

Miscellaneous Record, No. 23. Madison County, Iowa

Byron Whitworth et al

#1318

Filed for record the 1 day of March
A.D. 1939 at 10:25 o'clock A.M.
Pearl E. Shetterly, Recorder

To

Fee \$.50 ✓

The Public

A F F I D A V I T

State of Iowa, Madison County)ss:

I, Byron Whitworth, and I, F.C. Herren, of said county and state, each being ^{first} duly sworn on oath depose and state that we have been residents of Madison County, Iowa, for more than 50 years last past, and during all of said time have lived in the neighborhood of and been familiar with the title, ownership, and occupancy of the following described tract of land, to-wit: Commencing at the SW. corner of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 15, Twp. 74, Range 29, Madison County, Iowa, and running thence North along the West line of said 40-acre tract 12 & 5/8 rods to the Southwest corner of the public school lot, thence East 12 & 5/8 rods to the Southeast corner of said Public school lot, thence South 12 & 5/8 rods, thence West 12 & 5/8 rods to the place of beginning; and we know of our own personal knowledge that Reuben Whitworth and Albina Whitworth entered into possession of said real estate on or about Feb. 25, 1914, under and by virtue of the Warranty deed recorded in Deed Rec. 58, page 285, of the records of said county, and that they and their grantees, to and including Reuben Whitworth, the owner now in possession of said real estate, have ~~have~~ for more than 20 years last past, been in the actual, open, notorious, continuous, adverse, exclusive, uninterrupted and peaceable possession, occupancy, and control of all of said real estate and every part and parcel thereof under claim of right and color of title, and that no claim of any kind adverse to the possession of said parties has been asserted to any of said real estate to our personal knowledge, and that said Reuben Whitworth now enjoys peaceable possession thereof.

We further state that the said Albina Whitworth, the grantee in the deed above mentioned, later became the wife of L. E. Phifer, grantor in the quit claim deed recorded in Deed Rec. 61, page 405, of said records, conveying said premises to Albina Jane Whitworth Phifer^F, who is the same person as the Albina Whitworth above named, and as the Albina Whitworth Phifer^F, grantor in the warranty deed recorded in Deed Rec. 73, page 317, of said records, and that she died testate in Madison County, Iowa, on or about Nov. 27, 1935, and that her estate was probated in the District Court of Madison County, Iowa, under the name of Albina Phifer^F, and that said estate was finally closed, all debts, claims, charges, and costs of administration, and legacies paid in full by the administrator of her estate. We further state that the said L. E. Phifer, husband and surviving spouse of said Albina Whitworth Phifer, never had or acquired any interest in the above described premises except an inchoate right of dower as the spouse of said Albina Whitworth Phifer above named.

We further state that we are in no way interested in the title to the above described real estate, but make this affidavit at the request of the present owner thereof, Reuben Whitworth, for the purpose of establishing of record the facts above set forth.

Byron Whitworth
F.C. Herren

SUBSCRIBED in my presence and sworn to before me by the above named affiants this 9th day of November, A.D. 1938.

(Notarial Seal)

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

State of Iowa, County of Madison)ss:

I, Pearl E. Shetterly, County Recorder, in and for said County and State aforesaid, hereby certify that the foregoing affidavit was recorded in my office and entered on the records thereof

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on the 1st day of March A.D. 1939, on behalf of Reuben Whitworth, the owner in possession of said real estate mentioned in said affidavit.

~~COMPARED~~

Pearl E. Shetterly
County Recorder of Madison County, Iowa

J. E. Hamilton

December 20, 1937, recorded in Deed Record.