

Miscellaneous Record, No. 23, Madison County, Iowa

Filed for record the 23 day of May
A.D. 1939 at 11:05 o'clock A.M.
Pearl E. Shetterly, Recorder

Murray G. Bacon

#3617

Filed for record the 23 day of May
A.D. 1939 at 11:05 o'clock A.M.
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To

Fee \$.80

The Public

AFFIDAVIT

STATE OF IOWA, COUNTY OF UNION)ss:

I, Murray G. Bacon, being first duly sworn on oath, depose and state that I am a resident of Union County, Iowa, and have been such a resident continuously for more than a period of 45 years, that I have personal knowledge of the matter hereinafter referred to and during all of said time have resided in the vicinity of and have been acquainted with the use, occupancy, possession of the following described real estate, situated in the Counties of Madison & Union, State of Iowa, to-wit:

The South Half of the Southwest Quarter (S $\frac{1}{2}$ SW $\frac{1}{4}$) of Section Thirty-six (36), Township Seventy-four (74) North, Range Twenty-nine (29), West of the 5th P.M., Madison County, Iowa, and

The West Half of the Northwest Quarter (W $\frac{1}{2}$ NW $\frac{1}{4}$) of Section One (1), excepting therefrom the railroad right of way as same is now constructed over and across said premises, and ~~the~~ the North Half of the Northeast Quarter (N $\frac{1}{2}$ NE $\frac{1}{4}$) (excepting the West five acres thereof) of Section Two (2), all in Township Seventy-three (73) North, Range Twenty-nine (29), West of the 5th P.M., Union County, Iowa.

I further state that William A. Delmege and Alvia L. Delmege have been and are now in actual possession of the said real estate, that they ~~and their~~ and their grantors have been in actual, open, adverse, notorious, hostile, continuous and exclusive possession of said premises since and prior to January 1, 1900, as shown by the records of Madison and Union Counties, Iowa, and have held such possession under color of title, claim of right and claim of ownership in fee simple since and prior to January 1, 1900, and that said possession has been peaceable and undisturbed and that the title has never been questioned or disputed to my knowledge and belief. The aforesaid parties not only have been in actual possession but also have cultivated the land, improved and repaired the buildings, and paid their taxes thereon.

This affidavit is made for the purpose of establishing title to the above described property in accordance with the Sections 11,024 and 11,030 of the 1935 Code of Iowa and for the purpose of being recorded in accordance with the provisions of Sections 10,073 and 11,024 of the 1935 Code of Iowa.

I further state that I am well and personally acquainted with the C. H. Beeber who appears as grantee in a deed dated January 5, 1895, filed June 15, 1895, and recorded in Deed record 35, Page 309 and also as grantee in a Warranty Deed, dated March 6, 1903, ^{filed March 21, 1903} and recorded in Book 156, Page 476 and he is one and same as the Charles Beeber who appears as grantee in deed dated March 24, 1895, filed April 1, 1895, recorded in Deed Record 35, Page 242 and the Charley Beeber who appears as grantee in a Warranty Deed, dated June 22, 1883, filed March 5, 1883, recorded in Book 33, Page 262 and also the Chas. Beeber, deceased, whose probate proceedings are designated

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as #1882 and Charles Beeber who executed the Will set out in said estate.

I further state that I know of my own personal knowledge that there is not a railroad in operation across the above described land and that there has been no such railroad right of way in use during the past twenty years.

I further state that I make this affidavit from my own personal knowledge and for the purpose of clearing the defects in the chain of title to the above described property.

Further affiant sayeth not.

Murray G. Bacon

Signed, subscribed and sworn to before me, a Notary Public this 17th day of April, 1939.

(Notarial Seal)

B. D. Rusk
Notary Public in and for said Union 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 filed in my office by the owner in possession as named in said affidavit, or by his attorney-in-fact, as shown by the records, and recorded and entered on the records thereof on the 23 day of May, 1939.

Pearl E. Shetterly RECORDER

STATE OF IOWA, COUNTY OF UNION)ss:

I, J. H. Ogg, County Recorder in and for said County and State aforesaid, hereby certify that the foregoing affidavit was filed in my office by the owner in possession as named in said affidavit, or by his attorney-in-fact, as shown by the records, and recorded and entered on the records thereof on the 19 day of May, 1939.

J. H. Ogg RECORDER