

Miscellaneous Record, No. 23, Madison County, Iowa

A. D. Guiberson et al

#1501

Filed for record the 7 day of March
A. D. 1939 at 4:25 o'clock P.M.
Pearl E. Shetterly, Recorder.

To

Fee \$.60

The Public

A F F I D A V I T

State of Iowa, County of Madison)ss:

We, A.D. Guiberson and Chas Rowe each being duly sworn on oath depose and say:- That we are each residents of Madison County, Iowa and have been since prior to July 20, 1939, are of lawful age and not suffering under any mental or legal disabilities, and that this affidavit is made from our personal knowledge of the facts stated.

That we knew were well and personally acquainted with one Louie Niendorf who died on or about Dec. 26, 1901, intestate in Madison County, Iowa, and who at the time of his death was the owner of and in possession of the East Quarter ($\frac{1}{4}$) of Section 8 and the West One-fourth ($\frac{1}{4}$) of the North/Eight (8) and the East Half ($\frac{1}{2}$) of the North West Quarter ($\frac{1}{4}$) and the East Half of the South West Quarter ($\frac{1}{4}$) all in Section Eight (8), and all in Township Seventy-seven (77) North, of Range Twenty-seven (27) West of the 5th P.M., Madison County, Iowa, and that upon the settlement of the estate of Louie Niendorf, the surviving spouse of said Louie Niendorf, Wilhelmina Niendorf, sometimes called "Minnie" and at other times Wilhelmeina Niendorf, purchased all the interest of all the heirs in said real estate, and that said Wilhelmina Niendorf continued to hold ^{the} legal title to said real estate and the several, open, notorious, peaceable, adverse possession of all of said real estate until her death on or about March 20, 1930, when she died intestate, and the said real estate passed to her heirs at law: That on or about March 28, 1930, Herman Niendorf filed his petition for the partition of said real estate as shown in cause No. 14642 Equity wherein Herman Niendorf was plaintiff and John F. Niendorf, et al., were defendants, and in which a decree was entered on or about December 20, 1930, when a decree ordering partition was made and a referee Clarnee Dunn was appointed, and on his resignation later S. A. Hays was appointed as Sole Referee, and the legal title and possession since March 20, 1930, has been in the legal heirs at law of said Wilhelmina Niendorf, or the referee in the above named cause of action No. 14642 Equity, in the District

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Court of Madison County, Iowa, and that legal title was at all times held under a claim or right and color of title, and no one other than said Louie Niendorf, Wilhelmina Niendorf, and the heirs of said Wilhelmina Niendorf, and the referee in said partition action have ever made any claim of right or color of title adverse thereto, or had possession of said real estate, or of any part thereof since prior to July 1, 1920.

That said affiants further state that they are not related to the parties interested in said real estate, and have no interest in said matter, except to establish the facts as herein outlined. Further deponents say not.

Dated and signed and acknowledged the 7th day of March, 1939.

A. D. Guiberson
Chas Rowe

Subscribed in my presence and sworn to before me by the above named affiants on this 7 day of March, 1939.

NOTARIAL
SEAL

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