

Miscellaneous Record, No. 23, Madison County, Iowa

STATE OF IOWA
MADISON COUNTY

County, Iowa.

C.H.Wicks and C.H.Hochstetler
To
The Public

#5128
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Filed for record the 17 day of
September A.D.1941 at 2:46
o'clock P.M.
Pearl E. Shetterly, Recorder

A F F I D A V I T

STATE OF IOWA MADISON COUNTY)SS:
We, C.H.Wicks and C.H.Hochstetler of Madison County, Iowa, being first duly sworn on
oath depose and say that we have been residents of Madison County, Iowa for more than 50 years.
That we have been well and personally acquainted with the owners and occupants of the follow-
ing described real estate, to-wit:
The Southwest Quarter (1/4) of the Southeast Quarter (1/4), except the following
described tract of land:- Commencing at the Northeast corner of said forty acre
tract, running thence West 34 rods, thence South 14 rods, thence East 34 rods,
thence North 14 rods to the place of beginning, and the South Half (1/2) of the
Southwest Quarter (1/4) of Section Ten (10), Township Seventy-six (76) North, Range
Twenty-nine (29) West of the 5th P.M., containing 117 acres more or less.
That the excepted tract described above was conveyed to the Trustees of Jackson Township,
Madison County, Iowa for cemetery purposes on August 26, 1889, and that the same was used for
said purposes from that time up to the present date, and that the proper description of said
exception is set out in the above description of real estate.
That the warranty deed from Joseph W. Moore to Robert M. Moore, dated March 2, 1894, er-
roneously describes the excepted tract for cemetery purposes as follows:
(Except Three (3) acres in the Northeast corner of the Southwest Quarter (1/4) of the
Southeast Quarter (1/4) described as follows: Thirty (30) rods East and West by Sixteen
(16) rods North and South).
That the described exception in this deed has never been the true description of this
cemetery, and the tract used for cemetery purposes is properly described as follows:
Commencing at the Northeast corner of the Southwest Quarter (1/4) of the Southeast
Quarter (1/4), Section Ten (10) Township Seventy-six (76) North, Range Twenty-nine (29),
thence West 34 rods, thence South 14 rods, thence East 34 rods, thence North 14 rods
to the place of beginning, containing about three acres.
We know of our personal knowledge that Joseph W. Moore and his grantee, Robert M. Moore,
and the subsequent grantee, James Ewing, have been in open, notorious, and continuous posses-
sion of the real estate described at the beginning of this Affidavit since the year 1900, and

I hereby certify that the annexed affidavit was filed by
the owner in possession of the
Land mentioned therein. Dated September 17, 1941

Pearl E. Shetterly, Recorder

Madison County

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that to the best of our knowledge the exception noted in the deed from Joseph W. Moore to Robert M. Moore was erroneous, and that the parties thereto must have intended this same exception to be identical to the exception set out in the subsequent conveyances, all of which is described in the manner set out in the beginning of this affidavit.

Filed and dated at Winterset, Madison County, Iowa, this 17th day of September, A.D., 1941.

C H Wicks
C H Hochstetler

Subscribed and sworn to before me and in my presence by C.H.Wicks and C.H.Hochstetler this

17th day of September, A.D. 1941.

SEAL

H.C.Fosher
Notary Public in and for Madison County,
Iowa