

Miscellaneous Record, No. 23, Madison County, Iowa

P. E. Morrissey, et al

#1370

Filed for record the 2 day of March
A.D. 1940 at 8:08 o'clock A.M.

To

Fee \$.80 ✓

Pearl E. Shetterly, Recorder

The Public

A F F I D A V I T

STATE OF IOWA MADISON COUNTY)SS

I, P. E. Morrissey and I, G.J. Blair, being residents of Madison County, State of Iowa, being

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duly sworn, each for himself and on his own behalf, does depose and say:

That I am well and personally acquainted with M. Breen, who is the present titleholder of the following described real estate situated in Madison County, Iowa, to-wit:-

The Southwest Quarter ($\frac{1}{4}$) of the Southeast Quarter ($\frac{1}{4}$) of Section Three (3), and the North 50 acres of the West Half ($\frac{1}{2}$) of the Northeast Quarter ($\frac{1}{4}$) of Section Ten (10), Township Seventy-five (75) North, Range Twenty-six (26) West of the 5th P.M., Iowa,

and I know of my own personal knowledge that the said M. Breen, and his grantors, immediate or remote, have had and held open, continuous, adverse, and uninterrupted possession and control of said real estate under claim of right and color of title for more than thirty years last past, and I know of my own personal knowledge that no person has ever made any claim, either legal or equitable against the holder of the record title to said real estate, or asserted any claim against the title thereto adverse to the title of the said M. Breen and his grantors.

That the said M. Breen is now in possession and has control of said real estate, and this Affidavit is made to comply with Section 11024 of the 1935 Code of Iowa.

Said affiants further depose and say that they were well and personally acquainted with B. Johnson, who obtained title to the above described real estate by Warranty Deed of conveyance on the 2nd day of October 1895, said Deed being filed for record on October 2, 1895, and duly recorded in Deed Record 35 on page 379 of the deed records of Madison County, Iowa, and I know of my own personal knowledge that the said Grantee, B. Johnson, is the same identical person as the Barney Johnson, who died testate in Madison County, Iowa, on the 25th day of May 1913, and his estate was duly administered in the District Court of Madison County, Iowa, and the Final Report approved on the 3rd day of October 1916, all as shown by the probate records of Madison County, Iowa, and was the same identical person as the Barnard Johnson and B. Johnson, named in the partition proceedings in the case of "Margaret Breen, et al, plaintiffs vs: R. D. Swisher, et al., defendants," being Cause No. 12135 Equity pending in the District Court of Madison County, Iowa, the petition being found in Docket Y page 170 of the records of Madison County, Iowa, and that wherever the name Barney Johnson, B. Johnson, or Barnard Johnson appear in this chain of title, they refer to one and the same identical person, and that he was commonly known as B. Johnson.

These affiants further state that the defendant Loretta Johnson shown in said partition proceedings above referred to, and the defendant Lauretta Johnson refer to one and the same person. That we are acquainted with the said Loretta Johnson, and that her true and correct name is Loretta Johnson.

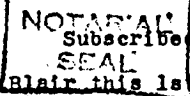
These affiants further depose and say that they are well and personally acquainted with William L. Johnson, who is named as one of the heirs-at-law in the Registry of Heirs in the estate of Barney Johnson, Deceased, and state that the said William L. Johnson named as said heir-at-law in the Registry of Heirs in the estate of Barney Johnson, Deceased, in the District Court of Madison County, Iowa, and the Willie L. Johnson named in Item Six as one of the legatees under the last Will and Testament of the said Barney Johnson, Deceased, and the W. L. Johnson named in the Registry of Heirs in the estate of Kate Johnson, Deceased, pending in Madison County, Iowa, which is found in Probate Docket G on page 276 of the probate records of Madison County, Iowa, and ^{the} W. L. Johnson named as one of the plaintiffs in the partition proceedings entitled "Margaret Breen, et al., plaintiffs vs: R. D. Swisher, et al defendants," being Equity No. 12135 pending in the District Court of Madison County, Iowa, are one and the same identical person, and his true and correct name is William L. Johnson, but he is commonly known as W. L. Johnson.

That in said partition proceedings above referred to a typographical error occurred in the Petition. The Plaintiff John C. Johnson and the plaintiff W. L. Johnson are referred to in the body of the petition as the Defendant John C. Johnson and the defendant W. L. Johnson. That the

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same is simply a typographical error, as both John C. Johnson and W. L. Johnson were plaintiffs named in said action.

That we have no interest in said real estate, but simply make this affidavit to correct defects in the chain of title, and make the same more complete.



Subscribed and sworn to before me and in my presence by the said P. E. Morrissey and G. J. Blair this 1st day of March A.D. 1940.

P. E. Morrissey
G. J. Blair

Phil R. Wilkinson Notary Public
in and for Madison County, Iowa.

Vanneth E. Thomson