

Miscellaneous Record No. 23. Madison County, Iowa

Chas. Rowe and N.E. Hollen

To

The Public

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Filed for record the 4 day of
January A.D. 1940 at 4:20 o'clock
P.M.

Pearl E. Shetterly, Recorder

A F F I D A V I T.

STATE OF IOWA

MADISON COUNTY

):SS;

We, Chas. Rowe, clothier, formerly a farm boy, a general mercantile clerk and a clothing clerk, and N.E. Hollen, a bank officer, formerly a farm boy, an employee in an abstract and loan company and an employee in banks, each now, and have been for more than forty years last past, residents of Madison County, first being duly sworn, upon our respective oaths, depose and say:

That we, each, for more than twenty-five years last past, have been personally acquainted with Mamie B. Walker, who with her husband R.L. (Robert Lester) Walker, did on June 16th, 1928, execute a mortgage upon the following described real estate, to-wit:-

The Northwest Fractional Quarter (NW fr'1.1) of the Northwest Fractional Quarter (NW fr'1.1) of Section Eighteen (18), in Township Seventy-four (74) North of Range Twenty-nine (29) West of the 5th P.M., and

South Half (S1/2) of the Northeast Quarter (NE1/4) of Section Twelve (12), and the North Half (N1/2) of the Southeast Quarter (SE1/4) of Section Twelve (12), except a tract of land described as follows: commencing 6 chains and 24 links North of the Southwest corner thereof, thence South to said Southwest corner, thence East 7 chains and 64 links, thence North 3 chains and 82 links, thence North 68 degrees 15' West, 7 chains and 17 links to place of beginning; and the South Half (S1/2) of the Southeast Quarter (SE1/4) of Section Twelve (12), except a tract described as follows:- Commencing at Northwest corner thereof, running thence South 8 chains, thence East 7 chains and 64 links thence North 8 chains, thence West 7 chains and 64 links to place of beginning; and Southeast Quarter (SE1/4) of Northwest Quarter (NW1/4) of Section Twelve (12), and North Half (N1/2) of the Northeast Quarter (NE1/4) of Section Thirteen (13), in Township Seventy-four (74) North of Range Thirty (30) West of the 5th P.M.,

to the American Commercial and Savings Bank, of Davenport, Iowa, which mortgage is recorded on Page 100 of Mortgage Record 79 of the Records of the County Recorder of Madison County, Iowa, and on Page 152 of Mortgage Record 149 of the Records of the County Recorder of Adair County, Iowa;

That the said Mamie B. Walker is a daughter of J.M. Wilson, who died seized of said land

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and he, J.M.Wilson, is the same person as Jeremiah M.Wilson and was commonly known as "Jerry" Wilson; end,

That we, each, known that the names Mayme B.Wilson, Mamie B.Wilson, Mamie Belle Wilson, Mamie B.Walker and Mamie Wilson Walker, as appear in the record title to said real estate, refer to one and the same person, to-wit:- Mamie B.Walker, who was intermarried with Robert Lester Walker on or about January 11th, 1920, as shown by the records;

That we, each, know that the Des Moines, Winterset and Creston Electric Railway Company, who acquired a right to construct an interurban railway over and across the Northeast Quarter ($\frac{1}{4}$) and across the East Half ($\frac{1}{2}$) of the Northwest Quarter ($\frac{1}{4}$) of Section Thirteen (13), in Township Seventy-four (74) North, of Range Thirty (30) West of the 5th P.M., failed to take possession of said right of way granted and failed to construct an interurban railway over and across said land acquired for right of way and that no interurban railway has ever been constructed by said Company or any other Company or person over said land, and that the right of way has been abandoned for many years, last past, and has reverted to the grantors thereof and has at all times been used as agricultural land; end,

That the said Mamie B.Walker was, at the time she executed said mortgage, and that she and her grantees have, at all times for more than twenty years last past, been in actual, adverse and peaceable possession of said right of way under claim of right and color of title.

Chas. Rowe

N E Hollen

Subscribed in my presence and sworn to before me by the said Chas. Rowe and N.E. Hollen
this 22nd day of November, A.D., 1939.

W.T. Guiher
Notary Public in and for Madison County, Iowa.