

Miscellaneous Record, No. 23, Madison County, Iowa

Clerk District Court

Dean L. Carey et al

#2050

Filed for record the 30 day of March
A.D. 1940 at 11:35 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, Dean L. Carey and I, Phil R. Wilkinson being residents of Madison County, Iowa, and having resided in Madison County, Iowa, for a period of more than 50 years last past, each for himself and on his own behalf, depose and say:

That I am acquainted with the real estate described as:

The South One-fourth ($\frac{1}{4}$) of the Northeast Quarter ($\frac{1}{4}$) of the Northeast Quarter ($\frac{1}{4}$), and the South three-fourths ($\frac{3}{4}$) of the Southeast Quarter ($\frac{1}{4}$) of the Northeast Quarter ($\frac{1}{4}$), and the North Half ($\frac{1}{2}$) of the Northeast Quarter ($\frac{1}{4}$) of the Southeast Quarter ($\frac{1}{4}$) of the Northeast Quarter ($\frac{1}{4}$), and the North 32 rods of the East 10 rods of the Southeast Quarter ($\frac{1}{4}$) of Section Sixteen (16); and the South three-fourths ($\frac{3}{4}$) of the West Half ($\frac{1}{2}$) of the Northwest Quarter ($\frac{1}{4}$) of the

as mentioned therein.

Dated March 30 1940

I, Pearl E. Shetterly, Recorder of Madison County, Iowa, do hereby certify that the annexed affidavit was filed by the owner in possession of the

Recorder

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Northwest Quarter ($\frac{1}{4}$), and the Southwest Quarter ($\frac{1}{4}$) of the Northwest Quarter ($\frac{1}{4}$), and the West 4.59 acres of Lot Five (5) of the Southeast Quarter ($\frac{1}{4}$) of the Northwest Quarter ($\frac{1}{4}$), and Lots One (1), Two (2) and Five (5) of the Northwest Quarter ($\frac{1}{4}$) of the Southwest Quarter ($\frac{1}{4}$), and the West 3.45 acres of Lot Two (2) of the Northeast Quarter ($\frac{1}{4}$) of the Southwest Quarter ($\frac{1}{4}$) of Section #fifteen (15); all in Township Seventy-six (76) North, Range Twenty-eight (28) West of the 5th P.M. Madison County, Iowa

and I have been acquainted with the ownership and occupancy thereof since before January 1, 1920, and that I know of my own knowledge that the said M. M. Perkins is now in possession of all of said lands by conveyance, and that the said M. M. Perkins now in possession thereof, together with his grantors and predecessors in said possession, immediate and remote, have been in continuous, exclusive, open, notorious, hostile and adverse possession of all of said described lands under claim of right and color of title since before January 1, 1920, and that no claim of any kind adverse to the possession and ownership of said parties aforementioned is now pending, or has been asserted or made as to any of the above property, nor against any of the owners or occupants thereof since before January 1, 1920.

Affiants further depose and say that they are well and personally acquainted with Mamie McKirgan, who is named as one of the heirs-at-law in the Registry of Heirs filed by Eva L. Chase, Executrix, in the office of the Clerk of the District Court of Madison County, Iowa, in the estate of A. W. Chase, Deceased, and I know of my own personal knowledge that the said Mamie McKirgan is one and the same person as the Mamie C. McKirgan, who is named as one of the defendants in the partition proceedings entitled "Mrs. Eva L. Stark, plaintiff vs: Ella M. Kennedy, et al., defendants" being No. 14716 Equity, pending in the District Court of Madison County, Iowa, and shown in Docket 28, on page 64 of the records of Madison County, Iowa, in which the above lands are partitioned, and that ^{the} Mayme McKirgan, who, on the 25th day of August 1930, accepted service of the original notice in said partition action, is one and the same identical person, and that her true and correct name is Mayme McKirgan.

Affiants further depose and say that they are well and personally acquainted with Frank McKirgan, who is the husband of the said Mayme McKirgan, and they know of their own personal knowledge that the Frank McKirgan, who is named as one of the defendants in the partition action above referred to, wherein said real estate is being partitioned, is one and the same identical person as the Frank McKirgan, who accepted service of the original notice of the pendency of the said partition action on the 25th day of August 1930, and that his true and correct name is Frank McKirgan.

Affiants further depose and say that Harold Chase, named as one of the children and heirs-at-law in the Registry of Heirs filed in the estate of A.W. Chase, as aforesaid, and the Harrold A. Chase named as one of the defendants in the partition action above referred to, and the Harold L. Chase named as one of the defendants in the original notice filed in said partition action, and the Harold A. Chase, who accepted service of the original notice in said partition action, as shown by the acceptance of service thereof, on the 25th day of August 1930, is one and the same identical person, and that his true and correct name is Harold A. Chase.

That said partition proceedings referred to in this affidavit, entitled "Mrs. Eva L. Stark, plaintiff vs: Ella M. Kennedy, et al., defendants" being Equity No. 14716, pending in the District Court of Madison County, Iowa, is set out and found at Entry No. 29, of the continuation of abstract of title to said real estate, of date February 10, 1940.

That I have no interest in said real estate, but simply make this affidavit for the purpose of correcting any defects in the chain of title.

Further, affiants sayeth not.

Dated this 30th day of March A.D. 1940.

Dean L. Carey
Phil R. Wilkinson

Subscribed and sworn to before me and in my presence by the said Dean L. Carey and Phil

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NOTARIAL

Witnessed this 30th day of March 1940.

Dorothy D. Longenecker Notary Public in
and for Madison County, Iowa

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