

Miscellaneous Record, No. 23, Madison County, Iowa

E.E. Howard et al

#5371

Filed for record the 7 day of
September A.D. 1939 at 1:15
o'clock P.M.

To

Fee \$.70

The Public

Pearl E. Shetterly, Recorder

AFFIDAVIT OF ADVERSE POSSESSION

State of Iowa, Madison County, ss:

I, E.E. Howard, and I, Henry Imes of said county and state, being first duly sworn on oath depose and say that we have been residents of Madison County, Iowa, for more than 20 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 N. 30 acres of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 16, and the S $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ and the SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ and 5 $\frac{1}{2}$ acres more or less in the NW. corner of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ described as commencing at the NW. corner of said 40-acre tract and running thence E. 20 rods, thence S. to the public highway formerly known as the "Old State Road", thence in a Northwesterly direction along said highway to the W. line of said 40-acre tract, thence N. to the point of beginning, and the SW $\frac{1}{4}$ SW $\frac{1}{4}$, except that part thereof lying E. of the center of the main channel of Clanton Creek, and except a tract commencing at the SW. corner of said 40-acre tract and running thence N. 17 $\frac{1}{19}$ rods, thence E. 13 $\frac{1}{3}$ rods, thence S. 5 $\frac{1}{19}$ rods, thence E. 66 $\frac{2}{3}$ rods, thence S. 12 rods to the SE. corner thereof, thence W. 80 rods to the point of beginning; in Sec. 15, and the following described tract:- Commencing at a point 17 $\frac{1}{19}$ rods N. of the SE. corner of Sec. 16, and running thence W. about 20 rods to the center of the public highway, thence in a Northeasterly direction along the center of said public highway to the E. line of said section 16, thence S. along said line to the place of beginning, containing about 1.5 acres, all of said land being in Twp. 75 North, Range 26 West of the 5th P.M., Madison County, Iowa; and we know of our own personal knowledge that Fred Wheeler and Leah Wheeler (whose full name is Leah I. Wheeler), who are, and at all times hereinafter mentioned were, husband and wife, entered into possession of

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various parts of said real estate at the dates, and under and by virtue of the deeds recorded in Deed Rec. 59, page 129, Deed Rec. 66, page 23, and Deed Rec. 65, page 178, of the records of said County, and that said Fred Wheeler and Leah I. Wheeler and their grantors for more than 20 years last past and up to the time they conveyed said land to Walter Lathrum in the early part of 1939, have 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 Walter Lathrum now enjoys peaceable possession thereof.

We further state that we were well and personally acquainted with Omer James, who is the same and identical person as Omer W. James, and as O. W. James, and who at one time owned a part of the above described real estate and died seized in fee simple of the title thereto; and we know of our own personal knowledge that he died intestate on or about ...1906, leaving Sarah James as his surviving widow and as his heirs and only heirs at law his son, P. F. James, and his daughter Leah (or Leah I.) Wheeler, and that he left no other child or children, no issue of any deceased child or children, no adopted child or children, and no issue of any adopted child or children, and that his estate was never probated in any court but that all his just and legal debts were paid in full, including expense of last sickness and burial.

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 for the purpose of establishing of record the facts above set forth.

E. E. Howard
Henry Imes

Subscribed in my presence and sworn to before me by the above named affiants this 6th day of Sept. A.D. 1939.

(Notarial Seal)

H. A. Mueller
Notary Public within 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 on the 7th day of September A.D. 1939, on behalf of Walter Lathrum, the owner in possession of said real estate mentioned in said affidavit.

Pearl E. Shetterly,
County Recorder of Madison County, Iowa.

COMPARED