

Miscellaneous Record, No. 22, Madison County, Iowa

Gale & Lyle McCall

#680

To

Fee \$.90 ✓

The Public

Filed for record the 19 day of
February A.D. 1937 at 2:57 o'clock
P.M.
Valda C. Bishop, Recorder
Pearl E. Shetterly, Deputy

AFFIDAVIT OF GALE MCCALL AND LYLE MCCALL

RELATING TO THE TITLE TO THE Northeast Quarter (NE $\frac{1}{4}$) of Section Twenty Eight (28) in Township Seventy Four (74) North, Range Twenty Eight (28) West of the 5th P.M. in Madison County, Iowa, and the following described premises situated in Union County, Iowa, to-wit: The Northwest Quarter (NW $\frac{1}{4}$) of Section Ten (10) and the East half of the Northeast Quarter (E $\frac{1}{2}$ NE $\frac{1}{4}$) of Section Nine (9), all in Township Seventy Three (73), North, Range Twenty eight (28) West of the 5th P.M. title to which is now in Lyle McCall and the West three-fourths of the Southeast Quarter (W $\frac{3}{4}$ SE $\frac{1}{4}$) of Section Seven (7); and the Northeast Quarter (NE $\frac{1}{4}$) and the North half of the South-

Miscellaneous Record, No. 22, Madison County, Iowa

east Quarter ($N\frac{1}{2}$ SE $\frac{1}{4}$) of Section Eighteen (18) Township Seventy-four (74), North, Range Twenty-eight (28), West of the 5th P.M. Title to which is now in Gale McCall.

STATE OF IOWA)
) SS
Union County)

Gale McCall and Lyle McCall being sworn upon oath state that the matters and things hereinafter related are stated from affiants' personal knowledge thereof and through their personal acquaintanceship with the parties connected with such facts hereinafter named, unless it is stated that such knowledge is derived from other sources.

That this affidavit is made for the purpose of explaining seeming defects in the chain of title to the Northeast Quarter (NE $\frac{1}{4}$) of Section Twenty Eight (28) in Township Seventy-four (74) North, Range Twenty Eight (28) West of the 5th P.M. in Madison County, Iowa, and the following described premises situated in Union County, Iowa, to-wit: The Northwest Quarter (NW $\frac{1}{4}$) of Section Ten (10) and the East half of the Northeast Quarter (E $\frac{1}{2}$ NE $\frac{1}{4}$) of Section Nine (9), all in Township Seventy Three (73), North, Range Twenty Eight (28) West of the 5th P.M. title to which is now in Lyle McCall and the West three-fourths of the Southeast Quarter (W $\frac{3}{4}$ SE $\frac{1}{4}$) of Section Seven (7); and the Northeast Quarter (NE $\frac{1}{4}$) and the North half of the Southeast Quarter (N $\frac{1}{2}$ SE $\frac{1}{4}$) of Section Eighteen (18), Township Seventy-four (74), North, Range Twenty-eight (28), West of the 5th P.M. title to which is now in Gale McCall, and is made at the request of the present owners of said land for recording under provisions of Section No. 10073 of the Code of 1935, State of Iowa.

Affiants further state jointly and severally and each for himself that they were the duly appointed, qualified and acting executors of the will and codicil of H.C.T. McCall late of Union County, Iowa, which said will and codicil were duly admitted to probate in the district court of Union County, Iowa, and a transcript of the same was filed in the office of the clerk of the District Court of Madison County, Iowa, on December 21, 1936.

Affiants further state that during their life time H.C.T. McCall and Mary B. McCall, his wife, executed a deed conveying to Gale McCall and to no other person the West Three-fourths of the Southeast Quarter (W $\frac{3}{4}$ SE $\frac{1}{4}$) of Section Seven (7) and the Northeast Quarter (NE $\frac{1}{4}$) and the North half of the Southeast Quarter (N $\frac{1}{2}$ SE $\frac{1}{4}$) of Section Eighteen (18) all in Township Seventy-four (74), North, Range Twenty-eight (28), West of the 5th P.M. in Madison County, Iowa, and another and separate deed conveying to Lyle McCall and to no other person the Northeast Quarter of Section Twenty-eight (28) in Township Seventy-four (74), North, Range Twenty-eight (28) West of the 5th P.M. in Madison County, Iowa, and the following described premises situated in Union County, Iowa, to-wit: The Northwest Quarter (NW $\frac{1}{4}$) of Section Ten (10) and the East Half of the Northeast Quarter (E $\frac{1}{2}$ NE $\frac{1}{4}$) of Section Nine (9) all in Township Seventy-three (73) North, Range Twenty-eight, West of the 5th P.M.

That said deeds were never delivered to said grantees during the lifetime of the said H.C.T. McCall but the same came into possession of said grantees after the death of the said H.C.T. McCall and were lost and have never been recorded.

That said deeds were never delivered by the said H.C.T. McCall with intention that the same should take affect and that the same have been ignored by the grantees therein and by the grantors therein and have never been given effect by the parties thereto; but deeds have been executed and exchanged by the said Gale McCall and Lyle McCall partitioning said lands between them.

Affiants further state that the mortgage of \$4000.00 to Aetna Life Insurance Company referred to in the Will and codicil of H.C.T. McCall did not cover any of the real estate conveyed to the said Gale McCall by said partition deed but covered only the following described real estate situated in Union County, Iowa: The Northwest Quarter of Section Ten (10) and the East

Miscellaneous Record, No. 22, Madison County, Iowa

one-half of the Northeast Quarter (E $\frac{1}{2}$ NE $\frac{1}{4}$) of Section Nine (9), Township Seventy-three (73) North, Range Twenty-eight (28), in Union County, Iowa.

That said mortgage is of record in the office of the county recorder of Union County, Iowa in Book 190 on page 52 and has been fully paid off and satisfied of record and the release thereof is duly recorded in book 272 on page 481 of the records of Union County, Iowa.

Gale McCall

Gale McCall

Lyle McCall

Lyle McCall

Subscribed in my presence and sworn to before me by the said Gale McCall and Lyle McCall this 18th day of February, 1933

NOTARIAL

SEAL

Kenneth H. Davenport

Kenneth H. Davenport

Notary Public in and for Union County, Iowa.