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) (except the right of way of the C.R.I. and P.Ry., Co., and also except that part thereof heretofore conveyed to the State of Iowa for highway purposes and more particularly described as follows:- A strip of land 105 feet wide lying northerly of and adjacent to the North right of way line of said Northeast Quarter (NE $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) to the East line thereof, and described as commencing at a point 334 feet South of the North Quarter corner of Section 35, being a point on the North right of way line of said C.R.I. & P.Ry., Co., thence Westerly 1320 feet along said railroad right of way line, thence North 105 feet, thence Easterly 1320 feet parallel to said railroad right of way line, thence South 105 feet to the point of beginning, and containing 3.2 acres more or less) and the South Half (S $\frac{1}{2}$) of the Northwest Quarter (NW $\frac{1}{4}$) and Northwest Quarter (NW $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) and West Half (W $\frac{1}{2}$) of the Southwest Quarter (SW $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) and Southwest Quarter (SW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) and Northwest Quarter (NW $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) and East Half (E $\frac{1}{2}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section Thirty-five (35) (excepting from said last described 80 acre tract all that part thereof included within the following described tracts, to-wit:- Commencing at the Northwest corner of the Southeast Quarter (SE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of said Section 35, and running thence North 83 $\frac{1}{2}$ ° East, 14 rods to the center of Middle River, thence North 40° East, 14 rods, thence North 69° East, 11 $\frac{1}{2}$ rods, thence South 15 $\frac{1}{2}$ ° East, 53 rods, thence South 85° West, 18 rods, and 3 links, thence North 24 $\frac{1}{2}$ ° West, 16 $\frac{1}{2}$ rods, thence North 83° West, 11 rods to the East line of the Mill lot, thence to the place of beginning; and also a 4 acre lot having for its center the center of the Mill, said 4 acre lot including a 3 acre lot in the Northeast corner of the Southwest Quarter (SW $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of said Section Thirty-five (35), described as the North 24 rods of the East 20 rods of said Southwest Quarter (SW $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of said Section Thirty-five (35) the East line of the Mill lot referred to being the West side of the Southeast Quarter (SE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of said Section Thirty-five (35) all in Township Seventy-six (76) North, Range Twenty-six (26) West of the 5th P.M., Madison County, Iowa;

Also, Lot Four (4) in Block Twenty-two (22) of the Original Town of Winterset, Madison County, Iowa.

That Cynthia J. Crossley died seized of the following described real estate, to-wit:-

The Northeast Quarter (NE $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of Section Thirty-five (35) Township Seventy-six (76) North, Range Twenty-six (26) West of the 5th P.M., Iowa; and
Northeast Fractional Quarter of the Northwest Quarter, except the East 2 rods in width thereof, and the North Half of the Southeast Quarter of the Northwest Quarter of Section 5, Township 75 North, Range 26 West of the 5th P.M., Madison County, Iowa.

That this Affiant knows of his own personal knowledge that on February 12, 1884, J.R.

Bates, and his wife, Mary A. Bates, conveyed to Madison County, Iowa, by Warranty Deed a strip of land 50 feet wide, being 25 feet on each side of a line commencing 31 rods East of the Northwest corner of the Northeast Quarter (NE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section 35, Township 76 North, Range 26, and running in a Southeasterly direction to a point 4 rods South of the South bank of Middle River. That the said conveyance recited that "the above conveyance and covenants are upon the express condition that said land shall revert to and revest in said grantor whenever said land shall not be used for Road purposes" That said highway was what is known as a timber road, and ran down to a ford in Middle River. That said highway has been abandoned, to the knowledge of this Affiant, for more than Fifteen (15) years, and that no road or any trace of a road now remains, and the same has long since, under the terms of the conveyance, reverted to the owner of said real estate. That said road was never worked by Madison County, Iowa, nor recognized by Madison County, Iowa, as a highway.

This Affiant further deposes and says that on April 18, 1932, James J. Crossley and his wife, Cherry H. Crossley, who was then living, but who is since deceased, made and executed to Essie L. Noyes, who is the same person as the Defendant Essie L. Noyes in the partition pro-

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ceedings shown in the chain of title to the land belonging to the estate of John W. Crossley, Deceased. Said assignment assigned all the interest of the said James J. Crossley in the estate of John W. Crossley, Deceased, the same to take precedence over all other assignments, except a \$750.00 note known as the Zeller note. That the said \$750.00 note known as the Zeller note was made and executed by James J. Crossley and John W. Crossley to E.R.Zeller, and amounted, with accrued interest, to \$837.00 when the same was paid and reported to the Court on September 27, 1927, by Sam C. Smith, then Executor of the Last Will and Testament of the said John W. Crossley, Deceased. The said John W. Crossley signed the note as surety. That said note was paid to the said E.R.Zeller by Sam C. Smith, Executor, from money in his hands as said Executor belonging to the estate of John W. Crossley, Deceased, and upon the payment of said note the said share of James J. Crossley in the estate of John W. Crossley, Deceased was charged with the sum of \$837.00, which became a part of the indebtedness of the said James J. Crossley to the estate of John W. Crossley, Deceased, and subsequently, in all proceedings in said estate, or which affect the title to the land, was treated as part of the indebtedness of James J. Crossley to the estate of John W. Crossley, Deceased.

This Affiant further deposes and says that wherever in the chain of title to the above described real estate the name of J.W.Crossley and John W. Crossley appear, the same refer to one and the same identical person, and his true and correct name was John W. Crossley.

This Affiant further deposes and says that wherever in the chain of title to the above described real estate the name of Cynthia J.Crossley and Cynthia J. Crosley appear, the same refer to one and the same identical person, and her true and correct name was Cynthia J. Crossley.

This Affiant further deposes and says that wherever in the chain of title to the above described real estate the name of Bertha Miles, Bertha B. Miles and Bertha A. Miles appear, they refer to one and the same identical person, and her true and correct name is Bertha R. Miles.

This Affiant further deposes and says that wherever in this chain of title the names J.J. Crossley and James J. Crossley appear, the same refer to one and the same identical person, and his true and correct name is James J. Crossley.

This Affiant further deposes and says that wherever the names J.I.Crossley and John I.Crossley appear in the chain of title, the same refer to one and the same identical person, and his true and correct name is John I. Crossley.

All of which is true as this Affiant verily believes.

John I. Crossley

Subscribed and sworn to before me and in my presence by the said John I. Crossley this 26th day of July A.D.1937.

Dorothy D. Longenecker
Notary Public in and for Madison County, Iowa.