

Gillett Harpole
vs. to certain Deeds Etc.,

To

The Public

#4522

Fee \$.90 ✓

Filed for record the 6 day of
October A.D. 1937 at 3:40 o'clock
P.M.
Valda C. Bishop, Recorder
Pearl E. Shetterly, Deputy

A F F I D A V I T

STATE OF IOWA : SS

DALLAS COUNTY : I, Gillett Harpole being first duly sworn on oath depose and say, that I am the identical Gillett Harpole, plaintiff in the cause entitled Gillette Harpole, plaintiff vs. Hazel Lenocker Barr, et al, same being Equity #12,321 in the District Court of Madison County, Iowa as shown by Appearance Docket Y page 263 of the records in the office of the clerk of said county, under the name of Gillette Harpole, which is an error in the spelling of said name, my correct name being Gillett Harpole.

I depose and further state that the mortgage foreclosed in the above entitled cause secured four promissory notes in the respective amounts, to-wit:- \$238.25 \$2580.40, \$389.50 and \$321.85; and that this affiant was the owner and holder of the \$238.25 note above mentioned, as secured, along with the other notes described in the above entitled foreclosure proceedings; that said note represented approximately 7/100 part of the notes secured by the above mentioned mortgage and being the interest owned therein by this affiant.

I depose and further state that one of the mortgagors, Hazel Lenocker Barr or Hazel L. Barr, being one and the same person, was at the time of giving said mortgage in the above entitled Equity cause #12,321 the owner of an undivided 1/9 of the East 200 acres of the North one-half (N $\frac{1}{2}$) of Section 19, Township 77 North, Range 29 West of the 5th P.M. in Madison County, Iowa, acquired as a devisee under the will of J.B. Lenocker, deceased; that at sheriff's sale of the real estate intended to be, and which was in fact sold, and which was described

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in the mortgage recorded in book 65 at page 126 of the records of Madison County, Iowa and foreclosed in the above entitled action, was purchased by this affiant as shown by Sheriff's deed recorded in book 56 page 38 of the records of Madison County, Iowa; that in said foreclosure proceedings and in said deed recorded in book 56 page 38 as aforesaid, the real estate was erroneously described as the East 200 acres of the North one-half ($N\frac{1}{2}$) of Section 19, Township 77 North, Range 29 west of the 5th P. M. in Madison County, Iowa, when in truth and in fact the interest as mortgaged under the mortgage foreclosed as above mentioned, pledged only $1/9$ of the East 200 acres of the North one-half ($N\frac{1}{2}$) of Section 19, Township 77 North, Range 29 west of the fifth P. M. in Madison County, Iowa, all as shown by recitals in said mortgage, as follows:- "The intention being to include all the real estate in which Hazel L. Barr acquired an interest as devisee of J. B. Lenocker, deceased, and is only intended to cover such interest".

I depose and further state all the interest this affiant ever had or claimed to have in and to the East 200 acres of the North one-half ($N\frac{1}{2}$) of Section 19, Township 77 north, Range 29 west of the 5th. P. M. in Madison County, Iowa was the undivided $1/9$ thereof, and the describing of said real estate as the East 200 acres of said Section 19, above mentioned, in both the foreclosure proceedings and said Sheriff's deed was an error on the part of the party drawing said foreclosure papers and said sheriff's deed, the intention being, to convey only the undivided $1/9$ of the above described 200 acres.

I depose and further state I am the identical Gillett Harpole, who with my wife are the grantors in a certain Quit Claim Deed to Madison County State Bank of Winterset, Iowa, and recorded in book 71 at page 24 of the records of Madison County, Iowa, wherein it was the intention of said grantors to convey an undivided $93/100$ of an undivided $1/9$ of the above described 200 acres of land; that through error and inadvertency same was described therein as an undivided $93/100$ of the above described 200 acres; the intention being to convey only the interest not held by this affiant in and to the notes secured by the above described mortgage, which pledged the interest of said Hazel Lenocker Barr acquired from J. B. Lenocker, her father, same being an undivided $1/9$ of the above described 200 acres of land, and in truth and in fact said deed conveyed only the undivided $93/100$ of an undivided $1/9$ of the above described 200 acres of land, notwithstanding the description used therein; and this affiant retained only an undivided $7/100$ interest in and to an undivided $1/9$ of the above described 200 acres; which said interest of this affiant has been conveyed to Arts B. Lenocker as shown by deed recorded in book 72 at page 423 of the records of Madison County, Iowa.

That I do not have, or claim to have, any right, title or interest in or to the above described real estate, and this affidavit is made at the request of the present owner of said real estate, and made for the purpose of showing of record the facts as they exist.

Gillett Harpole

Subscribed in my presence and sworn to before me by the said Gillett Harpole this 1st. day of September A. D. 1937

NOTARIAL
SEAL

Allen T. Percy
Notary Public in and for Dallas County, Iowa.