

Miscellaneous Record, No. 23, Madison County, Iowa

W. D. Kale and
I. E. Holmes
To

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in and for Madison County, Iowa.
Filed for record the 17 day of October
A.D. 1940 at 2:00 o'clock P.M.

Pearl E. Shetterly, Recorder

The Public

A F F I D A V I T

State of Iowa, Madison County,)ss.

We, W. D. Kale and I. E. Holmes, being sworn, depose and say as follows:

That we are now and for more than 40 years last past have been residents of Madison County, Iowa, during all of which period of time we have been well and personally acquainted with the ownership, possession and occupancy of Lot 16, in Block 4, of the Original Town Plat of Truro (formerly called Ego), Iowa, now owned by H. N. Boden, and which was owned by W. W. Atkinson at the time of his death on or about June 12, 1919.

That it must have been the intent and purpose of the deed dated Apr. 4, 1883, executed by James Hull and Jane Hull, recorded on Apr. 14, 1883, in Deed Record 23, at page 45, of the records of Madison County, Iowa, to convey to the grantee, A. N. Hull, the above described lot, notwithstanding the fact that it is not therein specifically described; and that it must have been the intent and purpose to except said lot in the deeds recorded in Deed Record 23, at page 46, Deed Record 23, at page 55, and Deed Record 33, at page 96, of said records, notwithstanding the fact that said three deeds did not specifically exclude said real estate, and that such error must have been the fault of the person or persons who drew said deeds.

That to our knowledge, T. H. Queen, grantor in the deed dated Mar. 11, 1907, recorded Mar. 15, 1907, in Deed Record 11, at page 268, of said records, never, at any time, was the owner of or made claim to any part of said Lot 16, but was, at the date of said deed, the owner of a part of Block 4, of the Original Town of Truro (formerly called Ego), in Madison County, Iowa, described as: Commencing at a point 68 feet East of the Northwest corner of Park Lot in Block 4, in the Original Town of Truro (formerly called Ego), in Madison County, Iowa, thence South parallel with the West line of said Lot, 184 feet to the South line thereof, thence East to the Southeast corner of said Lot, thence North to the Northeast corner of said Lot, thence West to the place of beginning, which tract did not include any part of said Lot 16; and that under said deed recorded in Deed Record 11, at page 268, Will A. Porter acquired no interest in said Lot 16, and that under the deed recorded in Deed Record 11, at page 325, F. R. Porter acquired no interest in said lot, but that in each of said deeds it was the intent and purpose to convey that portion of Park Lot in Block 4 hereinabove described.

That to our knowledge, the said H. N. Boden and his grantors, immediate and remote, have, since long prior to Jan. 1, 1920, had, held and enjoyed the absolute, uninterrupted, undisputed, continuous and adverse possession of the whole of said Lot 16, under color of title and claim of right, and no person has made or asserted or attempted to make or assert any claim of right,

I hereby certify that the annexed affidavit was filed by
the owner in possession of the
Dated Oct 17 1940
Lands Mentioned therein.

Recorder

Pearl E. Shetterly

State of Iowa
Madison County

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title or interest therein or thereto adverse to the said H. N. Boden and his grantors since long prior to Jan. 1, 1920.

That we were and are well and personally acquainted with the surviving widow and heirs at law of the said W. W. Atkinson, deceased, and know that the Mrs. Hattie Belle Atkinson, Harold P. Atkinson, Mrs. Mary Lucile White, Mrs. Dorothy M. Dodd, John A. Atkinson and Richard P. Atkinson named in the registry of heirs filed in said decedent's estate on July 1, 1919, are the same and identical persons, respectively, as the Hattie B. Atkinson, Harold Atkinson, Lucille White, Dorothy Dodd, John Atkinson and Richard P. Atkinson, grantors in the deed conveying said lot 16 to H. N. Boden, dated July 18, 1940, and recorded on October 14, 1940, in Deed Record 29, at page 92, of said records of Madison County, Iowa.

That we are in no way interested and make this affidavit at the request of the present owner of the premises for the sole purpose of explaining apparent defects in the record chain of title thereto.

W. D. Kale
I. E. Holmes

Subscribed in my presence and sworn to before me by the said W. D. Kale and I. E. Holmes,
this 16 day of October A.D. 1940.

NOTARIAL
SEAL

Velma Hutchison Notary Public
within and for Madison County, Iowa.