

Miscellaneous Record, No. 22, Madison County, Iowa

J.E.Hamilton, et al

#5294

Filed for record the 10th day of
December A.D.1937 at 8:00 o'clock
A.M.
Yalda C. Bishop, Recorder
Pearl E. Shetterly, Deputy

To

Fee 1.60 ✓

The Public

A F F I D A V I T

STATE OF IOWA

MADISON COUNTY

SS:

We, J.E.Hamilton and F.L.Jones, of the above named county and state, on oath depose and say that we were well and truly acquainted with David Preston, named as one of the grantees in a warranty deed dated December 17, 1907, and recorded on February 22, 1908, in Town Lot Deed Record 16 on page 119, in the office of the recorder of Madison County, Iowa. That the said David Preston, named as grantee in said deed, is the same person as the David Preston named as grantee in a warranty deed dated December 16, 1907, and recorded on February 22, 1908, in Town Lot Deed Record 16 on page 118, in the office of the county recorder of Madison County, Iowa.

We further depose and say that the Mary A. Preston named as one of the grantees in each of the deeds hereinbefore referred to and described, was at the time of the execution and recording of said deeds the wife of the said David Preston. That the said Mary A. Preston later died intestate, a resident of Madison County, Iowa, leaving as her only heirs-at-law, her husband, David Preston, the other grantor named in the two said deeds, her children, Ernest Preston, Harvey Preston, Roy Preston, May Libby and Amy Armstrong, and her grandchildren, Lloyd Murphy, Floyd Murphy, and Glenn Murphy, who were the sons of a deceased daughter, Bessie Murphy.

at
We further depose and say that the time the two warranty deeds hereinbefore described and referred to were recorded, the said David Preston and Mary A. Preston took possession of the following described real estate;

Out Lot Ten (10) of the East Addition of Out Lots on the East side
of the City of Winterset, Madison County, Iowa.

That from that day, to-wit: February 22, 1908, the said David Preston and Mary A. Preston had open, peaceable, notorious, uninterrupted and actual possession of said real estate hereinbefore described under claim of right and title thereto, until the death of the said Mary A. Preston, from which date the said David Preston, Ernest Preston, Harvey Preston, Roy Preston, May Libby, Amy Armstrong, Lloyd Murphy, Floyd Murphy and Glenn Murphy, had full and complete possession of said real estate, under claim of title to October 30, 1931, the date on which the decree was entered appointing J.E.Hamilton as referee in the partition suit entitled Esther A. Preston and Prudence H. Hamilton, plaintiffs, vs. Ernest Preston, et al, defendants, being Cause #15006, in the District Court of Iowa, in and for Madison County. That during all of the time from February 22, 1908, to October 30, 1931, such possession as herein stated was open, notorious, peaceable, uninterrupted and adverse as to the interests or claims of all other persons in and to said real estate herein described.

We further depose and say that Mary A. Preston has been deceased more than ten years.

We further depose and say that we have no interest in this real estate and make this affidavit merely to show the facts as we know them to be.

J.E.Hamilton
F.L.Jones.

Subscribed and sworn to before me and in my presence by J.E.Hamilton and F.L.Jones this
9 day of December, 1937.

Harry F. Anderson
Notary Public in and for Madison County, Iowa.

Miscellaneous Record, No. 22, Madison County, Iowa

J.F.Willcox

#5357

Filed for record the 13 day of
December A.D.1937 at 3:24 o'clock
P.M.
Valda C. Bishop, Recorder

To

Fee \$.50 ✓

The Public

A F F I D A V I T

STATE OF IOWA }

SS:

MADISON COUNTY }

I, J.F.Willcox, being first duly sworn on oath depose and say: that I am well and truly acquainted with the heirs of Sarah J. Bertholf, who died intestate a resident of Madison County, Iowa, on or about June 27th, 1935. That Ray Bertholf, who is listed as one of the heirs of the said Sarah J. Bertholf in the inventory and proceedings in connection with the administration of the estate of the said Sarah J. Bertholf, deceased, is one and the same person as Wray Bertholf, who is named as one of the grantors in a certain deed dated September 14, 1937, conveying the following described real estate, to-wit:

The South Half of Lots Three (3) and Four (4) in Block Two (2)
of Center Addition to the City of Winterset, Madison County, Iowa.

to W.E.Johnson, September 14th, 1937.

This affiant further states that he is in no way interested in the said real estate and that this affidavit is made for the sole purpose of stating the matters therein contained.

NOTARIAL

J.F.Willcox

Subscribed and sworn to ~~SEAL~~ before me and in my presence by J.F.Willcox this 13th day of December A.D.1937.

Shirley A. Webster
Notary Public in and for Madison County, Iowa.