

Miscellaneous Record, No. 23, Madison County, Iowa

Elmer Orris et al

#968

Filed for record the 10 day of February
A.D. 1940 at 4:30 o'clock P.M.

To

Fee \$.60

Pearl E. Shetterly, Recorder

The Public

A F F I D A V I T

STATE OF IOWA MADISON COUNTY)ss.

I, Elmer Orris, of Winterset, Iowa, and I, George Shaw, on R.F.D., Winterset, Iowa, each, first being duly sworn, upon our oaths, depose and say:-

That we are each personally acquainted with the lands of which A. R. Tate died seized, situated in Sections 17 and 18, in Township 75 North, of Range 28, West of the 5th P.M., the legal description of which, other than the Northeast Quarter of the Southwest Quarter and the Southeast Quarter of said Section 18, and the Northwest Quarter of the Southwest Quarter of said Section 17, we would not undertake to state;

That we, each, became personally acquainted with A. R. Tate and his wife, Artie Tate, prior to 1910; That they were then actually residing on the greater part, (all that A. R. Tate then owned) if not all, of said real estate; That we were then residing upon real estate in the vicinity of the real estate of which A. R. Tate died seized and that we, each, had personal dealings with A. R. Tate and we became fast friends and we knew the children of A. R. Tate and his wife;

That the said A. R. Tate bequeathed the whole of said real estate to his wife, Artie Tate;

That we were each personally acquainted with the parties in possession of said land after the said A. R. Tate and Artie Tate ceased to reside thereon and we knew the rights of such parties in possession thereof;

That we, each, say that the said A. R. Tate was in actual, adverse and peaceable possession of said premises under a claim of right and color of title and exercised all the rights of ownership thereof for more than twenty years prior to his death;

That said A. R. Tate bequeathed the whole of said premises to his wife, Artie Tate; and continued in possession of the whole of said real estate and exercised the same rights of ownership of said land as her husband had prior to his death;

That we never knew of anyone claiming any interest in or right to said premises adverse to the interest of the said A. R. Tate and Artie Tate or their legal representatives;

That we were advised that Fred V. Kuntz purchased said real estate of which A. R. Tate died seized from the Executor of the Estate of Artie Tate and that said Executor had agreed to convey a marketable title to said premises to the said Fred V. Kuntz to settle the Estate of Artie Tate.

This Affidavit is made voluntarily by us to aid the Executor of the Artie Tate Estate in fulfilling his agreement to complete said conveyance to said Fred V. Kuntz.

Dated at Winterset, Iowa, this 10 day of February, A.D. 1940.

George Shaw
Elmer Orris

NOTARIAL

Subscribed in my presence and sworn to before me by the said Elmer Orris and George Shaw this 10 day of February, A.D., 1940.

M. R. Hassel
Notary Public in and for Madison County, Iowa.

I hereby certify that the annexed affidavit was filed by the owner in possession of the Lands Mentioned therein. Dated 2/10/40
Pearl E. Shetterly
Recorder
State of Iowa
Madison County