

Miscellaneous Record, No. 23, Madison County, Iowa

maintained said

To
The Public

#4584

Fee \$2.00

FILED FOR RECORD JULY 4, 1942
Filed for record the 31 day of August
A.D. 1940 at 11:53 o'clock A.M.

Pearl E. Shetterly, Recorder

A F F I D A V I T

STATE OF IOWA COUNTY OF POLK)SS

I, J. C. Bennett, being first duly sworn on oath, depose and state that I have been employed by Hawkeye Portland Cement Company since February 1916; that I was employed by its predecessor, Iowa Portland Cement Company, from Jan 1912 to February 1916; that I am familiar with all of the property situated in Madison County, Iowa, which belonged to the Iowa Portland Cement Company and which now belongs to Hawkeye Portland Cement Company, and I am familiar with the date of acquisition of all parcels of property purchased either by Iowa Portland Cement Company and subsequently conveyed to Hawkeye Portland Cement Company by warranty deed dated February 23, 1916, filed for record in Madison County, Iowa, March 8, 1916 and filed in Book 50, Page 569, or purchased by Hawkeye Portland Cement Company; that the following described parcels were owned by Iowa Portland Cement Company in 1912 and that from that date to and including February 23, 1916, Iowa Portland Cement Company was in actual, visible, open, notorious, continuous, hostile, exclusive and undisputed possession thereof, under claim of right and color of title;

The East Half ($E\frac{1}{2}$) of the Southwest Quarter ($SW\frac{1}{4}$) and the West Half ($W\frac{1}{2}$) of the West Half ($W\frac{1}{2}$) of the Southeast Quarter ($SE\frac{1}{4}$) and 8 acres off of the South end of the East Half ($E\frac{1}{2}$) of the Southwest Quarter ($SW\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) (40 rods East and West, 32 rods North and South), and 4 acres in the Southwest (SW) corner of the Southeast Quarter ($SE\frac{1}{4}$) of the Southwest Quarter ($SW\frac{1}{4}$) (20 rods East and West, 32 rods North and South) all in section 16, Township 77, Range 28, West of the 5th P.M., Madison County, Iowa, containing 132 acres more or less, according to Government Survey.

The Northeast Quarter ($NE\frac{1}{4}$) of Section 21, Township 77, Range 28 West of the 5th P.M., Madison County, Iowa, except 3 acres in the Northeast (NE) corner described as follows:

Beginning at the Northeast (NE) corner of said Northeast Quarter ($NE\frac{1}{4}$), thence West on the North line of said Northeast Quarter ($NE\frac{1}{4}$), 27 rods, thence South 18 rods, thence East 27 rods to the East line of said Northeast Quarter ($NE\frac{1}{4}$), thence North 18 rods to place of beginning,

containing 157 acres more or less, according to Government Survey.

And the Northeast Quarter ($NE\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) of Section 21, Township 77, Range 28, West of the 5th P.M., Madison County, Iowa, containing 40 acres more or less, according to Government Survey.

Fractional part of the Southwest Quarter ($SW\frac{1}{4}$) of Southwest Quarter ($SW\frac{1}{4}$), Section 4, Township 77, Range 28, West of the 5th P.M., Madison County, Iowa, described as follows:

Beginning at a point on the South line of said Southwest Quarter ($SW\frac{1}{4}$) of the Southwest Quarter ($SW\frac{1}{4}$), 871 feet East of the Southwest (SW) corner of said Southwest Quarter ($SW\frac{1}{4}$) of the Southwest Quarter ($SW\frac{1}{4}$), thence East to the Southeast (SE) corner of said Southwest Quarter ($SW\frac{1}{4}$) of the Southwest Quarter ($SW\frac{1}{4}$), thence North on the East line of the Southwest Quarter ($SW\frac{1}{4}$) of the Southwest Quarter ($SW\frac{1}{4}$) to the South line of the right of way of the Chicago, Rock Island and Pacific Railway, thence Westerly along the South line of said right of way, to a point 538 feet East of the West line of the Southwest Quarter ($SW\frac{1}{4}$) of the Southwest Quarter ($SW\frac{1}{4}$) of Section 4; thence in a straight line in a southeasterly direction to the place of beginning,

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containing 8 acres more or less.

That part of the Northwest Quarter (NW $\frac{1}{4}$) of Section 9, Township 77, North Range 28, West of the 5th P.M., Madison County, Iowa, described as follows:

The right of way 66 feet in width running in a Southeasterly direction as located and fenced and used for a spur track running from the main line of the Chicago, Rock Island and Pacific Railway to the quarry of the Hawkeye Portland Cement Company, in Section 16, Township 77, North Range 28, West of the 5th P.M., Madison County, Iowa.

The West 2 acres of the East 10 acres of the Southeast Quarter (SE $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) of Section 16, Township 77, Range 28, West of the 5th P.M. Madison County, Iowa; that Hawkeye Portland Cement Company has been in actual, visible, open, notorious, continuous, hostile, exclusive and undisputed possession thereof, under claim of right and color of title since February 23, 1916.

That I am familiar with the following described premises which were acquired by Hawkeye Portland Cement Company by warranty deed dated February 18, 1920, filed for record March 3, 1920, recorded in Book 59, Page 384, from Earlham Land Company:

The South Half of Section 18, Township 77, North Range 28, West of the 5th P.M. except the South 87 $\frac{1}{2}$ acres of the Southwest (SW) fractional Quarter ($\frac{1}{4}$) of said section, and a tract described as follows:

Commencing 1049 feet south of the Northwest (NW) corner of the South Half (S $\frac{1}{2}$) of said section, thence North 1049 feet, thence east 2163 feet, thence southeast by a straight line 1103.7 feet to a point 2428.8 feet east of the West line of said section, thence west to the place of beginning;

that Hawkeye Portland Cement Company has been in actual, visible, open, notorious, continuous, hostile, exclusive and undisputed possession thereof under claim of right and color of title since the date of said deed;

That I am familiar with the following described parcel acquired by Hawkeye Portland Cement Company by warranty deed dated June 8, 1922, filed for record March 8, 1923, recorded in Book 65, Page 477, from William H. Taylor and Cevilla E. Taylor, his wife:

East Half (E $\frac{1}{2}$) of the Southwest Quarter (SW $\frac{1}{4}$), Section 17, Township 77, Range 28, West of the 5th P.M., Madison County, Iowa, and West Half (W $\frac{1}{2}$) of the Southeast Quarter (SE $\frac{1}{4}$), Section 17, Township 77, North Range 28, West of the 5th P.M., Madison County, Iowa, except the following described tract in the Northeast (NE) corner;

Beginning at the Northeast (NE) corner of the Northwest Quarter (NW $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section 17, thence South 421 feet, thence West 252 feet, thence North 421 feet, thence East 252 feet to place of beginning,

and that Hawkeye Portland Cement Company has been in actual, visible, open, notorious, continuous, hostile, exclusive and undisputed possession thereof under claim of right and color of title since the date of said deed;

That I am familiar with the following described parcel acquired by Hawkeye Portland Cement Company by warranty deed dated June 24, 1925, filed April 13, 1926 recorded in Book 52, Page 426, from D. C. Frohaska and Etta Mae Frohaska, his wife:

The East Three-quarters (E $\frac{3}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section 16, Township 77, Range 28, West of the 5th P.M., Madison County, Iowa, except one acre in the Northeast (NE) corner of said Southeast Quarter (SE $\frac{1}{4}$), said acre being 10 rods North and South and 16 rods East and West, and except 12 acres in the Southwest (SW) corner, being 32 rods North and South and 60 rods East and West. Also 3 acres in the Northeast (NE) corner of the Northeast Quarter (NE $\frac{1}{4}$) of Section 21, Township 77, Range 28, West of the 5th P.M., Madison County, Iowa; said tract being 18 rods North and South and 27 rods East and West,

and that Hawkeye Portland Cement Company has been in actual, visible, open, notorious, continuous, hostile, exclusive and undisputed possession thereof under claim of right and color of title since the date of said deed;

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That I am familiar with the following described parcel acquired by Hawkeye Portland Cement Company by warranty deed dated April 2, 1926, filed for record April 13, 1926, recorded Book 67, Page 267, from D. C. Prohaska and Etta Mae Prohaska, his wife:

1 acre in Northeast (NE) corner of the Southeast Quarter (SE $\frac{1}{4}$), Section 16, Township 77, North Range 28, West of the 5th P.M., Madison County, Iowa, described as follows:

Beginning at the Northeast (NE) corner of said Southeast Quarter (SE $\frac{1}{4}$), thence West along the North line thereof, 16 rods, thence South 10 rods, thence East 16 rods, thence North 10 rods to the place of beginning.

and that Hawkeye Portland Cement Company has been in actual, visible, open, notorious, continuous, hostile, exclusive and undisputed possession thereof under claim of right and color of title since the date of said deed;

That I am familiar with the following described parcel acquired by Hawkeye Portland Cement Company by warranty deed dated August 2, 1928, filed for record August 24, 1928, recorded Book 67, page 550, from W. T. Guiher, unmarried;

The South Half (S $\frac{1}{2}$) of the Northwest Quarter (NW $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$), Section 21, Township 77, North Range 28, West of the 5th P.M., Madison County, Iowa.

and that Hawkeye Portland Cement Company has been in actual, visible, open, notorious, continuous, hostile, exclusive and undisputed possession thereof under claim of right and color of title since the date of said deed;

That I am familiar with the following described parcel acquired by Hawkeye Portland Cement Company by warranty deed dated June 4, 1917, filed for record September 11, 1917, recorded in Book 59, Page 163 from P. J. Clancy and Ida M. Clancy, his wife:

The West Half (W $\frac{1}{2}$) of the Southwest Quarter (SW $\frac{1}{4}$), Section 16, Township 77, North Range 28, West of the 5th P.M., Madison County, Iowa, and the East Half (E $\frac{1}{2}$) of the Southeast Quarter (SE $\frac{1}{4}$), Section 17, Township 77, North Range 28, West of the 5th P.M., Madison County, Iowa, and a tract described as follows:

Beginning at the Northeast (NE) corner of the East Half (E $\frac{1}{2}$) of the Northwest Quarter (NW $\frac{1}{4}$) of Southeast Quarter (SE $\frac{1}{4}$), Section 17, Township 77, North Range 28; thence South 421 feet thence West 252 feet, thence North 421 feet, thence East 252 feet, to the place of beginning.

and also the North Half (N $\frac{1}{2}$) of the Northwest Quarter (NW $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$), Section 21, Township 77, North Range 28, West of the 5th P.M., Madison County, Iowa.

and that Hawkeye Portland Cement Company has been in actual, visible, open, notorious, continuous, hostile, exclusive and undisputed possession thereof under claim of right and color of title since the date of said deed;

That the foregoing facts are true of my own knowledge.

This affidavit is made at the request of the owner in possession.

Further deponent sayeth not.

J. C. Bennett.

Subscribed and sworn to before me this 31st day of August, 1940.

Casper Schenk Notary Public
in and for said County.

My commission expires: July 4, 1949

W.C. Jackson

