

Miscellaneous Record, No. 22. Madison County, Iowa

P.C. Rollstin, et al

#5048 ✓

Filed for record the 19 day of
November A.D. 1937 at 3:10 o'clock
P.M.
Valda C. Bishop, Recorder
Pearl E. Shetterly, Deputy

To

Fee \$.90

The Public

A F F I D A V I T

STATE OF IOWA :
: SS
MADISON COUNTY :

I, P.C. Rollstin and I, Ellyson Green, each for himself and on his own behalf being first duly sworn, on oath depose and say:-

That I am a resident of Madison County, Iowa, That I have been a resident of said County for more than Thirty (30) years last past.

That during all of the time I have been a resident of Madison County, Iowa, I have been familiar with the ownership and occupancy of the following described real estate, to-wit:-

Lot Two (2) in Block Two (2) of Howlsby's Addition to the Original Town Plat of the City of Winterset, Madison County, Iowa.

and that I know of my own personal knowledge that from and after November 5, 1895, to May 15, 1913, said real estate was owned by J.E. Bengé, and that the said J.E. Bengé had the absolute ownership and control thereof, and was in possession of the same all during said time.

That the said J.E. Bengé obtained title to said real estate from one Rita Tullis and husband A.L. Tullis by a Deed of Warranty from the said Rita Tullis and husband A.L. Tullis, dated November 5, 1895, to the said John E. Bengé, or J.E. Bengé, who were one and the same identical person, and filed said Deed for record in the office of the County Recorder of Madison County, Iowa, on the 6th day of November 1895, and said Deed was filed for record in Deed Record 8, page 523, of the Deed Records of Madison County, Iowa; and I know of my own personal knowledge that the said John E. Bengé or J.E. Bengé and his wife, Mahala Bengé, conveyed said real estate to Adelbert Bywater on the 15th day of May by Warranty Deed, said Deed having been filed for record in the office of the County Recorder of Madison County, Iowa, on the 9th day of October 1913, and duly filed for record in Deed Record 19, page 115 of the Deed Records of Madison County, Iowa.

And I know of my own personal knowledge that the said Adelbert Bywater and his wife, Mary J. Bywater, conveyed said real estate to Homer Cooper by Warranty Deed May 15, 1914, which was filed for record in the office of the County Recorder of Madison County, Iowa, on the 8th day of May 1914, and duly filed for record in Deed Record 20, page 54, of the records of Madison County, Iowa.

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That we are well and personally acquainted with the said Homer Cooper and his wife Flora Cooper, and know of our own personal knowledge that one A.H. Criss purchased said real estate from the said Homer Cooper and wife Flora Cooper, on the 8th day of May 1914, and on said date the said Homer Cooper and his wife, Flora Cooper, conveyed said real estate by Warranty Deed to the said A.H. Criss but through oversight, error and mistake the name of the said A.H. Criss was not inserted in said deed as Grantee.

That said Deed was duly filed for record in the office of the County Recorder of Madison County, Iowa, on the 1st day of June 1915, and filed for record in Town Lot Deed Record 20, page 99 of the Deed Records of Madison County, Iowa.

That the said A.H. Criss took possession of said real estate on the 8th day of May 1914, and held possession thereof until the 29th day of June 1915, when he conveyed said real estate to Laura Criss, his wife, by Warranty Deed, which was filed for record in the office of the County Recorder of Madison County, Iowa on the 1st day of July 1915, and recorded in Town Lot Deed Record 19, page 338, of the Records of Madison County, Iowa.

I know of my own personal knowledge that the said Laura Criss was afterwards intermarried with one Charles Wright, and that she died Testate in Madison County, Iowa, on or about the 4th day of January 1936. That her last Will and Testament was duly admitted to probate and her estate administered upon.

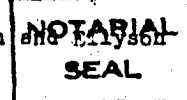
That under an Order of the District Court of Madison County, Iowa, Roy Criss, Executor of the last Will and Testament of Laura Wright, Deceased, conveyed this real estate by Executor's Deed of conveyance on the 21st day of August 1936, to Vern Locke and Opal M. Locke, said Deed being filed for record in the office of the County Recorder of Madison County, Iowa, on the 21st day of November 1936, and filed for record in Town Lot Deed Record 26, page 223, and I know of my own personal knowledge that the said Vern Locke and Opal M. Locke, and their Grantors, have been in actual, open, notorious, hostile, adverse and continuous occupancy, possession and control of said real estate for more than Thirty (30) years last past under claim of right and color of title, and that said occupancy, possession and control of said ~~real estate~~ ~~has been~~ ~~questioned or attacked in any manner, nor has said title been~~ ~~their Grantors, have never been/disputed by any person whatsoever.~~

That the said Vern Locke and Opal M. Locke have held and occupied the title and possession of said real estate in fee simple and have received the rents, issues and profits therefrom, and have paid all taxes and assessments legally imposed on said premises, and have openly exercised all the rights of ownership therein.

That I have no interest in the said real estate, but simply make this Affidavit to correct apparent defects in the chain of title thereto. All of which is true as I verily believe.

P.G. Rollstin
Ellyson Green

Subscribed and sworn to before me and in my presence by the said P.G. Rollstin and Ellyson Green this 16th day of November A.D. 1937.



Lois Martin
Notary Public in and for Madison County, Iowa.